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# LIVES AT RISK AS FRA CONTINUES TO LIMIT ITS RESPONSE ON CORONAVIRUS SAFETY

he Federal Rail-road Administration (FRA) on April 10 denied requests submitted by Labor Organizations which, if approved, would have provided critical protections for railroad employees during the ongoing national COVID-19 (coronavirus) pandemic, according to the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the SMART Transportation Division (SMART-TD).

"Although FRA believes that many safety precautions included in the Petitions could constitute best practices that should be applied in the railroad industry..." said FRA Administrator Ronald Batory in his response to the Organizations, "...FRA does not believe that an emergency order is justified." Meanwhile, FRA is standing behind its decision to approve sweeping safety regulation waiver requests submitted by rail carriers.

Previously, in an April 2 letter to BLET President Dennis Pierce and SMART-TD President Jeremy Ferguson, FRA Administra"It appears that the FRA has done nothing more than rubber-stamp a wish list from the rail carriers, absolving them from enforcing critical safety rules."

tor Batory defended his agency's approval of a wide-ranging 60-day waiver that suspends or delays scores of critical safety regulations. Yet, nowhere in his letter did Administrator Batory even acknowledge receipt of the unions' separate requests for Emergency

Orders for freight rail service and for passenger/commuter rail service — which were filed jointly by the two unions before the railroads filed their waiver petitions. A copy of Mr. Batory's letter is available on the National Division website: www.ble-t.org/pr/

- PRESIDENT DENNIS PIERCE

pdf/FRA\_Letter\_04.02.20.pdf.
In late March, the FRA granted an unprecedented petition for

ed an unprecedented petition for a 60-day waiver of scores of critical safety regulations. On March 31, the unions called the waiver "alarming" and demanded clarification from the FRA. "It appears that the FRA has done nothing more than rubberstamp a wish list from the rail carriers, absolving them from enforcing critical safety rules," BLET President Pierce said. "Regardless of how Administrator Batory now describes FRA's waiver, it has given a carte blanche invitation to the industry to ignore rules, and it will have a substantial chilling effect on safety if fully applied."

"In their Emergency Order requests, the carriers placed a strong emphasis on claims that manpower shortages either exist, or may exist, regardless of the fact that thousands of rail employees remain in furlough status," SMART-TD President Ferguson said. "The FRA's decision to issue waivers based on these bogus claims is disturbing, especially when the waivers apply to territorial qualifications, hours of service, and scope rules for certain crafts. It's time to begin recalling furloughed employees and preparing for a worst-case scenario, rather than jeopardizing the safety of our crews, their households, and our communities."

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### BLET PRESIDENT'S MESSAGE BY DENNIS R. PIERCE

# Workers' Memorial Day 2020

rial Day is a time for all workers to remember and honor those who have lost their lives in the workplace, and to stand up to protect those on the job today. April 28 was chosen for Workers Memorial Day, in part, because it is the anniversary of the founding of the Occupational Safety and Health Administration, and is the date of a similar remembrance established by the Canadian government. Trade unionists around the world now mark April 28 as an international day of mourning. And mourning is what we must do on this day, while never forgetting to fight for safer workplaces for all workers.

On the BLET website, you will find our Memorial Page (www.ble-t.org/memorial.asp). There we recognize our BLET Brothers and Sisters who have lost their lives in the line of duty. Since last Workers' Memorial Day, the BLET mourned the loss of Brother Bruce A. Dominique, Jr. of Division 219. On this somber day, I ask you to join me in taking a moment to remember Brother Dominique, as well as all railroaders



President Pierce with participants in a Secretary-Treasurer class held at the National Division in late-2019.

and other workers who have been killed or injured on the job in the past year.

It is ironic that Workers' Memorial Day comes during the CO-VID-19 pandemic currently sweeping the nation. Our country's essential workers have been on the front lines battling this virus and putting their lives at risk to keep our nation safe, often without the personal protective equipment necessary to insure their own safety. Our locomotive engineers and trainmen are among these essential workers, moving the freight and the pas-

sengers necessary to keep the lifeblood of America flowing. Our freight members move the products that stock our country's grocery store shelves and the bulk commodities that keep the lights on. In many large cities, our passenger/commuter members operate the trains that are the only means of transportation for key medical personnel who are leading the charge against the coronavirus in our nation's hospitals.

Our federal government, and particularly the Federal Railroad Administration, has been a huge disappointment when it comes

to protecting the health and safety of railroaders who are so important to our nation's economy. The FRA's failure to mandate even the most basic sanitation methods to protect our members is nothing short of immoral. The FRA's actions to waive key safety regulations as a way to help railroads boost profits is nothing short of illegitimate. Rail workers deserve a Federal Railroad Administration with the teeth to enforce existing regulations and the leadership to mandate additional worker protections during a time of national

crisis. Rail workers deserve better than a rail industry lapdog.

I urge you to take a moment to remember those who have been killed or injured on the job in the past year. I would also ask that you get involved with your union and become active and aware. Educate yourself about the issues in Washington D.C. that impact your job and your safety and join us in our fight to improve workplace safety for all American workers.

**DENNIS R. PIERCE**BLET NATIONAL PRESIDENT

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### Fannon reelected General Chairman of NS-Eastern Lines

R. (Randy) Fannon, Jr. was reelected by acclamation to the office of General Chairman at the quadrennial meeting of the Norfolk Southern-Eastern Lines/Wheeling & Lake Erie/Louisville & Indiana Railroad General Committee of Adjustment, held on April 27, 2020.

A Norfolk Southern locomotive engineer, Brother Fannon was elected 1st Vice General Chairman at the GCA's quadrennial meeting in 2012. He was elevated to the General Chairman's office following the retirement of Kevin S. Peek on May 12, 2016, and was elected General Chairman by acclamation at the GCA's quadrennial meeting held a few days later. A member of Division 37 (Norton, Va.), Brother Fannon first joined the Brotherhood effective March 1, 1989. He also serves the National Division as Assistant Coordinator of the Safety Task Force and

as Third Alternate National Vice President. Brother Fannon was a member of the Bylaws Committee at the BLET's Third National Convention in 2014, and served as its Chairman at the Fourth National Convention in 2018.

Also elected by acclamation were: 1st Vice General Chairman Scott R. Bunten, Division 301 (Roanoke, Va.); 2nd Vice General Chairman Chuck Harr, Division 511 (Portsmouth, Ohio); 3rd Vice General Chairman (W&LE) Lonnie Swigert, Division 292 (Brewster, Ohio); 4th Vice General Chairman (L&IRC) Chris Hogan, Division 279 (Jeffersonville, Ind.): Secretary-Treasurer Donnie L. Young, Division 301 (Roanoke, Va.); and Alternate Secretary-Treasurer Casey Gaines, Division 301 (Roanoke, Va.). Brother Young is beginning his sixth term of office as Secretary-Treasurer.

Three Trustees were elected by acclamation: Mike Necessary, Division 37 (Norton, Va.); Lonnie Swigert, Division 292 (Brewster, Ohio); and Stuart Poe, Division 79 (Columbus, Ohio).

Representing the BLET National Division at the meeting were: National President Dennis R. Pierce; National Vice President Mike Twombly; and National Vice President Rick Gibbons. Also, retired National Vice President Cole Davis served as Parliamentarian.

"I congratulate Brother Fannon and all officers of the GCA, and thank them for their dedicated service to our Brotherhood" President Pierce said."

A total of 19 delegates representing 12 BLET Divisions were in attendance. In addition to the election of officers, the delegates handled GCA business in an efficient and timely manner. The GCA represents approximately 1,200 members. ©



Newly-relected NS-Eastern Lines General Chairman Randy Fannon

### BLET NATIONAL DIVISION ELECTRONIC COMMUNICATIONS POLICY

fficial communications between BLET members and the National Division require a hard copy of the correspondence, bearing a signature, being received by the National President to be considered an "official communication." This is to provide that the actual question(s) are addressed, and ensures that when official interpretations are made they have

reference to a specific request and can be used in future correspondence.

The volume of e-mails received makes it impossible for the National President to answer all unofficial communications. Therefore, it is the policy of the BLET that e-mails addressed to the National President will be reviewed and forwarded to the appropriate officer or staff for a timely

response; however, an e-mail message is not considered an official communication.

Moreover, anonymous e-mails and e-mails that do not provide sufficient information concerning the sender to enable National Division staff to confirm the sender's membership status will not receive any reply or acknowledgement. This policy is intended to allow the National

President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member's unofficial communication, if a response is necessary, without needlessly expending limited BLET resources.

Adopted at Cleveland, Ohio on July 22, 2010. ©@



### GENERAL PRESIDENT'S MESSAGE BY JAMES P. HOFFA

# LAWMAKERS MUST PRIORITIZE SAFETY OF ALL ESSENTIAL WORKERS

ur country is currently facing unprecedented uncertainty due to the ongoing coronavirus pandemic. It is not only threatening our health, but our wallets as well. Many workers are rightfully worried about the future.

There are no easy answers. But the Teamsters are doing all we can for our members and all workers to make sure they are protected so they can continue to care for their families. That means advocating for their wellbeing in the workplace before Congress.

The Teamsters represent more than 50,000 health care workers. It goes without saying that their safety and that of all those in the medical field is paramount as they tend to the tens of thousands of Americans currently with COVID-19.

Thankfully, Capitol Hill lawmakers took a substantial step towards attending to their need for additional personal protective equipment (PPE) when they approved stimulus legislation in March.

But there are still many essential workers whose health and safety has not been addressed. Whether it's those in the food supply chain from manufacturing workers, those who help transport goods to market, those who stock the shelves, or cashiers who handle the sales, these are critical workers who need to be on the job right now. They, and others like them, need government to outline industry-wide standards that would ensure their personal safety in the midst of this coronavirus crisis.

Creating a standard that would protect workers exposed to airborne infectious diseases has been an Occupational Safety and Health Administration (OSHA) priority since the 2010 H1N1 flu pandemic. The Teamsters have called on the current administration to have OSHA issue temporary rules to provide guidance and compel action from all employers in these essential industries to keep members safe on

We now encourage lawmakers to immediately turn their efforts to fighting for these industry-wide worker safety priorities in the next stimulus bill. In a time when hardworking Americans are going above and beyond, we need elected officials to do the same for their constituents.

Fraternally,

JAMES P. HOFFA

TEAMSTERS GENERAL PRESIDENT



There are no easy answers. But the Teamsters are doing all we can for our members and all workers to make sure they are protected so they can continue to care for their families. That means advocating for their wellbeing in the workplace before Congress.

# BLET backs proposed Essential Workers Bill of Rights

he Brotherhood of Locomotive Engineers and Trainmen (BLET) is supporting an Essential Workers Bill of Rights that has been proposed in the United State Senate and the U.S. House of Representatives that is designed to help better protect the health and safety frontline workers and provide hazard pay during the coronavirus pandemic.

Senator Elizabeth Warren (MA) and Representative Ro Khanna (CA) have unveiled this proposal, and have called for the next coronavirus relief legislation to include the policies contained in the Essential Workers Bill of Rights.

According to the press release introducing the Essential Workers Bill of Rights, these workers are on the front-



lines of this pandemic, and | livery drivers, warehouse many are working under high- | workers, transportation workrisk conditions without appropriate equipment, safety standards, or job protections. They include doctors, nurses, home care workers and other healthcare workers, grocery store and drug store employees, domestic workers, food service workers, federal, state, and municipal employees, janitorial staff, farm workers, de-

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ers, and child care workers.

Reports indicate that these workers may be contracting COVID-19 at a higher rate than the general public. The BLET is supporting the Essential Workers Bill of Rights in part because it would mandate hazard pay for essential workers along with specific health and safety protections, appropriate compensation, paid sick leave, whistleblower protections, and protections for collective bargaining agreements.

"We would like to say thank you for supporting the hardworking women and men who are essential workers the nation cannot live without," BLET National President Dennis R. Pierce wrote in letters to Sen. Warren and Rep. Khanna. "They are keeping the country going during the COVID-19 pandemic. Our members are on the front lines of this crisis and are helping to ensure delivery of critical food, personal protective equipment and hospital equipment in the effort to save lives. Railroad workers also are ensuring that the public can move safely on America's passenger rail network, so workers in other industries also are able to work and help America." @@

### THE PROPOSED **ESSENTIAL WORKERS BILL OF RIGHTS INCLUDES:**

- 1. Health and safety protections.
- 2. Robust premium compensation.
  - **3.** Protections for collective bargaining agreements.
- 4. Truly universal paid sick leave and tamily and medical leave.
- **5.** Protections for whistleblowers.
- 6. An end to worker misclassification.
  - **7.** Health care security.
  - **8.** Support for child care.
  - **9.** Treat workers as experts.
- **10.** Hold corporations accountable for meeting their responsibilities.

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**NEWS EMAILED TO YOU** 

Stay up-to-date with the latest Brotherhood news by going to the BLET website and signing up to receive BLET News Flash alerts via email.

A copy of the proposed Essential Workers Bill of Rights can be found at: www.ble-t.org/pr/pdf/Essential\_Workers\_Bill\_of\_Rights\_List.pdf

The News Flash alerts are news articles from the BLET National Division website that are automatically emailed to vou.

To register online, just go to www.ble-t.org/newsflash. On this page, you will find an area to enter your email address and click subcribe to begin receiving the most current news from the BLET National Division.

It is a great way to keep informed on the most recent issues impacting your job, your contract and your Brotherhood.



# FRA grants unions' request for extension to file certification petitions

n April 7, the Federal Railroad Administration (FRA) granted a joint petition filed by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the SMART Transportation Division (SMART-TD) to extend time limits in which certain petitions for review must be filed with the Locomotive Engineer Review Board (LERB) and the Operating Crew Review Board (OCRB).

Under FRA regulations governing certification of locomotive engineers, a petition seeking review of a railroad's decision to deny certification or recertification must be filed with the LERB no more than 180 days after the date of the railroad's denial decision, and a petition seeking review of a railroad's decision to revoke certification must be filed with the LERB no more than 120

days after the date of the railroad's denial decision. Similarly, under FRA regulations governing certification of conductors, a petition seeking review of a railroad's decision to deny certification or recertification, or to revoke certification, must be filed with the OCRB no more than 120 days after the date of the railroad's denial decision.

SMART-TD and BLET filed their joint petition on March 30. FRA had previously granted, on March 25, an identical extension for railroads to respond to petitions for review filed with the LERB and the OCRB.

Under the terms of the April 7 waiver, FRA granted temporary emergency relief from the 180- and 120-day filing deadlines, so that the deadline for any petition for review that becomes due to be filed during the duration of the waiver is extended 60 days. ©

### MEMBERS OF CONGRESS DEMAND FRA, FTA ACT TO PROTECT RAIL WORKERS DURING COVID-19 PANDEMIC

bipartisan group of U.S. Representatives has sent a letter to the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) demanding that the agencies adopt health and safety recommendations made by organized labor to better protect rail and transit workers from the spread of COVID-19 in the workplace.

The group of seven Democrats and seven Republicans wrote a letter to FRA Administrator Ron Batory and FRA Acting Administrator K. Jane Williams on April 2, which reads in part: "As our nation continues to respond to the urgent crisis with COVID-19, it is imperative the Federal Railroad Administration and Federal Transit Administration protect the health and safety needs of our front-line transit and rail workers. Our transit and rail workers are essential to the health, safety, security and transport of people within and between our communities along with the transport of crit-

ical goods and freight across the country. It is important that steps are taken to mitigate against the spread of the virus within the workforce, minimize exposure while workers are performing their duties, and ensure sufficient staffing."

The legislators urged the FRA and FTA to consider the recommendations of organized labor for worker protections and sanitation standards to protect workers against the virus. On March 20, the BLET and SMART-TD filed a joint request urging the FRA to issue Emergency Orders (EOs) to address employee safety conditions in response to the national COVID-19 (coronavirus) outbreak, as well as for the FRA to implement an action plan to help address the potential spread of the coronavirus among rail workers using protocols established by the Centers for Disease Control and Prevention (CDC).

On April 10 the FRA denied the BLET/SMART-TD request. ©©

A copy of the April 2 Congressional letter to the FRA is available on the BLET website:

www.ble-t.org/pr/pdf/040220\_Congressional\_Letter\_FTA\_FRA\_COVID-19.pdf.

### FRA LIMITS RESPONSE TO CORONAVIRUS

CONTINUED FROM PAGE 1 →∞≻

The FRA has yet to mandate safety protocols to protect the health of railroad workers amid the national CO-VID-19 outbreak. In letters dated March 6 and March 20, the BLET and SMART-TD urged the FRA to issue an Emergency Order implementing Centers for Disease Control and Prevention (CDC) guidelines to help mitigate the potential spread of the coronavirus among rail workers. In his April 10 response, FRA Administrator Batory acknowledges that his adminis-

tration is authorized to issue Emergency Orders when an "unsafe condition or practice, or combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment." Nonetheless, Batory goes on to advise "...[COVID-19] challenges are not unique to the railroad industry, and thus not the type of rail safety issue where FRA would typically exercise its emergency order authority...." Rather than grant the Organizations' requests for an Emergency Order, FRA published a Safety Advisory recommending that the railroads develop and implement practices consistent with Federal recommendations and CDC and OSHA guidelines.

"This Administration's refusal to regulate worker safety stands in stark contrast to its actions to appease the railroad industry," President Pierce said. "On a daily basis, railroad crews are being subjected to conditions that violate the CDC's best practices for social distancing, sanitation, and cleanliness, and they are not provided the necessary tools to keep themselves safe, such as sanitizers, disinfectants and personal protective equipment. Our members put their lives on the line every day when they go to work, and the

FRA must do more to protect their lives and their livelihoods."

"Over the centuries, our nation's railroads have proven to us time and time again that they are incapable of responsible self-regulation," President Ferguson said. "The FRA's Safety Advisory is merely a recommendation to the railroads to provide our members the safe and sanitary working environment that they and their families deserve. This does not inspire confidence that the railroads will actually comply with these guidelines as written, and it will apparently now be up to us as labor to hold them accountable to those standards." ©®

### BLET'S 2020 MILWAUKEE REGIONAL MEETING POSTPONED

ecause of the continuing, widespread movement and travel restrictions as well as limitations on the size of gatherings due to the coronavirus (COVID-19) pandemic across the United States, the 2020 BLET regional meeting scheduled for Milwaukee, Wisc., between June 22-26 has been postponed. The BLET plans to reschedule the meeting for later in the year. Those who have already made hotel or meeting reservations will be contacted in the coming days regarding a refund.

The regional meeting in Cincinnati, Ohio remains scheduled for August 17-21, 2020, and the BLET regional meeting website (https://bletregionals.org) is open for reservations. The BLET will continue to monitor the course of the pandemic, and evaluate the public health measures in place in the coming months.

Please refer to the National Division website for updates.





# Coronavirus Relief Act helps railroad workers

CARES Act removes waiting period, increases unemployment benefit

he Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, signed into law by President Trump on March 27, boosts unemployment benefits for railroad workers impacted by the pandemic.

Under the CARES Act, the 1-week waiting period required before railroad workers can receive unemployment or sickness benefits is temporarily eliminated. This applies to an employee's first 2-week registration period for a period of continuing sickness or unemployment beginning after the effective date of the law and ending on or before December 31, 2020.

In addition, the amount of the unemployment benefit is increased by \$1,200 per 2-week period. This is in addition to the current biweekly maximum of \$733.98 received by most claimants. This increased amount applies to any 2-week registration periods beginning on or after April 1, 2020, through July 31, 2020.

The CARES Act includes a separate appropriation of \$425 million to pay for this added "recovery benefit," with an additional \$50 million provided to cover the cost of eliminating the waiting period. If these funds are exhausted, the new provisions will no longer apply.

The CARES Act also authorizes payment of extended unemployment benefits to rail work-

ers who received unemployment benefits from July 1, 2019, to June 30, 2020.

Under the legislation, railroad workers with fewer than 10 years of service may be eligible for up to 65 days of extended benefits within 7 consecutive 2-week registration periods. Workers with 10 or more years of railroad service, who were previously eligible for up to 65 days in extended benefits, may now receive benefits for up to 130 days within 13 consecutive 2-week registration periods.

Since RRB offices are currently closed to the public due to the COVID-19 pandemic, railroad employees are encouraged to file for unemployment benefits online by establishing an account through myRRB (www.rrb.gov/Benefits/myRRB). Otherwise, applications and claims for benefits will need to be submitted by regular mail. Applications for sickness benefits must be submitted to the agency by mail, or by fax at 312-751-7185. Subsequent claims may be completed online by those with myRRB (www. rrb.gov/Benefits/myRRB) accounts.

The RRB will also pay sickness benefits and, in some cases, unemployment benefits, to rail workers who have tested positive for COVID-19 or been subject to a quarantine order. Further guidance on these types of situations is available on the RRB website: www.rrb.gov/Benefits/Coronavirus @@

### RAILROAD RETIREMENT **BOARD CLOSES FIELD OFFICES TO PUBLIC**

n March 13, the President declared the COVID-19 virus outbreak a national emergency. While the Railroad Retirement Board (RRB) employees continue to work both on-site and remotely, out of an abundance of caution, the RRB decided to close its 53 field offices to the public effective Monday, March 16, until further notice.

Older individuals with underlying medical conditions comprise a significant percentage of individuals who visit their local field office for assistance. Unfortunately, this same group of people is also within the group of people at high-risk of contracting the virus. The decision to close public access to field offices was made in order to mitigate the exposure to the COVID-19 virus. Limiting personal contact is the best method for combating widespread transmission of the virus for both RRB customers and RRB employees. While closed physically, these offices will continue to remain accessible by phone and email.

This regrettable situation allows for the opportunity to become better acquainted with self-service options which are available for RRB customers. These options are available 24/7. Customers can request the following documents and get the following information online by visiting myRRB at RRB.gov or by using the automated menus on the toll-free number (877-772-5772):

- Letters verifying income and monthly benefits rates
  - Service and compensation statement
  - Replacement Medicare card
  - Duplicate tax statement (1099, 1099R)
  - General benefit information
  - RRB field office addresses
- In addition, railroad employees who have established myRRB accounts can log-
- Apply for and claim unemployment benefits
  - Claim sickness benefits
- Check the status of their unemployment or sickness benefit claims
- View their railroad service and compensation history
- Get an estimate of retirement benefits If a customer absolutely needs to talk to an RRB employee, they always have the option of connecting with a representative through the toll-free number (877-772-5772). However, customers are being asked to be patient because of the expected increase in call volume due to the office closures.

Customers also have the option of sending a secure e-mail to their local office by accessing Field Office Locator on RRB.gov, and clicking on the link at the bottom of their servicing office's page. ©®





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## Hau elected CN-WC General Chairman

rother Eric A. Hau was elected by acclamation to the office of General Chairman at the Canadian National-Wisconsin Central General Committee of Adjustment's quadrennial meeting on April 21, 2020.

Brother Hau is a member of BLET Division 173 in Fon du Lac, Wisc., and has served as its Local Chairman for the past 17 years. Outgoing General Chairman John Reynolds did not seek reelection due to his retirement.

All officers of the GCA were elected by acclamation, including: Vice General Chairman Jason T. Alexander, Division 184 (Schiller Park, Ill); 1st Alternate Vice General Chairman Chuck M. Schulz, Division 175 (Neenah, Wisc.) and Wisconsin State Legislative Board Chairman; 2nd Alternate Vice General Chairman David J. Robinette, Division 185 (Gladstone, Mich.); Secretary-Treasurer: Eugene (Shy) Ziegler, Division 173 (Fon du Lac, Wisc.); Alternate Secretary-Treasurer Eric A. Stroik, Division 174 (Stevens Point, Wisc.) and Secretary-Treasurer of the Wisconsin State Legislative Board. The following Brothers will continue their appointment as Trustees: Jason Alexander, Division 184; Chuck Schulz, Division 175; and Adam Fenlaciki, Division 209.

"I congratulate Brother Eric and all officers of the CN-WC General Committee of Adjustment," BLET National President Dennis R. Pierce said. "I also wish to acknowledge the leadership of outgoing General Chairman John Reynolds and to thank him for his many years of dedicated ser-



Newly-elected CN-WC General Chairman Eric Hau (left) and outgoing General Chairman John Reynolds

vice to our Brotherhood. I am happy to extend our best wishes for a long, happy and healthy retirement."

Delegates to the meeting included: Brian Flaherty, Division 520; Jason Alexander, Division 184; Ian Wainio, Division 173; Chuck Schulz, Division 175; Adam Fenlaciki, Division 209; David Robinette, Division 185; Gary Dalsbo, Division 174; Steve Moerke, Division 188; Steve Surchik, Division 163; Eugene Ziegler, Division 173; John Reynolds, Division 209; and Eric Hau, Division 173.

"I congratulate these Brothers for conducting their quadrennial meeting in spite of these trying times. I also want to thank them for inviting me to address them because it is always a benefit when Union Brothers and Sisters commune and interact," President Pierce said.

Representing the BLET National Di-

vision at the meeting were: President Pierce; National Vice President Marcus Ruef; and Special Representative, Director of Organizing, and Director of Mobilization–Western Region Paul Aird. Also making presentations to the delegates were: Eric Stroik, Division 174; Kory Hansen, GCA Critical Incident and Mobilization Coordinator, Division 173.

Immediately prior to his election, Brother Hau was serving as Local Chairman of Division 173 (Fon du Lac, Wisc.). He hired out with the Wisconsin Central in 1994 as a locomotive mechanic and began working as a conductor in 1995. He earned promotion to locomotive engineer and joined the BLET in 1998, the same year he began serving Division 173 as Vice Local Chairman. In 2003, Brother Hau began serving Division 173 as Local Chairman, an office he held for 17 years until his election to the

office of CN-WC General Chairman at the GCA's 2020 quadrennial meeting. Prior to the 2020 GCA meeting, Brother Hau served the CN-WC GCA as Vice General Chairman for 13 years, winning election to the office of Vice General Chairman in 2007, 2011, 2012, and 2016.

Outgoing General Chairman John Reynolds did not seek reelection due to his retirement. Brother Reynolds began serving the Wisconsin Central GCA as general chairman in early 2003, serving five terms of office as General Chairman and winning election by acclamation each time. Most recently, he was reelected at the GCA's 2016 quadrennial meeting. A Wisconsin Central locomotive engineer, Brother Reynolds originally hired out on the St. Louis-San Francisco Railroad (Frisco) in 1978. He is a member of BLET Division 209 (Green Bay) and has held continuous membership since September 1, 1997. On February 24, 2003, he was elevated to the office of General Chairman of the CN-WC GCA, then reelected by acclamation in 2004, 2007, 2011, 2012 and 2016. In 2012, the GCA held a special meeting after the WC GCA merged with the Duluth, Missabe & Iron Range and the Two Harbors GCAs. Brother Reynolds also served as Vice Chairman of the BLET's Western General Chairmen's Association for several years during his career, and served the Brotherhood as a member of the Work Committee at the BLET's Fourth National Convention in 2018.

The CN-WC GCA represents approximately 900 active and retirement members from nine different BLET Divisions. ©

# Rail Labor wins 8-year fight to protect employee medical privacy at BNSF

ail Labor has successfully worked together to protect the privacy of its members after a recent legal victory at BNSF Railway, which forced the carrier to change its return to work medical reporting requirements.

Since 2012, BLET and all of the other unions at BNSF have been trying to get the carrier to change its medical leave of absence and return to work policies, which the unions contended violated the members' rights under the Americans with Disabilities Act. Rail Labor's efforts included the filing of EEOC charges and a federal court lawsuit. After years of dispute, Rail Labor has reached a settlement agreement with BNSF that better protects the members' rights.

Specifically, BNSF used to require that when employees were away from work on a Medical Leave of Absence for any reason, they could not return without filling out a long, detailed form which required that they and their doctors provide medical information about illnesses or injuries beyond the specific reason the employees missed work. For example, the old forms required employees to authorize a blanket release of all of medical records to the carrier, and that they and their doctors provide a list of all medications being taken, even those that were unrelated to the need for the leave.

In the settlement agreement the attorneys negotiated, BNSF has agreed to limit the information employees need to provide upon their return to work from a medical leave of absence to only the spe-



cific information relating to the reason they were off work and only as necessary to determine their fitness for duty. In addition, the carrier agreed to limit the reasons for which employees would have to fill out the long form to one of the specific conditions listed. An employee who is out on a medical leave of absence for any other reason now simply has to fill out a short form verifying he can return to work without restrictions.

"We pursued the litigation because we know that while the members' health

and safety at work is vital, the privacy of their personal medical information is equally important," BLET National President Dennis R. Pierce said. "This resolution with BNSF affords greater protection of our members' private health care information."

Unions that were a party to the settlement include: American Train Dispatchers Association, Brotherhood of Locomotive Engineers and Trainmen, Brotherhood of Maintenance of Way Employes Division, Brotherhood of Railroad

Signalmen, International Association of Machinists and Aerospace Workers District Lodge 19, International Association of Sheet Metal, Air, Rail and Transportation Workers–Mechanical Division, International Association of Sheet Metal, Air, Rail and Transportation Workers–Transportation Division, International Brotherhood of Electrical Workers–System Council 16, National Conference of Firemen & Oilers District of Local 32BJ–SEIU, and the Transportation Communications Union/IAM. ©®

## Q&A:

# Comparison of benefits under Railroad Retirement and Social Security

mployers and employees covered by the Railroad Retirement Act pay higher retirement taxes than those covered by the Social Security Act. As a result, railroad retirement benefits are higher than social security benefits, especially for career employees (those employees who have 30 or more years of service).

The following questions and answers show the differences in railroad retirement and social security benefits payable at the close of the fiscal year ending September 30, 2019. They also show the differences in age requirements and payroll taxes under the two systems.

# How do the average monthly railroad retirement and social security benefits paid to retired employees and spouses compare?

The average age annuity **being paid** by the Railroad Retirement Board (RRB) at the end of fiscal year 2019 to career rail employees was \$3,645 a month, and for all retired rail employees the average was \$2,910. The average age retirement benefit **being paid** under social security was approximately \$1,460 a month. Spouse benefits averaged \$1,065 a month under railroad retirement compared to \$745 under social security.

The Railroad Retirement Act also provides supplemental railroad retirement annuities of between \$23 and \$43 a month, which are payable to employees with railroad service prior to October 1981 who retire directly from the rail industry with 25 or more years of service.

# 2 Are the benefits awarded to recent retirees generally greater than the benefits payable to those who retired years ago?

Yes, because recent awards are based on higher average earnings. Age annuities awarded to career railroad employees retiring in fiscal year 2019 averaged about \$4,245 a month while monthly benefits awarded to workers retiring at full retirement age under social security averaged nearly \$1,985. If spouse benefits are added, the combined benefits for the employee and spouse would total \$5,900 under railroad retirement coverage, compared to \$2,980 under social security. Adding a supplemental annuity to the railroad family's benefit increases average total benefits for current career rail retirees to about \$5,930 a month.

### 3 How much are the disability benefits currently awarded?

Disabled railroad workers retiring directly from the railroad industry in fiscal year 2019 were **awarded**\$3,145 a month on average while awards for disabled workers under social security averaged \$1,375.

While both the Railroad Retirement and Social Security Acts provide benefits to workers who are totally disabled for any regular work, the Railroad Retirement Act also provides disability benefits specifically for employees who are disabled for work in their regular railroad occupation. Employees may be eligible for such an occupational disability annuity at age 60 with 10 years of service, or at any age with 20 years of service.



# 4 Can railroaders receive benefits at earlier ages than workers under social security?

Railroad employees with 30 or more years of creditable service are eligible for regular annuities based on age and service the first full month they are age 60, and rail employees with less than 30 years of creditable service are eligible for regular annuities based on age and service the first full month they are age 62.

No early retirement reduction applies if a rail employee retires at age 60 or older with 30 years of service and his or her retirement is after 2001, or if the employee retired before 2002 at age 62 or older with 30 years of service.

Early retirement reductions are otherwise applied to annuities awarded before full retirement age (the age at which an employee can receive full benefits with no reduction for early retirement). Full retirement age is age 66 for those born 1943 through 1954 and is gradually rising to age 67 for those born in 1960 or later, the same as under social security.

Under social security, a worker cannot begin receiving retirement benefits based on age until age 62, regardless of how long he or she worked, and social security retirement benefits are reduced for retirement prior to full retirement age regardless of years of coverage.

# 5 Can the spouse of a railroader receive a benefit at an earlier age than the spouse of a worker under social security?

If a retired railroad employee with 30 or more years of service is age 60, the employee's spouse is also eligible for an annuity the first full month the spouse is age 60. The spouse of a worker under social security is not eligible for a spouse benefit based on age until both the worker and the spouse are at least age 62. Regardless of age, the spouses of workers under both retirement systems are eligible if the worker is retired and the spouse is caring for a qualifying child.

Does social security offer any benefits that are not available under railroad retirement?

Social security does pay certain types of benefits that are not available under railroad retirement. For example, social security provides children's benefits when an employee is disabled, retired, or deceased, whereas the RRB only pays children's benefits if the employee is deceased.

However, the Railroad Retirement Act includes a special minimum guaranty provision which ensures that railroad families will not receive less in monthly benefits than they would have if railroad earnings were covered by social security rather than railroad retirement laws. This guaranty is intended to cover situations in which one or more members of a family would otherwise be eligible for a type of social security benefit that is not provided under the Railroad Retirement Act. Therefore, if a retired rail employee has children who would otherwise be eligible for a benefit under social security, the employee's annuity can be increased to reflect what social security would pay the

# How much are monthly benefits for survivors under railroad retirement and social security?

Survivor benefits are generally higher if payable by the RRB rather than social security. At the end of fiscal year 2019, the average annuity being paid to all aged and disabled widow(er)s was \$1,765 a month, compared to \$1,345 under social security.

Benefits awarded by the RRB in fiscal year 2019 to aged and disabled widow(er) s of railroaders averaged nearly \$2,285 a month, compared to approximately \$1,320 under social security.

The annuities being paid at the end of fiscal year 2019 to widowed mothers/fathers averaged \$1,940 a month and children's annuities averaged \$1,155, compared to \$1,005 and \$880 a month for widowed mothers/fathers and children, respectively, under social security.

Those awarded in fiscal year 2019 averaged \$1,345 a month for widowed mothers/fathers and \$1,515 a month for children under railroad retirement, compared to \$995 and \$885 for widowed mothers/fathers and children, respectively, under social security.

### How do railroad retirement and social security lump-sum death benefit provisions differ?

Both the railroad retirement and social security systems provide a lumpsum death benefit. The railroad retirement lump-sum benefit is generally payable only if survivor annuities are not immediately due upon an employee's death. The social security lump-sum benefit may be payable regardless of whether monthly benefits are also due. Both railroad retirement and social security provide a lump-sum benefit of \$255. However, if a railroad employee completed 10 years of creditable railroad service before 1975, the average railroad retirement lump-sum benefit payable is \$1,030. Also, if an employee had less than 10 years of service, but had at least 5 years of such service after 1995, he or she would have to have had an insured status under social security law (counting both railroad retirement and social security credits) in order for the \$255 lump-sum benefit to be payable.

The social security lump sum is generally only payable to the widow(er) living with the employee at the time of death. Under railroad retirement, if the employee had 10 years of service before 1975, and was not survived by a livingwith widow(er), the lump sum may be paid to the funeral home or the payer of the funeral expenses.

# How do railroad retirement and social security payroll taxes compare?

Railroad retirement payroll taxes, like railroad retirement benefits, are calculated on a two-tier basis. Rail employees and employers pay tier I taxes at the same rate as social security taxes, 7.65 percent, consisting of 6.20 percent for retirement on earnings up to \$137,700 in 2020, and 1.45 percent for Medicare hospital insurance on all earnings. An additional 0.9 percent in Medicare taxes (2.35 percent in total) will be withheld from employees on earnings above \$200,000.

In addition, rail employees and employers both pay tier II taxes which are used to finance railroad retirement benefit payments over and above social security levels.

In 2020, the tier II tax rate on earnings up to \$102,300 is 4.9 percent for employees and 13.1 percent for employers.

# How much are regular railroad retirement taxes for an employee earning \$137,700 in 2020 compared to social security taxes?

The maximum amount of regular railroad retirement taxes that an employee earning \$137,700 can pay in 2020 is \$15,546.75, compared to \$10,534.05 under social security. For railroad employers, the maximum annual regular retirement taxes on an employee earning \$137,700 are \$23,935.35, compared to \$10,534.05 under social security. Employees earning over \$137,700 and their employers, will pay more in retirement taxes than the above amounts because the Medicare hospital insurance tax is applied to all earnings. ©®





### **Locomotive Engineers And Trainmen News Brotherhood Of Locomotive Engineers And Trainmen**

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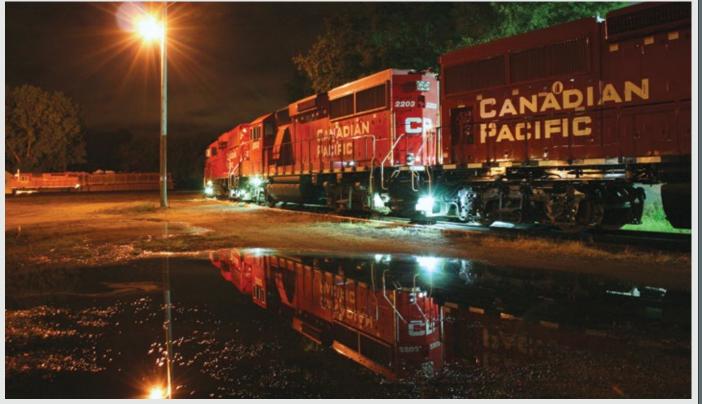
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### Photo of the Month: April 2020

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CP REFLECTIONS: Brother Matt Gibbons, a member of BLET Division 253 (Portage, Wisc.), snapped this photo while off duty in LaCrosse, Wisc., on August 31, 2014. Brother Gibbons is a CP Rail/Soo Line locomotive engineer who first joined the Brotherhood in April 2000. Over the years, he has held membership in Division 521 and Division 311.



Public Relations Department, which produces the Newsletter each month, has received numerous inquiries lately From BLET members volunteering to contribute their 248, or you can email: Bentley@ble-t.org.

Are you a photographer? The National Division's images to the "Photo of the Month" section of the Newsletter. If you'd like to submit a photo for consideration, you may call Editor John Bentley at (216) 241-2630, ext.

Please note only high resolution images can be used. Members are also encouraged to review their employer's policies regarding the use of cameras and other electronic devices while on duty.

### Advisory Board February & March 2020 Activity

In accordance with the BLET Bylaws, summaries of BLET Advisory Board members' activities are published monthly:

NATIONAL PRESIDENT DENNIS R. PIERCE: National Division Office, Independence, Ohio: General supervision of BLET activities: General office duties: Correspondence and telephone communications: Supervision of Office Administration; General Supervision of Special Representatives: President, Teamsters Rail Conference: Policy Committee, Teamsters Rail Confer ence; CRLO mtgs., Hollywood, Fla.; BLET BNSF General Chairmen mtg., Ft. Collins, Colo.; BLET Nebraska State Legislative Board mtg., Lincoln, Neb.; Collective bargaining mtg., Washington, D.C.; BLET LM-2 class, New Orleans, La.; BLET General Chairmen's mtg., New Orleans, La.; BLET Advisory Board mtg., New Orleans, La.

FIRST VICE PRESIDENT E.L. (LEE) PRUITT: National Duties include but not limited to: Trainmen's Dept.; National Publications Committee; National Legislative Board; Teamsters Rail Conference Policy Committee; PRAC; National duties, Independence, Ohio; General office duties, telephone, email, correspondence communications, etc.; CRLO mtgs., Hollywood, Fla.; Rail Conference mtg., Hollywood, Fla.; BLET LM-2 class, New Orleans, La.; BLET Advisory Board mtg., New Orleans, La.

NATIONAL SECRETARY-TREASURER STEPHEN J. BRUNO: General supervision of Accounting Dept., Record Dept., Online Services Dept., Tax Compliance Dept.; Safety Task Force; PAC and FEC reports and filings; Implementation and training for BLET membership database/Union Track; Pension, STD, 457 plan Trustee; Division, General Committee and SLB monthly Trustee reports; Mtgs. with vendors and financial institutions; Union Track issues, testing, status updates, etc.; BLET LM-2 class, New Orleans, La.; BLET General Chairmen's mtg., New Orleans, La.; BLET Advisory Board mtg., New Orleans, La.; Merrill Lynch investment discussion; Short Term Disability conference call.

VICE PRESIDENT & NATIONAL LEGISLATIVE REPRESENTATIVE JOHN P. TOLMAN: Assigned to BLET Washington, DC office; General office duties, telephone and correspondence communications, Washington, D.C.; CRLO, NMB, TTD, and IBT Rail Conference meetings, Hollywood, Fla.; OneRail mtg., Washington, D.C.; Mtg. w/ Speaker Pelosi, Washington, D.C.; Nebraska State Legislative Board mtg., Lincoln, Neb.; Mtg. w/ members of the House T&I Committee and Senate Commerce, Science and Transportation Committee, Washington, D.C.; BLET Advisory Board mtg. conference call; American-Ireland gala, mtg. w/ Congressional leaders, Washington, D.C.; Various receptions and office visits with members of Congress and the leadership of both the GOP and Democratic parties, Washington, D.C.

VICE PRESIDENT MARCUS J. RUEF: Chairman, National Railroad Adjustment Board (NRAB); National Mediation Board (NMB) Advisory Forum-Labor Member; Department Head, BLET Arbitration Department; Assigned to CN-Wisconsin Central, CN-Illinois Central, Indiana Harbor Belt, Metra (Chicago), CP Rail System/US (Soo); NMB Section 3 mtgs., Hollywood, Fla.; Section 6 mediation, Metra, Chicago; Annotate recent awards of Div. 2-4, NRAB, Chicago; Assist GC Semenek w/ discipline appeals and claims issue, CP and ISRR, Chicago; Assist GC Reynolds w/ discipline appeals, WC, Chicago; Assist GC Burns w/ PLB establishment agreement and discipline submission, IHB; Assist VGC Wells /w investigation prep., IHB, Chicago; BLET Advisory Board mtg.; Assist GC Burns w/ Section 6 notice, IHB, Chicago; Admin issues related to COVID-19 crisis, NRBA, Chicago; Referee Simon, DL 472; PLB 7154, Referee Bass, IC; ROAR, NRAB Labor Members' caucus; Indiana Southern negotiations; Confer w/ NMB regarding CO-VID-19 issues w/ Chicago office

VICE PRESIDENT MIKE TWOMBLY: Department Head and designated representative of the BLET National Short Line Division (NSLD) and Organizing Department with responsibility for hearings, conferences, appeals, First Division Appeals and all other daily business involving the NSLD assigned railroads in conjunction with Carrier Officers and advancement of BLET organizing strategies and opportunities; NVP assigned to: CN-Grand Trunk Western; Springfield Terminal; Delaware & Hudson; St. Lawrence & Atlantic; New York Susquehanna & Western; Connecticut Southern; New England Central; Louisville & Indiana; Huron & Eastern; Wheeling & Lake Erie; Tacoma Municipal Belt Line Railroad; National Short Line Division (Local Division 16) railroads: Union Railroad, Belt Railway of Chicago, South Buffalo Railway, Western New York & Pennsylvania and Gary Railway; General office duties, telephone, email, correspondence communications, etc.; On duty at home office, NVB and NSLB Department Head combined daily responsibilities; NSLD Division 16 monthly mtg.; WNYP agreement modification negotiations, Meadville, Pa., and Olean, N.Y.; National Division conference call; BLET Advisory Board mtg., New Orleans, La.; COVID-19 update conference call, BRC.

VICE PRESIDENT MICHAEL D. PRIESTER: Assigned to all BNSF (former ATSF, former C&S, CRI&P, FWD, former STL-SF, BNSF/MRL), Panhandle Northern, Great Western Railway of Colorado; Missouri & North Arkansas, Montana Rail Link, Otter Tail: General office duties, telephone, email, correspondence communications, etc.; Mtgs. w/ GC Brown, re: PLBs and party pay boards, Amarillo, Texas; Mtg. w/ BNSF General Chairmen and President Pierce, Fort Collins, Colo.; BLET Advisory Board mtg., New Oleans, La.

VICE PRESIDENT R.C. (RICK) GIBBONS: Assigned to: All Norfolk Southern General Committees (Northern, Eastern and Southern Lines); Chicago, Ft. Wayne & Eastern; Indiana & Ohio (G&W); General office duties, telephone, email, correspondence communications; Vice President duties; On duty at home office; PLB 7574, assist GC Sturdivant Norfolk, Va.; BLET Advisory Board mtg., New Orleans, La.

VICE PRESIDENT JAMES P. LOUIS: National Division Department Head, BLET Education & Training Dept.; Department Head of the BLET Internal Organizing, Mobilizing & Strategic Planning Dept.; Department Head, BLET Passenger Dept.; Assigned Amtrak; Keolis Commuter Services; Keolis Rail Services of Virginia, LLC; Transit America Services, Inc.; Long Island Rail Road; New York & Atlantic; Metro-North; New Jersey Transit; PATH; SEPTA; Assist GC McCarthy w/ PATH contract talks, Jersey City, N.J.; ND convention and regional meeting issues and planning, Independence, Ohio; BLET LM-2 training class, New Orleans, La.; BLET Advisory Board mtg., New Orleans, La.; Assist various General Chairmen w/ CO-VID-19 issues, including: McCarthy (PATH), Brown (NJT), Sexton (LIRR), and Kenny (Amtrak); Technology meetings.

VICE PRESIDENT MARK L. WALLACE: Assigned to all Union Pacific GCAs (Eastern District, Northern Region (former C&NW), Western Lines (Pacific Harbor Lines), Western Region (Portland & Western RR), Central Region, and Southern Region); Utah RR; Longview Portland & Northern and Longview Switching, and Portland Terminal; General office duties, telephone, emails, correspondence, communications, etc.; On duty at home office; Portland & Western mediation; Assist Utah Rwy. General Chairman; Town Hall mtg., Lincoln, Neb.; Nebraska State Legislative Board mtg., Lincoln, Neb.; National negotiations, Washington, D.C.; BLET Advisory Board mtg., New Orleans, La.; COVID-19 conference call w/ UP; BLET National Division conference call, re: COVID-19.

/ICE PRESIDENT J. ALAN HOLDCRAFT: Assigned to all CSX Transportation GCAs (Eastern Lines, Western Lines, Northern Lines (Bombardier Transportation Services), Conrail Shared Assets/CSX Northern District); KCS-Kansas City Southern/Louisiana & Ark. RR.; KCS-Texas Mexican Railway; KCS-Mid South Rail, South Rail, Gateway Western RR, Illinois Midland (G&W); General office duties, telephone, email, correspondence communications, etc.; Assist GC Kerley in mtgs. w/ officers and members of Divisions 41 and 129, Nashville, Tenn.; Conference call w/ NMB Chairman Linda Puchala, re: Arbitration for Tex Mex dispute about use of Mexican national crews to operate into Laredo Texas yard; Assist KCS GC Evans /w Midsouth/ Southrail contract negotiations w/ CSX management, Kansas City, Mo.; National negotiations, Washington, D.C.; Served as Board member of SBA 1185 with GC Lyons, Jacksonville, Fla.; Assisting GCs Kerley, Driscoll, Lyons and Best in negotiations w/ CSXT, Jacksonville, Fla.; BLET Advisory Board mtg., New Orleans, La.; Conference calls w/ BLET General Chairmen, KCS and

## RRB cancels spring and summer 2020 Pre-Retirement Seminars

### WOULD-BE ATTENDEES ARE ENCOURAGED TO REVIEW SEMINAR MATERIALS, WHICH ARE ALL AVAILABLE AT: WWW.RRB.GOV

he Railroad Retirement Board has cancelled all Pre-Retirement Seminars scheduled for March through at least September 2020 due to the coronavirus outbreak, according to an announcement from the Office of the Labor Member.

"We made this difficult de-

cision out of an abundance of | situation as it evolves and pro- | inar kits can be found on the caution to protect the health, safety, and welfare of our customers and staff as we navigate through this time of uncertainty caused by the COVID-19 outbreak," Labor Member John Bragg said in a statement. "While we expect to reschedule these seminars later this year, we'll be monitoring the

vide event updates when details are finalized."

In the meantime, would-be attendees are encouraged to review seminar materials. which are all available online. The program booklet is posted on the RRB's Pre-Retirement Seminar web page, and all other items included in sem-

RRB's Educational Materials web page, which is located in the Office of the Labor Member's section (www.rrb.gov/ OurAgency/LaborMember).

"Thank you in advance for your patience and understanding," Bragg said. "We look forward to getting back on track in the coming months." @@