

UTU News

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The Official Publication of the United Transportation Union

UTU presses for equal pay for equal work

WASHINGTON – A veteran railroad arbitrator began deliberations Dec. 4 into whether to order carriers party to the national rail labor agreement to resolve a dispute over entry-level rates of pay through collective bargaining or further binding arbitration.

Arbitrator Robert Peterson said a decision is not expected before late January. Watch www.utu.org for updates.

It is the position of the UTU that once conductors and yardmasters are hired, trained and given full responsibilities, those conductors and yardmasters should be paid full service scale, meaning the same rates of pay as their peers with similar training and responsibilities.

The carriers, on the other hand, have declined to resolve the matter and seek to continue a two-tier wage system. Under that system, new hires, regardless of the training they receive and full responsibility they are given, must wait five years to reach parity with other conductors whose responsibilities are similar.

Although some railroads have scrapped entry-level rates for newly hired and fully trained conductors and yardmasters who are given full responsibilities, it is the industry norm to pay

them less for the first five years.

During the 2002 round of national handling, the carriers agreed to deal with this issue at the “earliest opportunity” during the 2004 round of negotiations – to address the relationship between training and experience and rates of pay.

That did not occur, and the 2008 ratified agreement (which grew out of the 2004 round of bargaining) provided that the two sides would arbitrate over how and when the carriers would deal with the issue of entry-level rates tied to training and experience.

Entry-level rates of pay were first agreed to during the carriers’ dark-days of the 1970s, when many railroads – much like the automobile

industry today – were mired in financial losses and facing poorer prospects.

In 1978, the carriers demanded, and obtained, a rule that required new employees in the industry to work for the first year at 90 percent of service scale. In 1985, as the industry continued its struggle to regain profitability, entry rates were obtained as a result of the Van Wart Study Commission established by President Reagan.

During these dark days for the railroad industry, train crews were reduced from five members to just two, and yardmasters were given increased responsibilities.

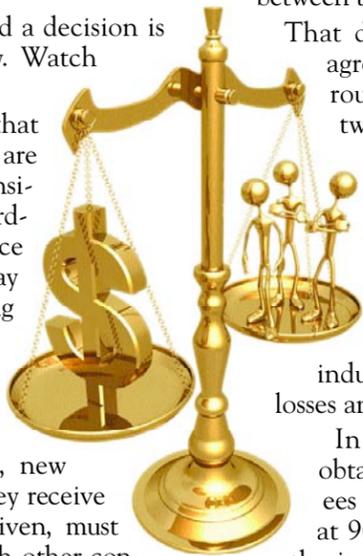
Moreover, the progression from brakeman to

conductor, which previously typically required five years or more of on-the-job training and peer mentoring, was eliminated as carriers instituted formal training programs designed to place new hires immediately into conductor positions, or to accelerate the progression from brakeman to conductor.

Yardmasters today are required to be familiar with new technologies and are subject to ongoing formal technical training, and local management is not experienced enough to assist new yardmasters as was the case prior to 1985.

In fact, lengthy on-the-job training and peer mentoring has largely disappeared. Today’s new

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News and Notes

SCPR members okay pact

UTU members employed on the South Carolina Public Railway have ratified a new contract with the carrier.

All are members of Local 407, Charleston.

The agreement includes wage hikes and other benefits that mirror those included in the UTU’s 2008 national rail agreement, with a few modifications for local working conditions, International Vice President Roy Boling reports.

“We were able to secure guaranteed days off for members on the extra board and assured personal-leave days,” Boling said.

Boling praised the work of CSX General Chairperson **John Hancock**, CSX Vice General Chairperson **John D. Whitaker**, Local 407 Chairperson and Delegate **Robert Fralix Jr.** and Vice Local Chairperson **Seth Todd**.

Conrail supervisors ratify

UTU-represented mechanical supervisors employed on Conrail Shared Assets have overwhelmingly ratified a new contract.

The workers, members of Locals 1949 and 1962, are employed in the Detroit, Mich., and New Jersey areas. Conrail Shared Assets is owned 51 percent by Norfolk Southern, 49 percent by CSX.

The contract ratified is essentially the same as the UTU national rail contract with a few minor adjustments for local conditions, said International Vice President J.R. “Jim” Cumby.

Cumby praised the hard work of CSX General Chairperson **Bob Keeley** and Local Chairpersons **Dan Mallo** and **Jamar Ingram** for their help in getting the vote out.

Gradia named NRLC negotiator

A. Kenneth Gradia is the rail industry’s new chief labor negotiator. He succeeds Robert F. Allen as chairperson of the National Railway Labor Conference (NRLC).

The rail carriers announced the appointment Dec. 18, saying Allen, on the job 15 years, would remain as a senior adviser until his official retirement in July.

Gradia, 58, who was vice chairperson of NRLC since 2002, first joined the NRLC in 1984 as labor counsel and served in that position until becoming director of labor relations in 1994.

Brunkenhoefer dies at age 61

UTU National Legislative Director James Brunkenhoefer died Friday, Dec. 19, at age 61 after suffering a stroke two days earlier. He was a member of the UTU and United Transportation Union Insurance Association (UTUIA) boards of directors.

Affectionately known as “Brokenrail,” he was serving his fifth term as the UTU’s chief lobbyist and was one of the mostly widely recognized individuals on Capitol Hill.

UTU International President Mike Futhey said of Brokenrail’s passing:

“Our union lost a congressional lobbyist considered by his peers, by the lawmakers he lobbied, and by their senior staff as one of the most effective in Washington at his trade.

“Brokenrail prided himself on making friends for us on both sides of the congressional aisle. Whether explaining our issues to Democrats or Republicans, he was interested in only one result: Do they understand the issue from a UTU member’s perspective?”

“He didn’t win all lawmakers over to our point of view, but he continued cultivating those who voted against us, recognizing that

tomorrow is another day, and it is better to have friends in Congress than enemies.

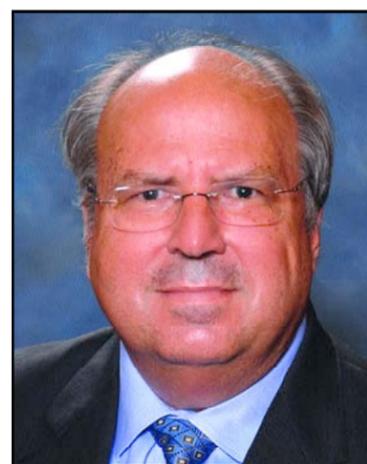
“Brokenrail made for this union a lot of good friends in high places, which helped us to achieve many legislative and regulatory agency goals we might otherwise have failed to achieve. He will be sorely missed.”

On Dec. 23, Amtrak ordered all Amtrak-train engineers, nationwide, to blow one long whistle, at 3 p.m. eastern time, in honor of Brokenrail. The order was given by Amtrak President Joseph Boardman, who developed a close working relationship with Brokenrail during Boardman’s tenure as federal railroad administrator.

James Brunkenhoefer was born July 23, 1947, in Texas, and began his railroad career in 1966 as a trainman for the Southern Pacific Transportation Co. on the Dallas-Sabine District. He was promoted to engineer in

1971, and held seniority in train- and engine-service crafts over those now-Union Pacific lines in Texas and Louisiana.

He was elected vice local chairperson of Local 83 in Houston in 1969. Brunkenhoefer



Brunkenhoefer

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Around the UTU

Local 2, Toledo, Ohio

This Norfolk Southern local held its annual Christmas party on Dec. 15 in conjunction with Locals 1529 (CSX, Walbridge, Ohio), 1816 (CSX, Toledo) and 1928 (NS, Toledo), Local President **James P. Curcio** reported. All members would like to thank the law firm of E.J. Leizerman and Associates for their generous support of this event.

Local 196, Beardstown, Ill.

Local Chairperson **R.C. Taylor** reports that the local now has its own Web site. Visit 0196.utu.org. The 'www' is not needed in the address.

Local 262, Boston, Mass.

As a result of a casual conversation with regular rider Tina Lutz, Amtrak conductor **Chris Waugh** has become a fundraiser for the Parkinson's Disease Foundation. With his 13-year-old daughter in mind, Waugh described his ideas for a women's cashmere sweater to fashion-designer Lutz, who put the design into production. It is now being sold in stores nationwide and on the Web site www.lutzandpatmos.com. A portion of each sweater sale supports PDF.

Local 378, Cleveland, Ohio

Members of this CSX local recently honored retiree **William F. Fitzgerald** on his 90th birthday. Fitzgerald, a former BRT local officer and conductor who worked for the New York Central, Penn Central and Conrail, is believed to be the oldest living member of the local. Son **Michael**, a CSX engineer, arranged for the surprise party and plaque presented to his father in honor of his years of service.

Local 492, Sacramento, Calif.

Members of Locals 239 (Oakland), 492 and 1570 (Roseville) who were furloughed on Dec. 22 by the Union Pacific were able to receive a free turkey, courtesy of the Hildebrand, McLeod & Nelson and the Crow law firms, Local Chairperson **Daryl Stinchfield** reported. Turkeys were also available to newly hired switchmen and trainmen who had not yet had the opportunity to join a union. "We really wanted our folks to have a turkey dinner for Christmas," said retired former President **Jim Feickert**. In the San Francisco Bay area, Alternate Legislative Rep. **Bonnie Tyrrel** of Local 239 ordered and delivered turkeys to those furloughed. "Some were recent hires...but they were extremely grateful and are dedicated to the UTU," Tyrrel said.



James Badsley and Paul McCrann from Oakland were two of the furloughed UPRR employees who received turkeys.

Local 511, Atlanta, Ga.

This Norfolk Southern local held its meeting and Christmas party on Dec. 13, with a meal featuring barbecue pork and chicken, along with Brunswick stew, Legislative Rep. **Howell Keown** reported. Guests included **Torrey Chastine, Don Dysart, Tuesday Cummins, Linda Mosley, Tony Skeen, Jeff Vanlandingham, Gerry Watters, Fred Evans, Clay Parker, Lynn Parker** and Wayne Austin.

Local 573, Danville, Ky.

State Legislative Director and Legislative Rep. **David Miracle** reported that engineer **Liz Montgomery** was elected as the first female president of the local. Montgomery, elected by acclamation, will take the oath of office at the local's January meeting.

Local 756, San Antonio, Texas

Members of this local donated approximately 100 toys to the Casa de Misericordia domestic violence



Jason Holman roused members of the Siferd and Stuckey families from their sleep, likely saving their lives.

Entering burning houses, members define 'hero'

On separate occasions last year, two UTU members risked their own lives and entered burning houses to save the families inside.

On Nov. 19, Norfolk Southern conductor **Jason Holman** (L-206, Peru, Ind.) was in Train 14E on a siding in Fostoria, Ohio, inspecting a passing train. At about 3 a.m., he noticed what appeared to be a fire near the top of a house chimney about 100 yards away.

By the time Holman reached the home, the fire had spread down the house around the chimney. He tried banging on a side door and ringing a doorbell, but there was no response. "From the cars parked in the driveway, I was sure there were people inside," Holman said.

Holman forced the front door open with a shoulder thrust and was immediately thrown back. "The smoke and heat just blew me off the front porch," he said.

Holman said he covered his head with his jacket and entered the burning home, yelling. By the time he reached the living room, he said, the residents were coming down the stairway. Once outside, Holman radioed his engineer to call their dispatcher to alert authorities.

Seven people were in the home, including three children, and they said that Holman's pounding and yelling woke them. "They were so appreciative of Mr. Holman that they drove to the Fostoria Mixing Center, Bellevue Terminal, and finally Ft. Wayne (Ind.) Terminal, before getting Mr. Holman's phone number to express their gratitude," said Local 206 Chairperson **Jason Boswell**.

Holman said the home was a total loss.

BNSF Railway conductor and Marine reservist **Jonathan Higginson** of Local 426 at Spokane, Wash., faced a similar ordeal last summer. While walking late one evening, Higginson responded to a woman's screams. Wrapped only in a towel, the woman told him that she noticed smoke while showering. Unable to reach her children, she fled the home.

"I didn't think about going in there, or my safety, I just knew what I had to do," Higginson said. With help from neighbors, Higginson entered the home using a wet shirt to protect his face. He eventually found a one-year-old girl and three-year-old boy and got them out of the burning townhouse. "I'm glad it turned out the way it did," he said.

"These brothers are the definition of the word 'hero' and we are proud to call them members of the UTU," International President **Mike Futhey** said.

shelter in Laredo, Texas, said Vice Local Chairperson **Bobby Flores**. The donated toys were provided to parents at the shelter to wrap and present to their children for Christmas. "We believe that in times like these, we are fortunate and grateful to have good jobs and are willing to come together and share the spirit of Christmas," Flores said. The event was coordinated by Local Chairperson **Mario Valadez**, Vice Local Chairperson **Mauricio Gonzalez** and Flores.

Local 838, Philadelphia, Pa.

Amtrak conductor **Gregg Weaver** and his wife, Carol, have been invited by Vice President-elect Joe

Biden to ride on a special train carrying President-elect Obama and Biden to Washington, D.C., on Inauguration Day. They will also attend the inauguration events and inaugural ball. Weaver first met Biden decades ago, when he often worked on the evening train that took Biden home each weeknight. For the last six years, Weaver has worked on No. 2103, which Biden would board daily to Washington.

Local 1175, Duluth, Minn.

BNSF Railway conductor **Randy Strom** won the amateur category in the "best venison sausage" contest sponsored by the *Duluth News Tribune* with his delectable "smoked venison snack sticks," the newspaper reported. Winners received no prize money, merely the satisfaction of knowing their sausage is among the best around.

Local 1373, Philadelphia, Pa.

The officers and members of this CSX local would like to thank the law firms of Coffey, Kaye, Myers & Olley and Barish-Rosenthal for sponsoring the local's holiday party and meetings at Tony D's and the American Legion, reported Secretary & Treasurer **Greg Brecker**.

Local 1548, Indianapolis, Ind.

Kyle Brooking, who serves as alternate state director in Indiana and as the local's legislative rep., has been elected to the position of CSX/UTU division safety coordinator for the CSX Great Lakes Division. Brooking will represent all UTU members on the CSX from Erie, Pa., to East St. Louis, Ill., State Legislative Director **Tom Hensler** said.

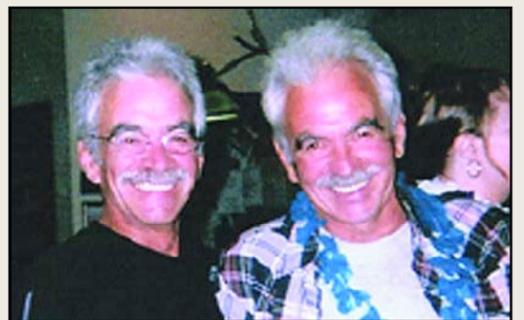
Local 1594, Upper Darby, Pa.

The local expresses appreciation to all members who worked long hours during the Phillies Day Parade. An estimated 1 million people rode SEPTA on Oct. 31 to watch the parade of the World Champion Phillies, Local Chairperson **Ron Koran** said. Koran also thanked Local 61 members for a great job operating overcrowded SEPTA trains. He also noted the many members who were recognized at the SEPTA safety banquet, with Brother **Kevin Baldwin** topping the list with 36 years of safe driving.

Local 1846, West Colton, Calif.

Members here presented conductor **Alex Bondar** with a retirement watch at their Dec. 8 meeting, according to former Local President **Richard Escamilla**. "I would also like to congratulate my successor, **Tom Garcia**. I know he will do a great job as president of our local," Escamilla said.

Brothers are two of a kind



Rich and Rob Miller

Twin brothers **Rich and Rob Miller** officially retired from CSX Transportation on Dec. 15, nearly 42 years after they hired out on the same day. "Rob and Rich both walked through the doors of the C&O Railroad (now CSX) on June 8, 1967," said Rich's wife Patti, who contacted *UTU News* about this rare event to surprise her husband and brother-in-law. "Both had just graduated high school that same year." And, noted Patti, neither of the CSX conductors of Local 1765 at Grand Rapids, Mich., has had an FRA-reportable injury in approximately 84 years of total service. "Pretty rare, huh?" Patti boasted. Could be that railroading is in their blood. Their father and grandfather were railroad electricians, and their great-grandfather was an engineer on the Pere Marquette Railway. Congratulations, Rich and Rob.

Health care may continue after furlough

Getting laid off is the pits. But there are some things you can do – beyond applying to the Railroad Retirement Board for unemployment benefits – to ease the financial strain.

The following applies if you are covered under the NRC/UTU Health & Welfare Plan or the Railroad Employees' National Health & Welfare Plan:

- If you were furloughed in December, your employee and dependent health-care coverage will continue through April 2009 – for four months following the furlough.

- Generally, the plan provides continued coverage through the fourth month following the month in which you last provided compensated service, or received vacation pay (provided the vacation pay was received prior to the date of your furlough). Thus, if you are furloughed in January, coverage would continue through May.

- Some general committees may have local contract language that differs, and it is essential that you discuss your layoff with your local and/or general chairperson to make that determination.

- Also, if you are not covered by the NRC/UTU Health & Welfare Plan, or the Railroad Employees' National Health & Welfare Plan, or are not sure if you are, you should also contact your local and/or general chairperson for more information.

Illinois tells rails to rein in police

The UTU is fighting to prevent the railroads from using their private police officers to spy on and harass rail workers.

At the request of the UTU, Illinois lawmakers have put a stop to the harassment of rail workers, and other states are being asked to take similar action if the railroads do not voluntarily rein in their police and utilize them solely for the protection of railroad property and employees rather than as a weapon against employees.

The Illinois law amended the state's Railroad Police Act – effective June 1, 2009 – to put railroad police in that state under independent, objective oversight by state police and the Illinois Commerce Commission.

This means allegations of misuse of railroad police powers now will be investigated by an independent third party – the same as actions by municipal police are subject to public oversight.

Thanks to the UTU, Illinois lawmakers have put a stop to the harassment of railroad workers.

UTU Assistant Illinois Legislative Director **Bob Guy** explained to lawmakers that railroads are the only for-profit corporations in the United States to which government has delegated police powers, such as the ability to arrest citizens and interrogate suspects.

“Yet, historically, when carriers have been accused of abusing their police powers, the charges have been investigated only by the railroads that employ and direct the police,” Guy said. “Under the new Illinois law, if the state police find fault with railroad police practices, they can open their own investigation and turn their findings over to the Illinois Commerce Commission, which may hold a hearing, issue a cease-and-desist order, and impose fines.”

The new Illinois law builds on a two-year-old state law that limited railroad police interrogation of employees to four specific areas:

- 1) Situations in which there is reason to believe criminal conduct occurred;
- 2) A response to an employee accident;
- 3) Situations in which there is reason to believe that interviewing an employee may prevent workplace violence; and,
- 4) Situations where there is a legitimate concern for the personal safety of one or more employees.

More information may be found in the Summary Plan Description (SPD) books for these plans under the heading, “Eligibility and Coverage.” If you do not have a copy of the SPD, you may obtain one by calling the insurance company that administers your benefits (Aetna, Highmark BCBS or United HealthCare) at the toll-free phone number on your health-care ID card.

Also provided in that section on “Eligibility and Coverage” is information on extended coverage (beyond four months) under the so-called COBRA option. This law permits you to purchase the same group coverage for the individuals in your family desiring such additional coverage. The payment rates are determined on a per-person basis (adult/children) and are subject to increase March 1, 2009. To obtain information on the payment rates, contact United HealthCare at (888) 445-4379.

Questions may also be directed to the Membership Services Department at the UTU International, (216) 228-9400.

Unions win big in FMLA arbitration

A three-person arbitration panel ruled unanimously Dec. 2 that the nation's four largest railroads may no longer require employees to substitute paid vacation and/or paid personal leave for unpaid leave under the Family Medical Leave Act (FMLA).

It was a stunning blow to BNSF, CSX, Norfolk Southern and Union Pacific – carrier parties to the arbitration who had been ignoring collective bargaining agreements and the law in an attempt to maximize employee availability. Other carriers likely will abide by the arbitration ruling.

Under the FMLA, employees may elect to take up to 12 weeks of unpaid leave to deal with a family emergency, or a personal serious health condition. The law also provides that if employees have a more beneficial arrangement with the employer, the more beneficial arrangement shall take precedence.

Based on this provision, and the carriers' blatant violation of it, the UTU and 11 other rail labor organizations challenged the carriers, who agreed in July to arbitrate the issue.

The arbitration award was effective Dec. 22. The carriers by law should have immediately discontinued the invalidated provisions of their FMLA policies.

There is also a provision allowing follow-up proceedings to determine a monetary remedy for those who have taken FMLA leave and suffered by

FRA's Boardman heads up Amtrak

WASHINGTON – Federal Railroad Administrator Joseph Boardman, 59, is Amtrak's new interim president and CEO, a post he will hold for at least one year. Senate confirmation was not required.



Boardman

Boardman could later be named the permanent Amtrak president and CEO. Boardman was named by the Republican-dominated board appointed by President Bush, but with the support of the Democratic members.

A Republican, Boardman replaced Alexander Kummant, 48, another Republican, who ran afoul of the Republican-majority Amtrak board and was dispatched on Nov. 14.

the carrier's forcing them to substitute paid vacation or paid personal leave for this time period.

Arbitrators John E. Sands, William H. Holley Jr., and Jerome H. Ross said that collective bargaining agreements guarantee employees “a set number of paid vacation days” annually, with management restricted from administering the granting of guaranteed vacation days.

Wages subject to taxes rise

CHICAGO – The amounts of compensation subject to Railroad Retirement Tier I and Tier II payroll taxes have increased. However, the Tier I tax rate on employees and employers remains unchanged.

The Tier I payroll tax rate on rail employees and employers for 2009 remains at 7.65 percent. The maximum amount of an employee's earnings subject to the 6.2 percent rate increased to \$106,800 in 2009 from \$102,000 in 2008.

The Tier II tax rate on employees will remain at 3.9 percent in 2009, and the rate on employers will remain at 12.1 percent. The maximum amount of earnings subject to Tier II taxes, however, will increase to \$79,200 in 2009 from \$75,900 in 2008.

Court delays strip-search drug-test rule

WASHINGTON – Implementation of DOT's proposed invasive and degrading strip-search drug-testing rule is now on hold until at least February after the a U.S. Circuit Court of Appeals here issued a formal stay pending filing of briefs and hearing oral argument on the matter.

The court on Oct. 31 had issued a temporary delay while it considered whether to put the rule on hold pending a hearing, which the court has now granted.

The UTU, others in rail labor and BNSF Railway sought the judicial delay and hearing into whether the proposed DOT rule, requiring strip searches of rail and transit workers during certain mandatory drug testing, violates the Constitution's prohibition against unreasonable searches.

DOT wants to require direct observation of urine specimen collection in all cases involving a return-to-duty test following a positive drug test and a follow-up test after a positive drug test.

This rule initially had been scheduled to take effect Aug. 25, but DOT voluntarily delayed implementation until Nov. 1. In the

interim, the UTU and other rail labor organizations appealed constitutionality of the proposed new DOT rule.

Under current rules, a rail carrier has the discretion to require direct observation during an individual return-to-duty or follow-up test, but is not required to do so. DOT wants to replace this discretion with the mandatory-observation rule.

The rule would require a “strip search” in all instances of direct observation. Specifically, the currently delayed DOT rule would require that a same-sex observer employed by the railroad “request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show, by turning around, that they do not have a prosthetic device [that could be used to deliver a substituted urine specimen].”

After the railroad has “determined that the employee does not have such a device, [it] may permit the employee to return clothing to its proper position for observed urination,” according to the rule.

Dr. King's legacy alive with President Obama

When my grandchildren ask about the most memorable day of my life – other than my marriage to April, the birth of my children and being elected your International president – I suspect my answer will be, “It was sitting as a special guest of President Barack Obama at his inauguration.”

President Obama embodies the words “change” and “hope,” and we are desperately in need of all three during these troubling times following eight years of horribly failed presidential leadership.

In celebrating the start of the Obama presidency, I also think back to April 4, 1968 – a month shy of my 18th birthday in Memphis, Tenn., – and the morning paper reporting on Dr. King's “I've Been to the Mountaintop” speech in support of 1,300 striking Memphis sanitation workers, who were protesting horrendous



International President's Column

By Mike Futhey, International President

working conditions and low pay. And that evening, Dr. King was assassinated in Memphis.

Those events had significant influence on my decision to become a committed trade unionist.

And what a coincidence that the day before the first African-American was inaugurated as America's 44th president, we celebrated the birthday of Dr. King.

Who would have imagined – even

after President Lincoln's signing of the Emancipation Proclamation – that America one day would elect an African-American president?

Who would have imagined dur-

“In Barack Obama we hear a similar message of vision, courage, equality, inclusiveness, diversity and unity.”

ing race riots in 1908 in Springfield, Ill. – civil unrest that sparked formation of the National Association for the Advancement of Colored People (NAACP) – that one day an African-American would begin a successful run for the presidency in that same city?

Who would have imagined in Memphis in 1968 that Dr. King's Jan. 19 birthday would become a national holiday; and in 2009 be followed the next day by the inauguration of Barack Obama?

I wish I could read Dr. King's “I've Been to the Mountaintop” speech aloud at every union hall in Ameri-

ca to highlight our perennial struggle for equitable wages, benefits and working conditions:

“Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge, to make America what it ought to be. We have an opportunity to make America a better nation It means that we've got to stay together. We've got to stay together and maintain unity.”

Dr. King was a leader with vision and courage whose message was one of equality, inclusiveness, diversity and unity.

In Barack Obama we hear a similar message of vision, courage, equality, inclusiveness, diversity and unity.

Borrowing from President Obama's historic election night message, “Change has come to America.... If there is anyone out there who still doubts that America is a place where all things are possible, who still wonders if the dream of our founders is alive in our time, who still questions the power of our democracy” then the election of Barack Obama as President of the United States is living proof.

God bless America.



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Prepare for tough negotiations in 2010

Among the most difficult challenges facing us in 2009 arrives in November, when we exchange Railway Labor Act Section 6 notices with the carriers – the list of each side's demands for the next collective-bargaining round.

Our national rail contract is open for renewal on Jan. 1, 2010, and this bargaining round will be among our toughest ever given the deteriorating state of the economy, the advance of technology and Wall Street pressure on railroads to deliver increased profits.

While the national rail contract affects members primarily on BNSF, CSX, Kansas City Southern, Norfolk Southern and Union Pacific, these national contracts tend to be a trendsetter for bargaining on other freight railroads and Amtrak, and are frequently referred to by commuter railroads.

A reasonable individual has good reason to assume the upcoming bargaining round will be favorable to employees. Railroads have been enjoying their greatest profitability in modern history, and it is the workers who are most responsible.

The railroads' own figures, as published by the Association of American Railroads, show that revenue ton-miles per employee – the best benchmark for measuring productivity – has soared five-fold since 1980, from 2.1 million to almost 11 million today.

Meanwhile, the railroads' labor

International Officers' Column



By Arty Martin
Assistant President



By Kim Thompson
General Secretary/Treasurer

costs have declined by 43 percent – from 46.5 cents of every revenue dollar in 1980, to 26.4 cents of every revenue dollar today.

The employee headcount, meanwhile, has dropped from 532,000 in 1980 to 236,000 today – a 56-percent decline in workers. Among train- and engine-service employees, the head count fell from almost 136,000 in 1980 to fewer than 70,000 today.

This doesn't matter to the carriers, because it is hot Wall Street dollars that set the tone of carrier Section 6 notices. Perhaps you have noticed Wall Street investment funds have been buying up shares of the major railroads.

BNSF, for example, is 44 percent owned by Wall Street investment funds. At CSX, the figure is 35 percent; at Union Pacific, 34 percent;

at Kansas City Southern, 33 percent; and at Norfolk Southern, 32 percent, according to *Bloomberg News*.

These investment funds, some of them based in foreign countries, have a narrow focus of increasing stock price and increasing dividend payouts – often without concern for an appropriate level of railroad maintenance, and certainly without concern for employees and their families.

Indeed, investment funds are behind the anti-labor policies at Walmart and policies that export good American jobs overseas.

What the UTU does is fight back – and we will be spending the months leading up to the exchange of Section 6 notices by building our case on behalf of our members.

Who owns the railroads?

Percent owned

| BNSF | |
|----------------------------|--------------|
| Berkshire Hathaway | 20.5% |
| Capital Research Global | 5.6% |
| Barclays Global | 3.3% |
| UBS Global | 3.0% |
| Vanguard Group | 2.8% |
| State Street Corp. | 2.7% |
| Fidelity Management | 2.4% |
| Capital World Invest. | 1.7% |
| JP Morgan Chase | 1.2% |
| Barrow, Hanley | 1.2% |
| Total | 44.4% |
| CSX | |
| Citigroup | 5.4% |
| Barclays Global | 4.7% |
| Children's Investment Fund | 4.5% |
| 3G Capital | 4.4% |
| Deutsche Bank | 4.2% |
| State Street Corp. | 3.6% |
| Vanguard Group | 3.2% |
| Tiger Global | 1.9% |
| Bank of New York | 1.6% |
| JP Morgan Chase | 1.3% |
| Total | 34.8% |
| KCS | |
| Neuberger Berman | 6.2% |
| Wellington Management | 5.7% |
| Marathon Asset Management | 4.1% |
| Barclays Global | 3.6% |
| Vanguard Group | 3.0% |
| Keeley Asset Management | 2.8% |
| Bank of America | 2.4% |
| Prudential | 1.9% |
| Munder Capital Management | 1.9% |
| AXA | 1.8% |
| Total | 33.4% |
| Norfolk Southern | |
| Capital Research Global | 5.0% |
| Marsico Capital Management | 4.8% |
| JP Morgan Chase | 4.7% |
| Barclays Global | 4.5% |
| State Street Corp. | 3.2% |
| Vanguard Group | 3.1% |
| Fidelity Management | 2.7% |
| Pioneer Investment | 1.3% |
| Dimensional Fund | 1.3% |
| Capital World Investment | 1.1% |
| Total | 31.7% |
| Union Pacific | |
| Marsico Capital Management | 6.6% |
| Children's Investment Fund | 4.7% |
| Barclays Global | 4.4% |
| Capital World Investment | 3.4% |
| State Street Corp. | 3.2% |
| Vanguard Group | 3.0% |
| AXA | 2.9% |
| Fidelity Management | 2.5% |
| Bank of America | 1.9% |
| Berkshire Hathaway | 1.8% |
| Total | 34.4% |

Source: Bloomberg News

State Watch

Oregon

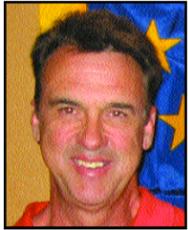
State Legislative Director **Delmer Hanson** recently presented Rep. Darlene Hooley (D) a UTU brass lantern on behalf of the Oregon State Legislative Board at her retirement party. "Congresswoman Hooley served six terms in Oregon's 5th Congressional District and was an enthusiastic supporter of the UTU and our issues. She will be missed!" Hanson said.



Rep. Darlene Hooley with Delmer Hanson

Nevada

Rod Nelms has been elevated to the position of state legislative director in the wake of the retirement of **Jack Fetters** Jan. 1.

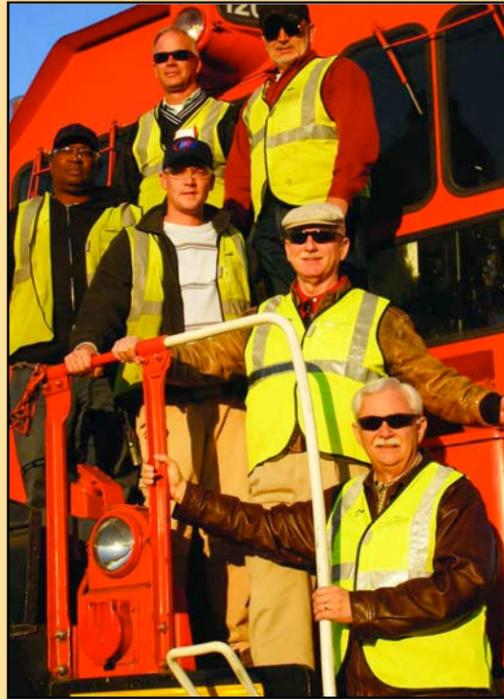


Nelms

"I'm excited about stepping up to director," Nelms said. "I have worked with five state directors since 1980 and feel I am more than qualified. I am going to miss my association with Jack. In his 12-year tenure, there were many accomplishments, and he earned the respect of national,

state, county and city officials. I wish Jack a long and happy retirement."

Tennessee



Visit to Memphis: During preparation for arbitration on the entry-level pay issue, UTU International President **Mike Futhey** (far right) and General Secretary & Treasurer **Kim Thompson** (second from right) took time to visit with Canadian National (Illinois Central) yard employees in Memphis. From left are **Curtis Speed** (Local 753), **Ron Lacey** (an engineer and BLET member), **Shawn Hall** (Local 753, wearing a UTU cap), and **Local 1557 Local Chairperson and Associate General Chairperson** (GO 443) **Butch St. John**.

Georgia



State Legislative Director **Howell Keown** reports that Rep. **Jim Marshall** (D-8th) was successfully re-elected, thanks in part to efforts by the UTU. In the picture at left, directly behind the congressman (holding child) is Assistant State Legislative Director **Tim Ussery**, who gave Marshall a UTU PAC contribution. Also in the picture are retired conductor **John Hageman** (L-1790, Fitzgerald); conductor **Wesley Griffin** (L-1790) and engineer **Milton Ussery** (L-1790).

Florida



Officers of several CSX general committees met recently in Jacksonville, Fla., to discuss new ideas and share successful strategies to handle member grievances. Attending the meeting were GO-851 General Chairperson **John Hancock**, GO-851 Vice General Chairperson **John Whitaker**, GO-851 Vice General Chairperson **Yvonne Hayes**, GO-513 General Chairperson **Barry Hogan**, GO-049 General Chairperson **John Lesniewski** and International Vice President **Roy Boling**. Above, watching over the boiling shrimp, sausage, corn and potatoes, prior to lunch, are, from left, Hancock, Whitaker and Hayes.

Bus Department

By **Vic Baffoni**, vice president/director
v_baffoni@utu.org

Community Transit members ratify pact

It's a new year. We have a new administration in Washington and a larger labor-friendly majority in the House and Senate. It is a time of new hope.

It will not be easy. The deteriorating economic conditions in this country are serious and will take time to solve. There are no quick fixes.

With the unfortunate death of National Legislative Director **James Brunkenhoefer**, we have suffered a serious loss.

As the new Congress organizes itself in January and February, our focus – with assistance from the AFL-CIO – will be to gain Senate confirmation for labor-friendly cabinet and regulatory agency heads nominated by President Obama. Updates on nominees and the confirmation process will be reported at www.utu.org. Members should visit the UTU Web site regularly to check on updates.

President **Futhey**, Assistant President **Martin** and Alternate National Legislative Director **James Stem** will be working to educate new members of the House and Senate – on both sides of the aisle – about the rail industry and transportation labor's past and present role in improving productivity and safety.

During difficult economic times, UTU members are fortunate to have good benefits, good working conditions and a strong union to provide them and their families with protections.

Even so, it is not going to be easy. Many of our locals will be entering contract negotiations in 2009 and management is going to point to the financial crisis as reasons to seek givebacks.

Your union officers and representatives will be doing their job, which is protecting your rights. This union has a proud history in times of crisis, and I am confident that our strengths will be evident in 2009.



Bus drivers to benefit from new FMCSA ruling

WASHINGTON – The Federal Motor Carrier Safety Administration (FMCSA) has issued a final rule that requires states to merge the commercial driver's license (CDL) and the driver's medical examination certificate into a single electronic record.

The agency said that when fully implemented by the states in three years, the new combined CDL will streamline recordkeeping obligations for the states and CDL holders, while providing instant electronic access to the CDL holder's medical certificate by state and federal enforcement officials.

In addition, the rule requires states to take enforcement actions against CDL holders if they do not provide medical certification status information within the deadline.

In a separate rulemaking, the FMCSA also ordered that there be established a National Registry of Certified Medical Examiners to ensure that physical qualification examinations of CDL holders are performed by qualified medical practitioners and are administered in a uniform and consistent manner.

The Notice of Proposed Rulemaking (NPRM) for the National Registry of Certified Medical Examiners would create certification standards, including a training and testing program, and a National Registry of medical examiners who are qualified to conduct examinations of interstate truck and bus drivers.

The proposal would require the medical examiner to electronically transmit to the FMCSA the name and a numerical identifier for each driver who is examined. The proposal also would create a process by which medical examiners who fail to meet or maintain the minimum standards would be removed from the National Registry.

The NPRM for the National Registry of Certified Medical Examiners can be found at www.regulations.gov, docket number FMCSA-2008-0363. Public comments on the proposal should be submitted by Jan. 30, 2009.

The final rule on Medical Certification Requirements as Part of the CDL is available for review at www.fmcsa.dot.gov.



How the Rail Safety Act of 2008 will impact your job

The Rail Safety Improvement Act, signed into law Oct. 16, includes changes to hours of service (HOS) limitations and affects all train and engine service (T&ES) jobs in freight, passenger and commuter operations.

Hours-of-service changes, summarized below, become effective July 16, 2009.

276-Hour Monthly Cap

A railroad may NOT require or allow a T&ES employee to remain or go on duty in any month where the employee had spent a total of 276 hours in any one or a combination of the following activities: on duty, waiting for transportation, in deadhead transportation to a place of final release, or in any other mandatory service for the carrier (such as rules training and medical examinations).

Once you are on duty 276 hours in any month, the carrier may not require or allow you to go on duty, remain on duty, wait for deadhead transportation, be in deadhead transportation, or in any other mandatory service for the remainder of the month.

If the carrier does not take you out of service prior to exceeding the 276-hour monthly cap, or if the carrier attempts to put you in service where you would violate the 276-hour cap, you must take yourself out of service.

Once the 276-hour cap is met in any month, you may not report for duty again prior to 12:01 a.m. of the first day of the next calendar month.

If the 276-hour cap occurs at an away-from-home terminal, the railroad may NOT deadhead you back to your home terminal. The FRA must yet determine the manner in which you are returned to your home terminal.

If the 276-hour cap occurs on the last day of the month, and you have not completed your mandatory 48 (or 72) consecutive hours off duty at your home terminal, you MUST complete that mandatory time off before again reporting for duty.

12 Consecutive Hours Cap

A T&ES employee may NOT remain or go on duty for a period in excess of 12 consecutive hours.

If a combination of on-duty time and limbo time exceeds 12 hours, the employee must receive 10 hours of undisturbed rest, PLUS the number of hours of limbo time that exceeded the 12 hours on duty. Thus, a 12-hour shift plus two hours of limbo time would require 12 hours of undisturbed rest before again reporting for duty.



Minimum Undisturbed Rest

A T&ES employee may NOT go on duty UNLESS the employee has had at least 10 consecutive hours of undisturbed rest during the prior 24 hours.

Undisturbed rest means the carrier may not telephone the employee, page the employee, knock on the door of the employee, or otherwise disturb the employee. The carrier may send an e-mail message to the employee during this period.

As noted above, if the on-duty time plus limbo time exceeded 12 hours, the 10-hour undisturbed rest time is increased by the number of hours of limbo time. And, if the collective bargaining agreement requires the employee have 90 minutes to report for duty following the call, then the employee would have at least 11 1/2 hours off duty.

There is an exception during emergencies.

Limbo Time Cap

A railroad may not require an employee to spend more than 40 hours per month in limbo time. This 40-hour rule begins July 17, 2009, and continues through June 16, 2010. Beginning after July 16, 2010, the carrier may not require an employee to spend more than 30 hours per month in limbo time.



Consecutive Day Cap

A T&ES employee may NOT remain on duty or go on duty AFTER that employee has initiated an on-duty period each day for six consecutive days, unless that employee has had at least 48 consecutive hours off duty at the employee's home terminal.

This means when you complete the sixth consecutive start day, you must be given at least 48 consecutive hours off duty at your home terminal before you are again required to report for work. This includes yard assignments.

However, if you are released from duty at the away-from-home terminal at the end of the sixth consecutive start day, you may work a seventh consecutive start day to return to your home terminal. Then, however, you must be given at least 72 consecutive hours off duty at your home terminal before you are again required to report for work.

The trigger is initiating an on-duty start for six consecutive days. Even if you work just one hour, the fact that you have initiated an on-duty start that day counts toward the six consecutive days.

However, the count begins anew on any calendar day in which you do NOT initiate an on-duty period. Thus, if you are called for duty Monday-Friday (five start days), and do not work on Saturday, but are called back to work on Sunday, then the six-day clock begins anew on Sunday.

The six- and seven-day clocks are not applicable to intercity passenger carriers, short-haul passenger carriers, and commuter operators at this time.

Ebb & Flow Not a Factor

The clock covers all T&ES jobs, meaning it does not matter if you ebb and flow between engineer and conductor jobs, or between extra board and pool jobs.

Local Agreements Permitted

General chairpersons may negotiate local collective bargaining agreements providing a better balance between time off and earnings, while preserving guaranteed time off.

The U.S. DOT may also waive the "6&2" and "7&3" requirements if the collective bargaining agreement provides for a different arrangement and DOT deems it consistent with safety. In no case may a local agreement exceed the 276-hour monthly cap.

The UTU International will provide assistance in these negotiations at the request of general chairpersons.

To read the safety bill, and for more information, go to www.utu.org and click on "2008 Rail Safety Act."

On-Duty Injuries



If the employee is injured on the job, the employer must provide the injured employee with transportation to the nearest hospital.

Transportation to Hospital

If the employee is injured on the job, the employer must provide the injured employee with transportation to the nearest hospital. The injured employee may not demand to be taken to a more distant hospital, but the destination must be the nearest hospital and not an emergency center. The employer is not required to transport the injured employee via an ambulance. They may be transported via a company vehicle.

Medical Treatment

A railroad is prohibited from disciplining, or threatening to discipline, an employee seeking medical treatment, or for following orders or a treatment plan of a treating physician. Employees may bring an action against the railroad, under whistleblower provisions, for any violation; and, in addition to recovering back pay and reinstatement, they may recover, separate from a FEOLA action, compensatory damages, attorney's fees and punitive damages up to \$250,000. Only the injured

employee's physician can certify when the injured employee is fit to return to work, but the railroad can then order an examination by its own physician to determine if the employee is fit, under railroad policies, to return to work, or should be kept off duty for a longer period.

Counseling

If you are involved in a critical incident, such as a highway-rail grade-crossing accident or a train striking another employee or pedestrian, you may demand to be relieved from duty for the purpose of receiving counseling. In addition, you may receive immediate relief of service for the balance of the duty tour.

Other Work Factors Affected by the Act

Conductor Certification



No later than April 2010, the FRA must conduct a rulemaking to determine the parameters for conductor certification. The UTU will participate in that rulemaking, which will be announced in advance through publication in the Federal Register and via the UTU Web site. Collective bargaining will determine whether a certified conductor receives additional pay. If a certified conductor is decertified

and barred from working as a conductor, the conductor probably will be permitted to bump to a non-certified brakeman or yardman position, unless the FRA also designates that employee to be unsafe to perform a safety-sensitive job. The FRA will have to determine if a decertified engineer may work as a certified conductor.

Training

Railroads are required to provide training in all aspects of FRA regulations, which includes hazmat training.

Alcohol and Drug testing

Any non-federal alcohol and drug testing by a railroad shall be conducted using a scientifically recognized method of testing. The employee can challenge whether the railroad has used a scientifically recognized method of testing. The railroad must provide a redress process for an employee to petition for, and receive, a hearing to review the specimen results, and a dispute or grievance shall be resolved under the provisions of the Railway Labor Act.

Positive Train Control

Class I railroads, as well as intercity passenger and commuter railroads, must install PTC on main line tracks by Dec. 31, 2015. The requirement to install PTC does not affect existing crew-consist agreements.

Mechanical and Brake Inspections in Mexico

No mechanical or brake inspection may be performed in Mexico unless the FRA certifies the inspection is equivalent to those performed in the U.S.; that the inspectors are receiving what the FRA considers appropriate training; that the FRA is permitted to perform on-site inspections; and that inspection reports are available.

Additional Questions?

Any questions should be directed to your state legislative director or your general chairperson, who received from the International and the International's rail safety consultant an extensive briefing on provisions of the new law. **Questions should not be sent to the UTU International.**

Where SLDs and GCs are not able to answer a question, they will work directly with the UTU International, which has opened a line of communication with the FRA.

As provisions regarding hours of service do not go into effect until July 2009, and will require rulemakings or further interpretation by the FRA, some questions may not be able to be answered with finality for some time.

Any new information will be posted at www.utu.org and available by clicking on the "2008 Rail Safety Act" box on the home page. Members should visit that Web page regularly to check for updates.

| JULY 2009 | | | | | | |
|-----------|--------|---------|-----------|----------|--------|----------|
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

UTU
Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

UTU Alumni now get discounts at Motel 6

Motel 6 is now offering discounts to members of the UTU Alumni Association.

As a UTU Alumni Association member, you are eligible to receive 10 percent off on your next stay at any Motel 6 by booking online.



To make an online reservation at Motel 6 nationwide, go to www.motel6.com and use corporate code CP543839. You also can go to the Alumni Association page of the UTU Web site, www.utu.org.

Motel 6 has more than 900 locations nationwide at the lowest price of any national chain.

Most Medicare Part B premiums to remain the same in 2009

The standard Medicare Part B monthly premium will be \$96.40 in 2009, the same as the Part B premium for 2008, the Railroad Retirement Board reports.

Until 2007, all beneficiaries paid the same basic premium amount for Medicare Part B, which is set annually at a level that covers 25 percent of the estimated Part B program costs for the year. The government had subsidized the remaining 75 percent for all beneficiaries.

As part of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, this 75-percent subsidy began decreasing in 2007 for those making over certain annual threshold amounts.

The Part B monthly premiums for some beneficiaries will increase again in 2009, depending on an individual's or married couple's modified adjusted gross income. The income-related Part B premiums for 2009 will be \$134.90, \$192.70,

\$250.50, or \$308.30, depending on the extent to which an individual beneficiary's income exceeds \$85,000 (or a married couple's income exceeds \$170,000), with the highest premium rates only paid by beneficiaries whose incomes are over \$213,000 (or \$426,000 for a married couple).

The income thresholds increase annually by indexing to the Consumer Price Index (CPI). The Centers for Medicare & Medicaid Services estimates that only about five percent of Medicare beneficiaries with Part B will pay higher premiums in 2009 based on their incomes.

Those Railroad Retirement and Social Security Medicare beneficiaries affected by the 2009 Part B income-related premiums received a notice from SSA in December. The notice included an explanation of the circumstances where a beneficiary may request a new determination. For more information go to: <http://www.rrb.gov/pdf/opa/pr0807.pdf>.

Spouses of rail workers may be eligible for pensions

By V. M. "Butch" Speakman Jr.
Labor member, Railroad Retirement Board

In addition to employee retirement annuities, Railroad Retirement – as does Social Security – also provides annuities for the spouses of retired employees. Divorced spouses may also qualify for benefits.



Speakman

Eligibility for a spouse annuity is based on numerous factors, including the employee's age, date of retirement and years of railroad service.

The following requirements currently apply:

- If a retired employee with 30 or more years of service is age 60 and receiving an annuity, the

employee's spouse is also eligible for an annuity the first full month the spouse is age 60.

- If a retired employee with fewer than 30 years of service is age 62 and receiving an annuity, the employee's spouse is also eligible for an annuity the first full month the spouse is age 62. Early retirement reductions are permanently applied to the spouse annuity if the spouse retires prior to full retirement age. Full retirement age for a spouse is gradually rising to age 67, just as for an employee, depending on the year of birth.

- A spouse of an employee receiving an age and service annuity (or a spouse of a disability annuitant who is otherwise eligible for an age and service annuity) is eligible for a spouse annuity at any age if caring for the employee's unmarried child, and the child is under age 18 or the child became disabled before age 22.

- The employee must have been married to the

spouse for at least one year, unless the spouse is the natural parent of their child; the spouse was eligible or potentially eligible for a Railroad Retirement widow(er)'s, parent's or disabled child's annuity in the month before marrying the employee; or the spouse was previously married to the employee and received a spouse annuity.

- Railroad Retirement spouse annuities may be subject to offset for the receipt of other benefits, like Social Security benefits or public service pensions, for example.

While these offsets can reduce or even completely wipe out the Tier I benefit otherwise payable to a spouse, they do not affect the Tier II benefit potentially payable to that spouse.

For more information, go to www.rrb.gov, or consult the white pages of your telephone directory for the nearest RRB office.

THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association (formerly known as the UTU for Life Program), according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

| Local | Name | City/State | Local | Name | City/State | Local | Name | City/State |
|-------|-----------------------|-----------------------|-------|-----------------------|-----------------------|-------|-----------------------|------------------------|
| 2 | Gladieux, William M. | Toledo, Ohio | 511 | Bivens Jr., Richmond | Atlanta, Ga. | 1245 | Robbins III, Homer E. | Austell, Ga. |
| 60 | Countey, Dennis J. | Warwick, R.I. | 645 | Keller, Richard E. | Lynbrook, N.Y. | 1299 | Talone, Ralph R. | Brooksville, Fla. |
| 168 | Tegtman, Michael K. | Highland, Ind. | 650 | Block, Robert H. | Helena, Mont. | 1328 | Goforth, William H. | Clarksville, Ind. |
| 171 | Angell, William K. | Yorkville, Ill. | 659 | Blandin, Cleo O. | DeRidder, La. | 1344 | Seiler, Steve J. | Dickinson, N.D. |
| 171 | Ogara, James J. | Aurora, Ill. | 782 | Keener, Robert F. | Hickory, N.C. | 1366 | Hays, Lawrence M. | Sandy, Utah |
| 195 | Levinson, Curtis G. | Galesburg, Ill. | 792 | Ciereszewski, John A. | New Philadelphia, Pa. | 1375 | Bolton, Joseph | Colonial Heights, Va. |
| 194 | Barth, Gail R. | Pensacola, Fla. | 807 | Hanna, A.J. | Ashdown, Ark. | 1477 | Neuman, Ralph J. | Barron, Wis. |
| 198 | McGuire, Robert H. | Midpines, Calif. | 835 | Houck, Jack C. | Phoenix, Ariz. | 1505 | McKillip, Gerald L. | Walla Walla, Wash. |
| 201 | Sumpter, James L. | Branson, Colo. | 847 | Cross, J.H. | Prattville, Ala. | 1534 | Banta, Charles W. | Chicago, Ill. |
| 202 | Kennedy, Robert W. | Loveland, Colo. | 911 | Quick, Leslie F. | Monticello, Minn. | 1545 | Bawcom, Elbert | Monticello, Ark. |
| 202 | Rhodes, Thomas V. | Englewood, Colo. | 931 | Hunter, Robert V. | Spartanburg, S.C. | 1570 | Rodell, E.N. | Citrus Heights, Calif. |
| 211 | Belardinelli, Armando | Wilkes-Barre, Pa. | 940 | Blancett, John D. | Wichita Falls, Texas | 1598 | Rabon, Elvin C. | Cordele, Ga. |
| 221 | Eldridge, Carl A. | Little Rock, Ark. | 991 | Beard, George D. | Waynesboro, Va. | 1629 | Haizlip, Alvin E. | Mesa, Ariz. |
| 225 | Richard, Frank S. | Brecksville, Ohio | 1000 | Espe, William K. | Minneapolis, Minn. | 1670 | Bullock, Raymond F. | Lubbock, Texas |
| 233 | Carlson, Gustav M. | Sioux Falls, S.D. | 1031 | Ulmer II, Vernon M. | Savannah, Ga. | 1709 | Huffman, Howard A. | North Street, Mich. |
| 238 | Youngberg, F.I. | West Point, Utah | 1043 | Boekhout, Leon J. | Reno, Nev. | 1709 | Larmor, Douglas G. | Flint, Mich. |
| 265 | Bartlett, Cecil E. | Pocatello, Idaho | 1059 | Baker, Robert B. | Minot, N.D. | 1790 | Langston, Bobby J. | Moultrie, Ga. |
| 292 | Cassin, Robert C. | Rockville, Md. | 1074 | Rhoades, Richard S. | Strattanville, Pa. | 1883 | Herman, Julius J. | Nixta, Mo. |
| 292 | Duane, John F. | New Port Richey, Fla. | 1074 | Vinarosky Jr., John | Phoenix, Ariz. | 1928 | Bailey, Richard F. | Curtice, Ohio |
| 311 | Blank, Henry F. | La Crosse, Wis. | 1075 | Bassett, John C. | Napoleon, Ohio | 1928 | Barrett, Jesse | Columbus, Ohio |
| 313 | Peterson, David L. | Newaygo, Mich. | 1177 | Peters, Vernon R. | Fargo, N.D. | 1929 | Werner, Norman L. | Collinsville, Ill. |
| 445 | Johnson, Robert D. | Fort Madison, Iowa | 1245 | Black, Huliet A. | Rockmart, Ga. | 1963 | Bagger, Richard L. | Louisville, Ky. |

UTUIA Cancer Hospital Indemnity

UTUIA's new Cancer Hospital Indemnity policy offers you and your family members the following protections:

- \$300 per day for hospital confinement
- \$600 per day in extended-stay benefits
- \$100 per day for home recovery and convalescence
- \$2,000 first-diagnosis benefit
- \$15,000 bone marrow transplant benefit

Call toll-free:
1-800-558-8842



Cancer is often a lingering disease that strikes all age groups. It may require repeated, extensive treatment, resulting in the person being unable to work, high hospitalization bills, and loss of income. The National Cancer Institute reports that cancer will strike in three out of four families.

UTUIA's Cancer Hospital Indemnity* policy offers peace of mind. The benefits are paid directly to you to use as you see fit – to help meet household expenses and other continuing expenses. This policy supplements regular hospitalization insurance, thereby protecting savings.

**Not currently available in Pennsylvania.*

Information, please

I would like more information on UTUIA's Cancer Hospital Indemnity policy.



Please print

Full name

Sex

Date of birth

Address

City

State

ZIP

Telephone number with area code

UTU local number

Complete and mail to: UTUIA Sales Dept., 14600 Detroit Ave., Cleveland, OH 44107-4250

01/09

Labor seeks cell-phone ban fixes

The UTU and the Brotherhood of Locomotive Engineers and Trainmen have filed a joint petition for review by the Federal Railroad Administration of the FRA's so-called emergency cell-phone order, requesting that the FRA make additional exceptions to the order in the name of safety.

The ban, effective Oct. 27, applies to any electronic device that was not provided to the railroad operating employee by the employing railroad for business purposes.

The UTU and the BLET are seeking exceptions to the order banning the use of personal electronic devices while deadheading; the use of cameras that can document safety hazards or safety law violations; and the use of electronic calculators and global positioning satellite (GPS) devices that can aid safe train operation.

"It is not our intention to unnecessarily complicate a fairly bright-line rule regarding the use of electronic and electrical devices," wrote UTU International President Mike Futhey and BLET President Ed Rodzicz jointly in the petition for review.

"However, we do believe FRA should seriously consider those atypical situations in which [the emergency order] as currently written could inadvertently result in a diminution of safety, as compared to operating conditions and practices in effect prior to its promulgation."

As for deadheading, the two unions argue that since deadheading crews have fulfilled their safety-related responsibilities – and in many cases are not on duty – their use of electronic devices should not be restricted to business purpose use only.

United HealthCare hikes limits

The lifetime maximum benefit applicable to the Railroad Employees' National Early Retirement Major Medical Benefit Plan (ERMA or GA-46000) was increased Jan. 1, 2009, to \$113,000. This is an increase of \$5,300.

For individuals who have reached the lifetime maximum, the incremental maximum available is applied to eligible expenses submitted for dates of service on or after Jan. 1, 2009. The amount is \$5,300.

For additional information contact United HealthCare at (800) 842-5252.

THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

LISA VINCI

Lisa Vinci is a claims adjuster in the Insurance Department. She started with the union in 1975 in the Microfilm Department and has held a wide variety of jobs in the legislative, job benefit and annuity departments. "I review, authorize and pay insurance claims," she said, "on disability income replacement, accidental death and dismemberment and on-the-job injury policies issued by the UTUIA. I also work with members and UTUIA field supervisors to progress claims. I am proud to serve the membership in their time of need with a personal touch."



TIM WIENS

Tim Wiens is an assistant claims adjuster in the Insurance Department. He started with the UTUIA in 1999 in the Policyholders Service Department doing correspondence, and a few months later became a claims representative. He works primarily with premium waiver and cancer insurance claims. He also helps out in the Discipline Income Protection Program. "I take pride in assisting people over the phone with claims questions, as well as assisting my fellow claims adjusters," Wiens said. "I try my best to help out all the claimants with any claims concerns they may have." He also serves on the Board of Directors of the UTU Employee Credit Union as secretary.



TRACEY NEIGHBORS

Tracey Neighbors started with UTUIA in 1985 in the Claims Department, eventually moving to the Legal Department in 1996. She became a paralegal, a job she finds both challenging and rewarding. Tracey is the lone paralegal in the UTU Legal Department, which keeps her quite busy. She is often given multiple assignments by the attorneys, who are usually working on short notice. She does legal research, contacts court personnel and local counsel, drafts pleadings for filing, and types briefs and other documents. She also maintains the legal files and billing records and makes sure that court deadlines are met.



UTU introduces the iLink 2.0 resource center

iLINK, the UTU's resource center for local, general committee, state legislative board and International officers, has been expanded and upgraded.

The improvements add the ability to share ideas and knowledge through a secure chat room, provide reports to track membership status and dues-paying activity, easily update membership contact and address information, and provide local treasurers the ability to edit and maintain payroll deductions through their personal computers.

UTU officers can also use iLINK to submit automated expense reports for timely reimbursement of union-covered expenses.

Access to the UTU's iLINK 2.0 is limited to pertinent local, general committee, state legislative board and International officers, and UTU



members can be assured that their personal data will remain confidential and secure.

Users that already have access to the iLINK and to the Treasurers' Web Application (TWA) will continue to have access to both programs through their existing iLINK username and password. Existing TWA accounts are being discontinued.

Because iLINK 2.0 will have a new Web address, users should update any bookmarks or "favorites" stored in their Web browser. Also, to make connecting to iLINK 2.0 easier, the iLINK platform will now be accessible directly through the UTU International Web site's homepage.

iLINK users can now go to www.utu.org and click on the iLINK tab located at the bottom left-hand corner of the homepage. An iLINK tab will also reside permanently in the black bar at the very top of the UTU homepage.

UTU membership information is available to local officers for members of their local, to general committee officers for members of their general committee, and to state legislative board officers for members in their respective states.

UTU International President Mike Futhey said that iLINK will continue to expand with new applications and enhancements to current iLINK features, including the UTU University and the UTU Knowledge Depot.

Entry rates

Continued from page 1

hires typically receive concentrated, focused training to ensure they possess the technical training and skills to perform their assigned duties without supervision or assistance from more seasoned veterans.

These fundamental changes and sweeping work-rules concessions served their intended purpose. Indeed, today's challenge is not how to fill the railroads' unused, excess capacity, but rather how to increase capacity quickly enough to meet an exploding demand for rail service.

In response, during the 2002 round of contract bargaining, the UTU demanded elimination of entry rates, and they were completely eliminated for all employees as of June 30, 2004, immediately bringing those employees to full rates of pay for all crafts and grades of service.

However, for new employees hired after July 1, 2004, entry rates previously in effect on each property were permitted again to become effective. But, the parties mutually agreed that this important issue would definitely be addressed as early as possible in the next bargaining round.

The carriers did not comply with this agreement during the "next round," which was the 2004 round of contract bargaining. Ultimately, the parties agreed that third-party intervention would be necessary to resolve the outstanding dispute as to the meaning and intent of the agreement to deal with the entry-rates issue.

The question put to the arbitrator Dec. 4 was whether the carriers complied with their written promise to deal with the entry-rates issue; and, if not, what is the appropriate remedy for the carriers' non-compliance?

The UTU told the arbitrator Dec. 4 that the remedy should be an award that requires a 60-day negotiating period with a mandate that the parties submit the dispute to interest arbitration if the dispute remains unadjusted after the 60-day negotiating period.

Also serving on the three-person arbitration panel with Peterson are UTU International President Mike Futhey and the carriers' then chief negotiator, Robert Allen.

Arbitration ordered in RCO dispute

FORT WORTH, Texas – Binding arbitration has been ordered by a federal district court here in a dispute involving the UTU, BNSF Railway and the Brotherhood of Locomotive Engineers and Trainmen over whether BNSF may make an agreement with BLET to operate remote-controlled locomotives after having agreed that the UTU has exclusive jurisdiction.

The UTU maintains that BNSF's actions – essentially selling remote control assignments twice – constitutes a violation of an existing collective bargaining agreement with the UTU, making it a major dispute that would permit a UTU work stoppage should BNSF assign remote control work to BLET-represented engineers.

The UTU maintains that the BNSF sold the remote-control assignments twice, a major dispute.

The court, however, found the dispute to be minor, under the Railway Labor Act, meaning it is a dispute over interpretation of contracts and thus must be settled through binding arbitration.

The UTU is considering whether to appeal the court decision.

"Initially, BNSF made use of RCO only in and around terminals and train yards, also known as 'switching limits.' The issue of which group of employees had the exclusive right to control the locomotives by RCO within switching limits was decided [by an arbitrator in favor of the UTU]," the court said.

"BNSF has since extended its use of RCO to

locomotives in road service and this case centers on the dispute over which group of employees will operate the locomotives by RCO in that circumstance.

"UTU argues that [it has a contract with BNSF that] gives UTU represented groundsmen the exclusive authority to engage in RCO for BNSF. Further, UTU argues that the 2007 agreement [between the BLET and BNSF] is an invalid attempt by BNSF to alter the terms of the [existing UTU agreement with BNSF]."

Brunkenhoefer

Continued from page 1

also served the members of Local 83 as local president, local vice president, member of the local's board of trustees, local chairperson, local legislative representative, delegate and special organizer. In 1980, he was elevated to alternate Texas state legislative director, and in 1982 assumed the full directorship of the Texas State Legislative Board.

At the UTU's Fifth Quadrennial Convention in 1987, Brunkenhoefer was elected national legislative director, and was re-elected to that post at subsequent UTU conventions in 1991, 1995, 1999, 2003 and 2007.

He is survived by his wife, Judy Sinkin, of McLean, Va.

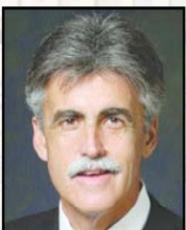
In lieu of flowers, the family encourages that contributions, in the name of James Brunkenhoefer, be made to So Others May Eat, 71 O Street N.W., Washington, DC 20001.

A memorial service in honor of Brunkenhoefer will be scheduled and announced at a later date. Watch www.utu.org for details.

Meet your UTU Designated Legal Counsel

There is no more dangerous work environment than on the railroads, where injuries too often are severe. The Federal Employers' Liability Act (FELA) makes railroads accountable for unsafe working conditions. Railroads retain skilled attorneys to protect their interests. You also have access to skilled and experienced attorneys who understand the railroad industry, its

safety hazards, and every aspect of the FELA. They are the UTU Designated Legal Counsel, chosen for their special knowledge and experience. Their job is to represent you. This continuing column introduces you to all of the UTU Designated Legal Counsel. For a complete listing, go to the UTU home page at www.utu.org and click on the blue tile, "Designated Legal Counsel."



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Railroads have become very sophisticated at handling and defending FELA claims. Railroad workers need a reliable and experienced attorney to help them battle for their right to full compensation for injuries. UTU Designated Legal Counsel are skilled trial lawyers who know how to fight to get you the damages you deserve when injured. They are the best in the industry. Call your local Designated Legal Counsel first when hurt!

For a century, the FELA has proven to be an effective law to promote safety in the workplace and fairly compensate railroad workers injured at work. However, the law is not automatic or self-executing. Members must exercise their rights. UTU Designated Legal Counsel provide free consultation without obligation to members concerning on-the-job injuries and work-related medical conditions. Seek advice first from UTU Designated Legal Counsel.

UTUIA SCHOLARSHIP: A KEY TO SUCCESS

**A message from UTU International
President Mike Futhey**

Education is the key to success, and the key to an education can be a United Transportation Union Insurance Association scholarship.

With college enrollment time upon us, we strongly urge all eligible persons to take a few minutes to fill out the UTUIA scholarship application form printed below and apply for a UTUIA scholarship. It will be one of the smartest things they ever do.



This is the 35th year UTUIA is making available 50 continuing \$500 scholarships for its members, and the sons, daughters and grandchildren of its members. We are very proud of our scholarship program, a pride that comes from helping thousands of college students over the years.

We realize the amount awarded, \$500 a year, doesn't meet the full cost of the recipient's education, but in this way we can help a larger number of students with educational costs. They may use the scholarship money for tuition, learning materials or other related expenses.

UTUIA scholarship winners will receive the full amount of the award each year for up to four years of undergraduate study as long as they maintain a satisfactory academic record.

With a UTUIA scholarship, we hope to give the recipient the opportunity for a full-time education instead of a part-time education, day school instead of night school, higher education instead of basic training.

We are proud also in knowing that UTUIA scholarship recipients are enrolled in some of the finest and most prestigious colleges and universities in the world. We also can point proudly to the many achievements of past scholarship winners who have contributed so much to our great nation.

UTUIA is proud and happy to provide these scholarships for they are an opportunity for achievement. The success of deserving students is our success and the benefits are boundless. The key to success is education, and the key to education is a UTUIA scholarship. Take a minute to apply for the chance of a lifetime.

As the saying goes: "If you think education is expensive, try ignorance."

Mike Futhey, President
UTU International



DISTRIBUTION

Fifty continuing \$500 scholarships are awarded each year upon verification of enrollment for the fall term. The scholarships are pro-rated according to the number of UTU members in each of nine districts. The names of the 50 scholarship winners for the academic year 2009/2010 will be drawn at UTUIA headquarters in Cleveland after the March 31, 2009, deadline for submission of applications.

ELIGIBILITY

Requirements for a scholarship applicant are that he or she be at least a high school senior or equivalent; age 25 or under; be a UTU member or UTUIA-insured member, the child or grandchild of a UTU member or UTUIA-insured member, or the child of a deceased UTU member or UTUIA-insured member. (If member is deceased please include date of death). UTU members or UTUIA-insured members must be U.S. residents.

Applicants also must be accepted for admittance, or already enrolled, for at least 12 credit hours per quarter or semester at a recognized institution of higher learning (university, college or junior college, nursing or technical school offering college credit). Graduate schools are not included. Families of full-time International officers are not eligible.

AWARDS

Scholarships are awarded on the basis of chance, not grades. A UTUIA scholar, however, is expected to maintain a satisfactory academic record to keep the scholarship for the full four years.

ADMINISTRATION

The UTUIA Scholarship Committee decides whether individual scholarships should be continued or discontinued. Each successful applicant must provide annual proof of eligibility on or before a deadline set by the scholarship committee to qualify for a continuing award. The day-to-day management of the program is handled by the office of the UTUIA general secretary and treasurer.

INVEST IN THE CHANCE OF A LIFETIME

The UTUIA Scholarship Program is an open program. All eligible students, regardless of previous grades or future plans that don't happen to include college, are strongly urged to apply, to take five minutes to invest in the chance of a lifetime, the chance for a better future.

**UTUIA SCHOLARSHIP
APPLICATION FORM 2009/2010**
(PLEASE TYPE OR PRINT)

STUDENT'S NAME _____ BIRTH DATE ____/____/____
(LAST) (FIRST) (M.I.) (M/D/Y)

MEMBER'S NAME _____ UTU Local # _____
(LAST) (FIRST) (M.I.) or UTUIA Local Unit #

ADDRESS OF MEMBER _____

OCCUPATION _____

EMPLOYER _____

STUDENT'S RELATIONSHIP TO MEMBER _____

COLLEGE YEAR, 2009-2010 FRESHMAN SOPHOMORE JUNIOR SENIOR

SIGNATURE OF STUDENT _____

SIGNATURE OF MEMBER _____

(Please include date of death if member is deceased.)

| UTUIA SCHOLARSHIP DISTRICTS | | |
|-----------------------------|---|--------------|
| District | | Scholarships |
| 1 | Connecticut, Maine, Massachusetts, New Hampshire New York, Rhode Island, Vermont | 4 |
| 2 | Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania | 5 |
| 3 | Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia | 10 |
| 4 | Indiana, Michigan, Ohio | 5 |
| 5 | Illinois, Wisconsin | 4 |
| 6 | Arkansas, Louisiana, Oklahoma, Texas | 5 |
| 7 | Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota | 7 |
| 8 | Arizona, California, Colorado, Nevada, New Mexico, Utah | 7 |
| 9 | Alaska, Idaho, Montana, Oregon, Washington, Wyoming | 3 |

Applications must be received **no later than March 31, 2009**. Please submit **only one application per student**. Incomplete, photocopied or duplicate applications will not be accepted. The application form printed on this page is the official UTUIA scholarship application form and is the only one you will receive. If you need another application form, request one from the address below. Please include your UTU local or UTUIA local unit number with your request. Complete the form above, cut it out (leaving address on reverse side, if possible), and mail to:

**UTUIA Scholarship Program
United Transportation Union Insurance Association
14600 Detroit Ave.
Cleveland, OH 44107-4250**



This month's winning photo:

The UTU Public Relations Department awards UTU gear to the union member who submits the best photograph during the previous months.

The winning photo will be published in the *UTU News*. Exceptional photographs will be included on the UTU Web site.

The UTU would like to see photographs or digital photographs of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 14600 Detroit Ave., Cleveland, OH 44107.

High-resolution digital photographs should be in the JPEG format and e-mailed to "utunews@utu.org".

With each photograph, please include your name and UTU local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of the UTU.

Remember to review your employer's policies regarding use of cameras on the property or during work hours.



This month's winning photograph was taken by **W.G. "Butch" Glinke**, a railroader out of Local 1075, Trenton, Mich. "This picture was taken in October 2006 while my crew and I were preparing for our evening's work. The place is Canadian National's Flat Rock Yard (formerly the Detroit, Toledo & Ironton Railroad) in Flat Rock, Mich.," Glinke said.



www.utu.org / www.utuia.org

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UTU to First Student: 'The hell you will'

SAN FRANCISCO – When it was all over, dispatcher Beau Tompkins said it best: "I've never been prouder to be part of an organization than I was today."

What made the long-time dispatcher so proud was the defiant, boisterous picket line set up outside of First Student's bus yard by nearly 100 angry school bus drivers, dispatchers, office staff, yard workers, supervisors and mechanics, all proud members of Local 1741.

They had gathered to protest the firings of four drivers in the past three months.

First Student, which bought out Laidlaw Transit last year, assumed Local 1741's contract as part of its contract with the San Francisco Unified School District. Once the school year began, First Student declared that any driver involved in a rear-end accident would be fired.

"The UTU contract has a clear and coherent policy of progressive discipline that has been followed by companies who have held the busing contract in the past," Vice President Bonnie Morr said.

The most egregious firing concerned **Robert Newcomer**, who began driving a school bus in 1974 and who had a perfect driving record going back 24 years! After a minor rear-end accident, he was fired. The UTU took his case to mediation and won, but First Student refused to follow the mediator's recommendation to rehire Newcomer, and is taking the case to arbitration.



Protesting the firings were, left to right, organizers **Shane Hoff** and **Laurie Cahn**; International Alternate Vice President-Bus **Bonnie Morr**; General Chairperson **Paul Stein** and **Elizabeth Woodbridge**, president of Local 23 in Santa Cruz. (Photo by Barry Prager)

Another First Student tactic that has infuriated the employees is their policy of making secret background checks on drivers. This is illegal in the state of California without asking an employee's consent. After making an illegal background check on driver **Katanya Bell**, and finding something of which they disapproved, First Student fired the single mother of two. Like Newcomer, she won her mediation, and again First Student refused the mediator's ruling, and now Katanya awaits her arbitration without a job or paycheck.

Inside this issue of the UTU News:



Member **Jason Holman** saves family from fire. See page 2.



Joe Boardman is in the driver's seat at Amtrak. See page 3.



What's cooking on CSX? Strategy topped with efficiency. See page 5.



How will your job be affected by new safety laws? See page 6.