



# UTU News

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The Official Publication of the United Transportation Union

## State of the union: Continuous improvement

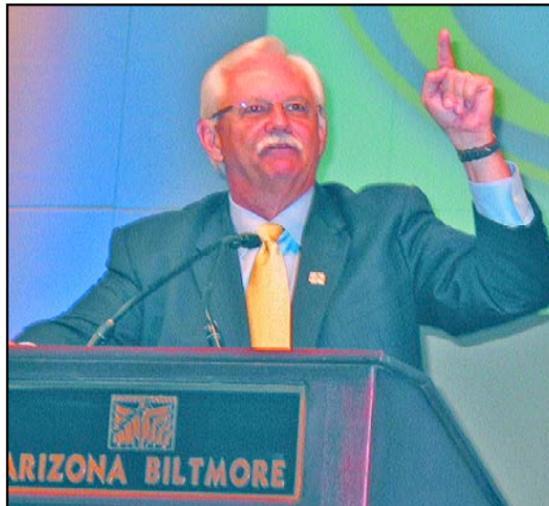
PHOENIX – UTU International President Mike Futhey's state of the union message here July 28 opened with a simple question: "Are things better now than they were three years ago?"

The question was asked of hundreds of attendees at the first of two 2010 regional meetings. The second is scheduled for Aug. 23-25 in Asheville, N.C.

Futhey asked attendees to stand if they had witnessed an improvement in representation, union finances, internal procedures and management transparency since he took office Jan. 1, 2008. Virtually the entire audience stood.

Futhey then presented the following summary of UTU progress over the past three years:

- **Union bank balances**, after payment of expenses, improved in each successive month (with the exception of two months each year with three staff payrolls) – more than doubling since 2007. General Secretary & Treasurer Kim Thompson was credited with aggressively cutting operating costs; and UTU International officers with having reduced travel expenses through



*"Let the message go forth that if anybody tries to tread on us, they will be beneath our feet."*  
– President Mike Futhey

coordination of assignments and expanded use of electronic communications. The UTU International's move to smaller, more efficient headquarters space, and the addition of modern computers, will further reduce costs, while improving member services.

- **UTU Insurance Association reserves** stand at \$24 million as the UTUIA added policyholders and proved its products to be secure and price competitive.

- **Discipline Income Protection Plan (DIPP)** reserves now exceed \$8 million. Instead of the DIPP facing liquidation as it did three years ago,

it now aggressively protects members by paying claims that competing plans frequently disallow.

- **Increased research**, drawing on senior staff skills in finance and economics, made the UTU a more formidable presence at the bargaining table. "More in-depth research into carrier finances provides credible justification for our Section 6 notices," Futhey said.

- **The workload of local treasurers** has been cut substantially through application of Winstabs and the UTU International's direct receipt of dues. Treasurers acknowledge that what previously took five hours to accomplish now is accomplished in one hour.

- **Organizing the unorganized** brought hundreds of workers in the airline, bus, rail and transit industries into the UTU.

- **The UTU succeeded in having a bus portfolio** – aimed at lobbying Congress and regulatory agencies on bus safety and driver training – added to the responsibilities of the AFL-CIO Transportation Trades Department in Washington.

- Not only does the UTU have a **diversity program**; but diversity was applied within the UTU so that every voice within the organization is heard and respected.

- An expanded **get-out-the-vote drive**, using modern communication tools, is helping elect candidates to state legislatures and Congress who understand the needs of working families. Those

*Continued on page 10*

### News and Notes

#### Contract talks continue

National rail contract talks are continuing between the UTU and the National Carriers' Conference Committee (NCCC).

The NCCC represents BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific and numerous smaller carriers.

The next bargaining session is scheduled for September. The existing agreement, covering some 40,000 UTU members, remains in force until amendments are concluded under provisions of the Railway Labor Act.

To stay informed, visit [www.utu.org](http://www.utu.org).

#### Amtrak extends president

The contract of Amtrak President Joseph Boardman has been extended through 2013 by the Amtrak board. Formerly federal railroad administrator, he was elected "interim" Amtrak president in November 2008.

Amtrak Board Chairman Tom Carper said, "Joe has been a strong and visible leader dedicated to providing Amtrak the vision and stability needed to guide the railroad into this new era of passenger rail."

At the FRA, Boardman won praise for his commitment to rail safety. He implemented more stringent illness- and injury-reporting requirements for carriers; and created a risk-reduction program to de-emphasize aggressive carrier discipline in favor of cooperation and education.

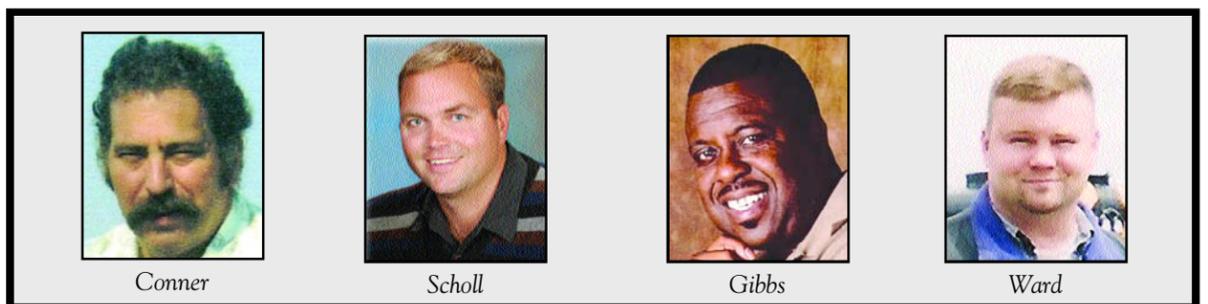
#### Treasurers' workshop set

The UTU International is conducting a treasurers' workshop and Norfolk Southern direct receipt of dues training session Sept. 21-23 in North Olmsted, Ohio.

Treasurers of NS locals just beginning direct receipts are encouraged to attend.

For information, call (216) 228-9400, or e-mail [n\\_miller@utu.org](mailto:n_miller@utu.org). Registration deadline is Sept. 1.

## Four members killed in separate incidents



Four UTU members died in the line of duty over a five-week period between June 10 and July 13.

Six UTU members have now died in the line of duty in 2010. Eight UTU members were killed in the line of duty during calendar year 2009.

The fallen members include:

- **Marshall W. Conner**, 54, a member of Local 610, who died after being struck by a train traveling a parallel track June 10 while he was conducting an air brake test at a CSX yard north of Richmond, Va.

- **Jeff Scholl**, 38, a member of Local 367, who died June 15 after a Nebraska Central bridge collapsed near Sara's Lake in Norfolk, Neb.

- **Frederick Gibbs**, 52, a member of Local 598, who was shot to death June 20 in a CSX locomotive in New Orleans during a botched robbery attempt.

- **Kurt Ward**, 35, a member of Local 587, who died July 13 when caught under a Pan Am

Southern freight car in East Deerfield, Mass., as he and others attempted to uncouple it from an engine.

The railroad workplace is unforgiving. Accidents too often result in career-ending injuries or loss of life.

In addition to the UTU's efforts before Congress, state legislatures and regulatory agencies – as well as at the negotiating table – to improve workplace safety, the UTU has three highly trained teams that study workplace safety and make recommendations for improvements.

They are the Switching Operations Fatalities Analysis (SOFA) working group, the UTU Transportation Safety Team, and the UTU Rail Safety Task Force.

To learn more about UTU efforts to improve workplace safety, go to [www.utu.org](http://www.utu.org) and click on the "Transportation Safety" link in the blue tile area at the left of the home page.

# Around the UTU

## Local 202, Denver, Colo.

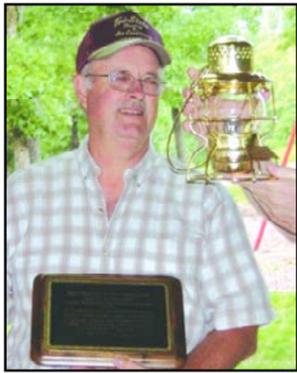
Members of this local approved a motion to continue the more than one-year long practice of providing monthly \$50 food gift cards to furloughed members, through the end of this year, Local Secretary **Rick Johnson** reports. "With the slowness of the economic recovery in the rail industry, we will be there to provide a little help to our UTU families in need," Johnson said. "This recession affects all working families. If you don't have a job, then it's a true depression. A little help goes a long way."

## Local 240, Los Angeles, Calif.

Conductor **James R. Green Jr.** retired after 46 years, one month and 10 days of service with former Southern Pacific and current Union Pacific Railroad on June 1, Local Chairperson **Harry J. Garvin Jr.** reports. "From all the members and officers of Locals 240, 1336, and 1846, we wish him many long years and good health on his retirement (high ball)," Garvin said. Also, UP conductors **Gilbert E. Sanchez** and **Richard E. Mallory** retired Aug. 2 and 3, after 39 and 38 years of service, respectively. Garvin also noted the death of retired conductor **Melvin W. Barton**, who died July 2. He is survived by his wife, Mary, and daughter, Denise.

## Local 330, Poplar Bluff, Mo.

The members of this UP local presented an inscribed plaque and brass lantern to retired Brother **Kenneth Barriner** at the local's annual fish fry in May, Local Chairperson **Michael D. Miller** reported. Barriner had served as local secretary & treasurer since 1978. "This is a small token of our appreciation for his devotion to Local 330 and the UTU. Brother Barriner has been a completely dedicated and selfless officer for Local 330 and will be greatly missed," Miller said. **Kelley L. Swain** is taking over the reins as secretary & treasurer for the local.



Barriner

## Local 378, Cleveland, Ohio

Local Chairperson **James Biller** reports that former Local Chairperson **Paul O'Brien** (L-1638) died June 5 at the Hospice of the Western Reserve. O'Brien, 51, served as the chairperson of L-1638 until the two Cleveland locals merged last August, Biller said. "O'Brien was an instructor at the Collinwood Yard conductor's school here and was a friend to all. He will be missed," Biller said. He is survived by his wife, Mary Ann, and children Molly and Sean. On the merger, Biller noted, "It was my idea. We merged to better serve our membership by reducing costs and increasing participation at local meetings."



O'Brien

## Local 477, Newton, Kan.

Samantha Kvas, the daughter of Local Secretary & Treasurer **Brian Stephens**, graduated as an "honors graduate" from Air National Guard training in San Antonio, Texas, on May 28. Sixty-nine cadets were chosen out of 704 graduates to receive the honor, Stephens said. He also noted that the month before his daughter left for National Guard training, she passed her state nursing exam.



Kvas, Stephens



UTU International Organizer **Carlos Wallace**, right, was tapped by Community and Children's Impact Center founder **Brenda Myers** to co-host the 4th Annual Texas Children's Music Festival.

## Organizer's volunteer work promotes faith in humanity

Saturday, June 5, seemed like a typical summer day in Houston. The heat set in early, rising from the pavement in a hazy wave. For UTU International Organizer **Carlos Wallace**, one local event would ultimately reaffirm his faith in human nature.

On that day, Wallace served as the co-host of the 4th Annual Texas Children's Music Festival. The non-profit event was organized by the Community and Children's Impact Center, which promotes anti-crime and anti-drug youth functions for all ages, including special needs children.

The festival featured a variety of young dancers, rappers, country artists and musicians. It proved to be more fulfilling than he expected.

"I was overwhelmed! And that does not happen with me," Wallace said. "Everyone was there with a common goal: the children. There were hundreds of people from all walks of life, learning about one another and socializing. It was about families spending time together, creating memories, nurturing a generation of open-minded, intelligent children poised for success. The kids were brilliant. I'm not exaggerating. I was inspired, truly inspired."

Wallace serves as an organizer, vice general chairperson and local chairperson (Local 11) for the UTU, as well as a Union Pacific engineer. In addition to those commitments, he is also a comedy promoter. He manages some of the most high-profile comics in the industry and is the man behind the successful careers of comics in Houston, New York, Chicago, Atlanta and Los Angeles. He's a staunch proponent of commitment and values, not only in the workplace, but in all aspects of life.

When the fifth generation, 16-year veteran railroader was asked to co-host the festival, he jumped at an opportunity to give back to his community.

For Wallace, the mix of race and culture that afternoon was inspiring. The message of diversity underscored the center's mission of promoting anti-crime and anti-drug youth. The talented children were the common thread that wove through the event.

The UTU member credits his father, a 33-year veteran railroader; his grandfather, the first African-American judge in Anderson County, and his mother, a highly regarded educator in Jacksonville, Texas, for helping guide his course in life.

"They did all the heavy lifting," Wallace said. "I try to build on it and pass it on, so their efforts are never in vain."

## Local 490, Princeton, Ind.

Local Chairperson **Brett A. French**, 50, died July 4, fellow Local Chairperson **Schuyler Smith** reports. He is survived by his wife, Jackie, and daughter, Michelle. Smith also noted the death of Virginia Hensler, the wife of

retired State Legislative Director **Tom Hensler**. A member of the UTU Auxiliary, she died June 4 at the age of 63.

## Local 915, Handley, W. Va.

Local Chairperson **Travis Raynes** informed *UTU News* that the members of this CSX local will be holding their first member appreciation dinner at 7 p.m. Sept. 8 at the Golden Corral Buffet & Grill in Cross Lanes. Seven retirees will be recognized and door prizes will also be presented. The dinner is free of charge and all members, past and present, along with their spouses, are welcome to attend.

## Local 982, Rochester, N.Y.

A clambake and family picnic for members of this local will be held from 1 to 5 p.m. on Labor Day (Sept. 6) at The Spinning Wheel in North Syracuse, Local Chairperson **David Murphy** reports. Tickets are \$25 per person for UTU members and \$35 for non-members. Children 12 and under are free of charge. The day will feature a variety of games, prizes and drawings, as well as all-day use of the family entertainment center. The menu is too large to be reprinted here. Tickets are available from **Rick Roden**, **Tim Brown**, **Kim O. Woods**, **Mike Hoey**, **Dennis Powell** or **Jason Davis**.

## Local 1200, Portola, Calif.

Members here are mourning the death of retired member **Michael P. Novi**, who died in March, Nevada State Legislative Director **Rod Nelms** reports. A memorial golf tournament was held in his honor in June at the Winnemucca Municipal Golf Course.

## Local 1202, Fort Wayne, Ind.

The second annual hog roast for members of this Norfolk Southern local will be held from noon on Oct. 4 until noon on Oct. 5 at Moser Park, 601 W. Main in New Haven, Local President **Frank Doster** said. The local hopes to have UTU International officers and GO 687 officers in attendance. "We are going to have cornhole games and a lot of other fun activities going on as well," Doster said.

## Local 1962, Toledo, Ohio

Member **Dwight Bohanon**, his wife Michelle, and sons Lucas (7) and Landon (15 mo.) recently lost their home and nearly all of their possessions due to a house fire, Michigan State Legislative Director **Jerry Gibson** reports. "Although everyone escaped without injury, this young family faces hardship for the next few months while their life is rebuilt and items replaced piece by piece," Gibson said. The family expects to be out of their home for seven months or more. Send donations to the Bohanon Family, 9487 West Hill Rd., Swartz Creek, MI 48473. For additional information, contact Legislative Rep. **Fred Beidler** at (810) 531-0135 or fled12000@comcast.net.

## Local 1732, San Jose, Calif.



Amtrak conductor **Steve Ceballos**, far right, mans the Operation Lifesaver booth at the Martinez, Calif., Amtrak station May 20, National Train Day. The March 2010 *UTU News* reported that Ceballos was brutally attacked in February after confronting an inebriated passenger. Local Chairperson **Ray Belluomini** said, "Ceballos is back at work for sometime now and doing well. In fact he's full steam ahead, as they say." Also pictured, from right, are **TrisAnn Ratko-Robison** (CHP), **Gayle Jackson** (UP, Claims) and **Mike Lemon** (Capitol Corridor).

# FRA warns against disabling cab cams

The Federal Railroad Administration, following disciplinary action by Los Angeles Metrolink against two operating employees who disabled an inward-facing camera in the locomotive cab, said that while the agency does not now regulate cab-installed inward-facing cameras, it “does not condone the disabling of any devices.”

Moreover, the FRA said, “In instances where a camera has been tampered with, railroads retain the authority to discipline employees for violating railroad rules regardless of whether the rules have any parallel federal requirement.”

In May, one Metrolink locomotive engineer was removed from service and another placed under investigation for allegedly trying to block views of Metrolink-installed inward-facing cameras intended to record crew activities.

The cameras were installed to monitor train crews after the National Transportation Safety Board found that an engineer’s texting and use of a cell phone contributed to the deadly 2008 Chatsworth, Calif., disaster.

The FRA’s assistant chief counsel for safety, Mark H. Tessler, said in a letter to Metrolink that such cameras are not “safety devices” as defined by FRA regulations. FRA regulations “prohibit the disabling of safety devices located in the cabs of locomotives,” Tessler said. Such FRA-defined safety devices include alerters, dead man controls and various cab signal systems, he said.

“Although equipment to record data is mentioned,” said Tessler, inward-facing cameras that record video of locomotive operations are not covered by FRA safety regulations.

Specifically excluded from the definition are “locomotive performance-monitoring devices, unless they record data such as train speed and air brake operations,” Tessler said.

“Inward-facing locomotive video camera recorders,” he said, “fall into this category, as they are monitoring devices that do not provide the type of data listed. Further, video recorders are not safety-critical devices that have an immediate impact on the safe operation of trains, such as the alerters and cab signal systems...whose functions are to ensure railroad employees appropriately respond to more restrictive signal indications, are not incapacitated and are alert to changing operating conditions.”

However, Tessler said that “cameras can be a valuable tool in conducting post-accident investigations. As such, FRA has instituted a regulation found at 49 CFR Section 229.135(e), which by its terms would apply to in-cab video cameras. That section addresses procedures for the preservation of accident data captured on event records and ‘any other locomotive-mounted recording device or devices designed to record information concerning the functioning of a locomotive or train,’” he said.

## CSX members ratify pact

UTU members represented by CSX General Committee 201 (former Chesapeake & Ohio) have ratified a five-year wage, rules and working-conditions agreement.

The same agreement previously was ratified by members of General Committee 851 (former Seaboard Coast Line).

It also was ratified by all crafts of General Committee 025 (former Atlanta & West Point) following a revote owing to a tie ballot among the trainmen craft.

The agreement previously was rejected by all crafts of General Committee 513 (former Louisville & Nashville, and Nashville, Chattanooga & St. Louis).

The agreement – dealing specifically with issues and circumstances unique to CSX southern lines – was negotiated outside national handling, with approval of the UTU Association of General Chairpersons, District 1, and the National Carriers’ Conference Committee.

GO 201 General Chairperson **Jim Townsend** said the tentative agreement was sent out for a second vote because of mail delivery problems and misinformation regarding balloting procedures involving the first vote.

In that first vote, the conductor craft rejected the tentative agreement, although it was approved by all other crafts. Townsend said that

following the first vote, he began receiving “numerous” telephone calls from local officers and members alerting him of a mail delivery problem and misinformation among newer members regarding balloting procedures.

Where just a small percentage of conductors and other craft members returned ballots on the first vote (owing to the delivery and misinformation problems), some 70 percent of GO 201 members voted on the second ballot, which was approved by 61 percent of those voting, and by all crafts under the UTU Constitution’s craft autonomy provisions.

“I’m so proud of my local officers and members for making their voices heard,” Townsend said. “This reinforces the privilege and honor I have representing these members.”

Townsend singled out for praise four of his locals for efforts in ensuring members, on the second vote, received and cast ballots and fully understood voting procedures. They are Local 915 in Handley, W. Va., where 81 percent of members cast ballots; Local 118 in Hinton, W. Va., where 75 percent of members cast ballots; Local 662 in Richmond, Va., where 71 percent of members cast ballots; and Local 630 in Ashland, Ky., where 70 percent of members cast ballots.



## DOT sec. names UTU’s Bates to transit panel

**Willie Bates**, an Amtrak conductor (Local 1933, Washington) and the UTU’s District of Columbia legislative director, has been named by the Obama administration to a newly created Transit Rail Advisory Committee for Safety (TRACS). Transportation Secretary Ray LaHood made the announcement June 23.

The 20-member panel, LaHood said, “will assist the Federal Transit Administration (FTA) with laying the groundwork for drafting national safety measures for rail transit.”

“We have brought together some of the best and brightest minds in the transit industry to focus on new and better ways to keep millions of daily rail transit riders safe,” LaHood said. “These professionals will help guide our safety agenda for rail transit systems across the nation.”

FTA Administrator Peter Rogoff said, “While public transit is one of the safest ways to get around, we still experience preventable accidents – including fatal accidents – far too frequently. We must take measures to ensure that safety margins are maintained as our systems grow older and experienced workers retire in increasing numbers.”

Bates and the 19 other panel members were selected from among 79 applicants from all geographic regions in the U.S., representing state and local transit agencies, state safety oversight organizations, transit employee unions, industry associations and other stakeholders.

Qualifications sought for TRACS members included expertise in the field of safety or rail transit operations or maintenance, and representation of stakeholder interests that would be affected by rail transit safety requirements. Applicants were also evaluated based on policy experience, leadership and organization skills and region of the country.

Bates is a conductor on Amtrak’s Richmond, Va./Washington route, and is the first African-American to have been elected a UTU state legislative director in the 140-year history of the UTU and its predecessor unions.

In 1992, Bates was elected president of Local 1933, and vice local chairperson in 2000. He began his railroad career in 1981 as a conductor on Richmond, Fredericksburg & Potomac Railroad (now part of CSX), and in 1986 he moved to Amtrak.



Bates

## Eddie Washington, Ill. lawmaker, dies

Illinois State Rep. **Eddie Washington**, a former Metra trainman and the only UTU member in the Illinois General Assembly, has died of a heart attack. He was 56.

A member of Local 1258 in Elgin, Washington was known for his dedication to unionism and tenacity in helping his fellow workers.

Illinois State Legislative Director **Robert Guy** said Washington “was a major factor in the passage of all of the UTU’s workplace safety and health-care legislation that passed during his terms in office.

“Protecting the powerless against the powerful was always right in Eddie’s strike zone,” Guy said. “He was highly effective in reaching out to his fellow legislators to help us secure passage of the Safe Walkways Act, the Contract Carrier Safety Act and the Railroad Employees’ Medical Treatment Act. He was a railroader and a union man, but he knew how to relate the dangers of railroad work to other legislators.”

Washington devised a stratagem to rescue the safe walkways bill during the 2004 legislative session. The walkways language had been inserted in another bill that fell victim to bickering. Washington had the same language inserted in a “shell bill” and followed up with vigorous lobbying. The measure passed 117-0.



Washington

## New law requires SSNs of dependents

The Railroad Employees National Health and Welfare Plan and the National Railway Carriers’ and UTU Health and Welfare Plan are working to collect dependent Social Security numbers to comply with new Federal laws.

Federal law now requires the reporting of Social Security numbers (SSN) of covered dependents to the Centers for Medicare & Medicaid Services.

**If you have received a notice from Railroad Enrollment Services, please provide the SSN and/or HICN for any dependent who is listed as missing this information as soon as possible.**

In addition, if a covered dependent is eligible for Medicare, then the Medicare Health Insurance Claim Number (HICN) is also required to be reported.

In order to comply with these reporting requirements, Railroad Enrollment Services has mailed a reminder notice to those members identified with missing dependent SSNs and/or HICNs.

If you have questions or need another copy of the notification sent to you, call Railroad Enrollment Services at (800) 753-2692.

# Younger members are our future

For more than 40 years, the UTU has been instrumental in improving job security, wages, benefits and working conditions.

To achieve that success, the UTU has always relied on the membership to step forward to rebuild elected officers' ranks – from the local through the UTU International president.

Every aspect of our society – from neighborhood associations, local school boards, Congress and the



## Officers' Column

By Assistant President

**Arty Martin**

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When President John F. Kennedy took his oath of office in 1961 – at age 43, succeeding 70-year-old

Each of today's UTU leaders has a moral obligation to identify and mentor talented younger members, beginning by assisting them in running for local office.

Not all will be successful. But this is the process by which we identify those who, in the future, will lead general committees, state legislative boards and the UTU International.

I'm not suggesting older leaders head for the exits. I'm among the oldest, and I assure you I have no intention of departing anytime soon.

But depart I will at some date, and my duty – and the duty of our other higher-ranking UTU officers – is to

our efforts help to improve wages, benefits, job security and working conditions.

Successful officers at the local level demonstrate early whether they have the internal compass and fortitude to do right by their members, whether it is taking on an inexperienced trainmaster with an outsized ego or processing a difficult grievance against an aggressive carrier officer.

The future of the UTU – and, more important, the future job and financial security of our members – rests with a seamless process that assures members excellent representation when new officers succeed those who retire or move up in the organization.

Because new technology is evolving so quickly, special new challenges await tomorrow's leaders. Most of us began our careers when a caboose trailed every train and computers were something we read about in *Mechanix Illustrated*.

Tomorrow's railroad and tomorrow's

### Our moral obligation is to identify and mentor talented younger members for local office

White House – relies on the same process to ensure our society continues to thrive, grow and be successful. We can neither forget this nor let “the rebuild from within” concept die, or we will lose control of our futures.

Dwight Eisenhower – Kennedy noted, “The torch has been passed to a new generation.”

JFK and his new generation of leaders were prepared to lead because of mentoring they received early in their careers.



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For the latest news, visit [www.utu.org](http://www.utu.org); also, sign up on the UTU Web site to receive news alerts via e-mail.

### Each of our UTU International officers can name a mentor who helped bring them along

identify and mentor qualified successors.

Each of our UTU International officers can trace their rise to the day they took an oath of office at their local – and each can name a mentor who helped bring them along.

Representing our brothers and sisters can be some of the hardest work we perform – and certainly the most rewarding when we realize

row's buses will be chock-a-block with computer technology tied to orbiting satellites.

I urge each of our senior officers at the UTU International, general committees and state legislative boards to ramp-up the process of identifying and mentoring younger members with potential to become successful officers.

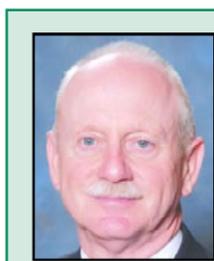
The future of the UTU depends on it.

# DIPP protects you from loss of income

We are all familiar with employers imposing unwarranted discipline and even dismissal on employees.

A survey of members by the UTU's Rail Safety Task Force revealed that more than 50 percent of train, engine and yard workers cite supervisor harassment and excessive operational testing as distractions, which lessen their situational awareness and place them in harm's way.

Said one member responding to



## Officers' Column

By General Secretary & Treasurer

**Kim Thompson**

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For a reasonable premium, UTU members may enroll for a daily benefit amount ranging from \$6 to \$200 per day, not to exceed their normal

with the balance paying administrative costs and building additional reserves.

The UTU DIPP is the only program of its kind that is regulated by the Department of Labor, publishes financial statements, holds its funds in trust, and is audited annually by a public accounting firm. The UTU DIPP is audited by the public accounting firm of Corrigan Krause.

Not only is there security in hav-

regulated under the Employee Retirement Income Security Act (ERISA) – the UTU DIPP is bound by strict guidelines.

The UTU must and does review the particular facts in each incident to ensure payment in every case possible. Questioned cases may also be submitted to committee review. As for benefit exceptions, a general rule of thumb is, “if you have no control over the event, the UTU DIPP will pay.”

For peace of mind in the event you fall victim to unwarranted loss of income through employer discipline, every UTU member is advised to strongly consider participation in the UTU DIPP.

For additional information on the UTU DIPP, you may contact your field supervisor, local insurance representative or e-mail [dipp@utu.org](mailto:dipp@utu.org).

### There is security in knowing income replacement funds will be available when needed

the survey: “An alarming number of workers are in fear of losing their jobs. Harassment is now the number one concern in the discharge of duty.”

Income assistance is available to all UTU members, in all crafts, having to weather such events.

The UTU's Discipline Income Protection Program (DIPP) is a vital benefit only available to UTU members to supplement lost income when suspended or dismissed from employment.

average daily rate of earnings.

Since 2005, the UTU's DIPP has paid more than \$64.3 million in benefits to members, dwarfing its nearest competitors in terms of benefits paid to UTU members. The UTU DIPP is by far the largest and most effective protective plan providing such benefits.

From January 2009 through July 2010, more than \$16 million in benefits has been paid. Additionally, the UTU DIPP pays out more than 93 percent of premiums in benefits,

ing income replacement available, but there is security in knowing that funds will be available when needed.

The UTU prides itself in paying such claims. As with any federally regulated plan – the UTU DIPP is

### The UTU's DIPP prides itself in paying claims

More information on the UTU DIPP may be found at the UTU home page ([www.utu.org](http://www.utu.org)) by clicking on “Discipline Income Protection Program” tile in the red menu bar on the left of the home page.

# State Watch

## News from UTU State Legislative Boards

### Delaware



John Carney, Democratic candidate for the state's lone seat in the U.S. House, recently attended a meeting of Local 1378, Wilmington, to talk with members and learn of their concerns, State Legislative Director **Bill Stone** reports. In the photo above, left to right, are Vice Local Chairperson **Lou Goldblatt**; Carney (holding a UTU PAC shirt); **Terry Tasker**; Local Chairperson **Denny Lafferty**; Stone; **Phil Deery**; President **J.J. Mallon**; Vice President **Mike Shaffer** and Secretary & Treasurer **Sal Bartolotta**.

### Georgia

State Legislative Director **Howell Keown** was recently invited to the dedication of an intersection in Pickens County for a fallen soldier who gave his all for his country.

"Sgt. David S. Collins, 24, of Jasper, Ga., died when an improvised explosive device detonated near his vehicle. He died on April 9, 2006," Keown said.



Keown

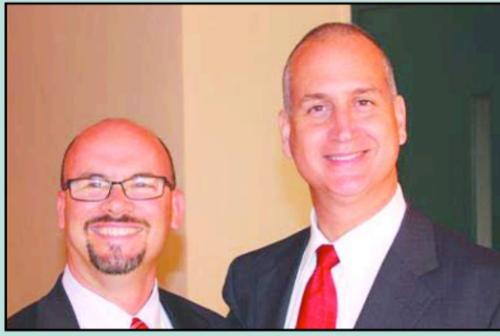
"The intersection is now marked with signs in honor of Sgt. Collins.

"I was given the honor and pleasure of being asked to sing the National Anthem during the memorial. I hope that you take the opportunity whenever it is given, in whatever form, to

thank those who serve and those who have served our country. I truly appreciate having had that opportunity being given to me."

Keown was recently elected as a delegate for the third-largest delegation in the state, to the Democratic Party convention to be held in Athens in August.

### Florida



Trujillo and Lincoln Diaz Balart speak during a break in testimony.

A panel of industry experts, including State Legislative Director **Andres Trujillo**, recently testified before the rail subcommittee of the U.S. House Transportation and Infrastructure Committee. Others testifying included representatives from Amtrak, Tri-Rail, Miami International Airport, the Miami Seaport and cruise lines.

Trujillo, testifying on behalf of the UTU and all transportation labor, spoke of the need for adequate funding for Amtrak, Tri-Rail and other commuter-rail services; support for investment in intermodal transport, and buy-America provisions in the rail and transit industries.

### Alabama



UTU is supporting Commissioner of Agriculture **Ron Sparks** (D) in his candidacy for governor, State Legislative Director **Ron Clements** reports. Sparks, above left, is shown with Clements, center, and wife, Mary Ann. Sparks recently attended a meeting of Local 762 (Montgomery), where five members signed up to support the UTU PAC.

### Ohio



State Legislative Board Director **Glenn Newsom**, Board Secretary **David Otten** and their families recently attended Gov. Ted Strickland's summer picnic at the governor's mansion in Columbus.

Shown in the photo above, from left, are Democratic candidate for lieutenant governor **Yvette McGee Brown**; **Norma Newsom**; **Dylan Newsom** (grandson of Glenn and Norma); **Strickland**; Franklin County Clerk of Common Pleas Court Judge **Mary Ellen O'Shawnessy**, Democratic candidate for secretary of state; **Janet Otten**; Ohio Supreme Court Chief Justice **Eric Brown**, Democratic candidate for Ohio Supreme Court chief justice; **Otten**; Ohio Attorney General **Richard Cordray**, Democratic candidate for re-election, and **Newsom**.

### Arizona



State Legislative Director **Greg Hynes** said UTUers recently participated in the annual **Raul Grijalva** bowling tournament to show their support for the work Rep. **Grijalva** (D-7th Dist.) has done in supporting the aims of the UTU. Pictured, left to right, are **David Shearer** (assistant state director, L-807, Tucson); **Dan Torres** (vice local chairperson, L-807); **Grijalva** and **Hynes**.

## Death, dismemberment stalk rail workers in the summer

During the summer months, rail workers in switching operations face a higher likelihood of serious and fatal injury.

Fifty railroaders have lost their lives in switching accidents during June, July and August since such data collection began in 1992. The number of career ending injuries during these months is considerably higher.

By following the lifesaving tips of the Switching Operations Fatalities Analysis (SOFA) working group — comprised of FRA, union and carrier representatives — rail employees engaged in switching operations stand a far higher probability of returning home safely to their families.

The SOFA group warns rail workers to be alert to the following special switching hazards that can take limbs and lives:

**Close clearances; shoving movements; unsecured cars; free-rolling rail cars; exposure to mainline trains; tripping, slipping or falling; unexpected movement of cars; adverse environmental conditions; equipment defects; motor vehicles or loading devices; drugs and alcohol.**

The SOFA group also offers five life-saving tips:

- **Secure equipment before action is taken;**
- **Protect against moving equipment;**
- **Discuss safety at the beginning of the job and when the work changes;**
- **Communicate before action is taken;**
- **Coach less experienced employees to perform service safely.**

Two of the SOFA life-saving tips are particularly significant in preventing fatalities: safety briefings before switching operations begin, or when the nature of work changes; and the mentoring of less-experienced employees.

Situational awareness is crucial to staying safe — and is the best insurance of a summer season worth remembering.

## Bus Department

By Vic Baffoni, vice president / director

## LACMTA talks continue; two grievances won

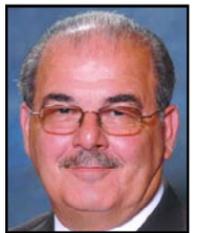
Contract talks on the Los Angeles County Metropolitan Transportation Authority (LACMTA) — involving UTU's largest bus committee — are proceeding in a very slow and arduous fashion owing to state wide financial problems in California and the overall sluggish economic climate nationwide.

We expect these negotiations to be long and drawn out. Among our primary objectives in these arduous negotiations is to protect our work rules and benefits, which LACMTA negotiators are targeting. These rules and benefits were achieved through hard-earned efforts that included strikes and hard bargaining in past negotiations and we will forever continue fighting hard at the negotiating table to retain them.

In Upper Darby, Pa., we won a difficult grievance on behalf of member **Kyra Naylor**, Local 172, who had been terminated for alleged insubordination and was out of work for four months. Through mediation, Sister Naylor was re-instated and awarded back pay for all but 10 days of her suspension.

We were successful in another difficult grievance in Local 172 in Upper Darby, on behalf of Chairperson **Teresa Costantini**, who had been terminated by First Student over a work-related injury that made her unavailable for work. An arbitrator re-instated Sister Costantini and delayed further action until September, at which time she may request up to one year additional time off toward rehabilitation of her injuries.

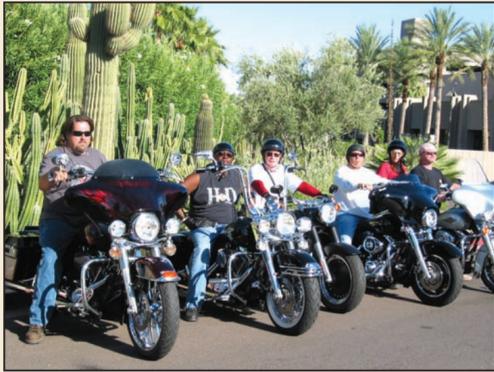
**Kathy Sitongia** and **Denise Hall**, both of Local 172, and Bus Department Alternate Vice President **Calvin Studivant** provided substantial assistance in these grievance cases.



Baffoni

# Phoenix, Arizona

## UTU/UTUIA 2010 Regional Meeting



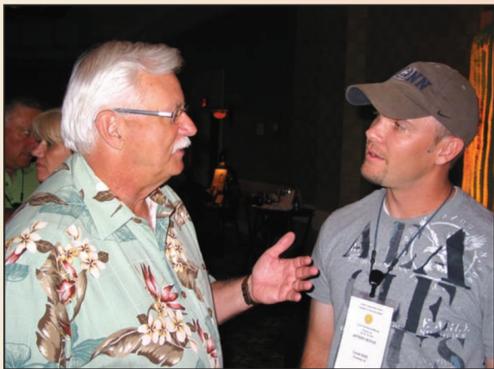
Participating in the 5th Annual Scott Belden Memorial Motorcycle Ride at the Phoenix meeting were Brian Tuttle (L-1081, Glendale, Ariz.), Keith Barnes (L-1081), General Secretary & Treasurer Kim Thompson, Bill King (L-1081) and David (L-446, Cheyenne, Wyo.) and Sarah Landstrom.



Connie Thompson, far right, wife of General Secretary & Treasurer Kim Thompson, and Kathi Risch, far left, wife of Alternate National Legislative Director John Risch, joined fellow UTU spouses on tours of Phoenix and architect Frank Lloyd Wright's former home, Taliesin West.



Catching up during the Tuesday night "Wild, Wild West" theme party are Diane Strunk, UTU International Vice President Delbert Strunk (L-225, Bellevue, Ohio), Secretary & Treasurer Larry Grutzius (L-1895, Chicago) and his wife, Nora.



UTU International President Mike Futhey meets with Local 265's (Pocatello, Idaho) Jeff Boyce during the "Wild, Wild West" theme party. In welcoming messages to attendees, Futhey and Assistant President Arty Martin urged elected officers at all levels of the organization to "encourage and mentor tomorrow's UTU leaders."



Local Secretary & Treasurer Russell Castillo (L-489, San Antonio), left, and Vice Local Chairperson Gabriel Herrera (L-756, San Antonio) prepare for the "Nuts & Bolts" workshop on Wednesday, July 28. The workshop is designed to educate local union officers on their responsibilities.



Local 240 (Los Angeles) Chairperson Harry Garvin Jr. displays one of the new UTU-logoed polo shirts being offered by American Products at the Phoenix regional meeting.



UTUIA Volunteer of the Year James Grad, left, was presented with a plaque and \$1,000 U.S. savings bond at the Phoenix regional meeting. Pictured with Grad, from left, are Local 117 (Vancouver, Wash.) Chairperson Steve Reveley, who nominated Grad for the award, and Grad's sons, Dennis and Darrel, and wife Caroline Grad.



Above are some of the UTU members who attended a day-long workshop on hazmat awareness training on Sunday, July 25. The workshop was presented by the Rail Workers' Hazardous Material Training Program from the National Labor College.



Members of the local planning committee who assisted UTU International headquarters staff at the Phoenix regional meeting were, from left, Local Legislative Rep. Robert Rodriguez (L-1563, El Monte, Calif.), Arizona State Legislative Director Greg Hynes, Local Legislative Rep. Curtis J. Rhoades (L-1629, Phoenix), Assistant Arizona State Legislative Director David Shearer and Local Legislative Rep. Mark Marquez (L-113, Winslow, Ariz.).



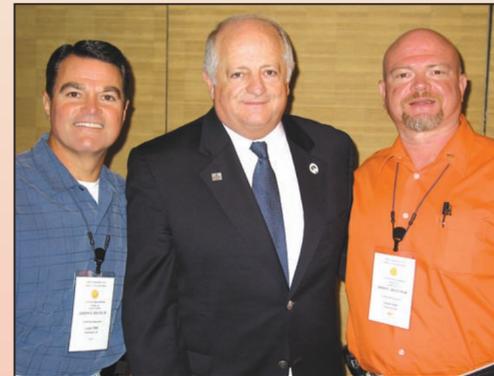
The "No Rules" workshop, presented by Designated Legal Counsel Steve Young and Dr. Francis X. Quinn, proved to be a regional meeting favorite once again.

### Regional meetings more than just entertainment

UTU regional meetings offer much more than just entertainment. Workshops at the Phoenix regional meeting included education and training on the Family Medical Leave Act, positive train control, passenger security awareness, hazardous materials, bus and rail arbitration, whistleblower protections, conductor certification, the National Labor Relations Act, the Railway Labor Act and workplace diversity.

The regional meetings also offer workshops dedicated to the union's bus members, as well as training sessions for local treasurers.

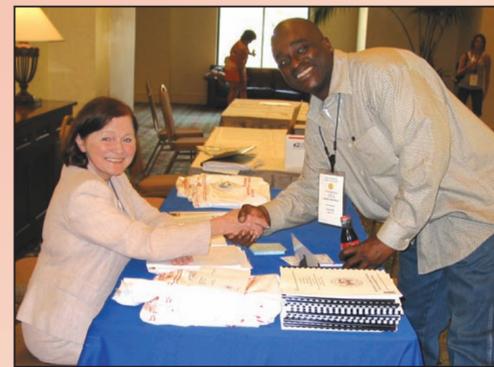
UTU members who have not had the opportunity to attend regional meetings, whose focus is on education and leadership skills, should consider attending the 2011 regional meetings set for San Antonio and New York City.



Assistant President Arty Martin, center, meets with UTUIA Field Supervisors Joe Solito, left, and David Landstrom following President Futhey's state of the union address.



Jim Curcio (L-2, Toledo, Ohio), Doyle Turner (L-1962, Toledo, Ohio), Greg Mazzantini (L-1972, Fort Worth, Texas) and Tom Garvin (L-2, Toledo, Ohio) were the winning foursome at the regional meeting Golf Classic at the Arizona Biltmore Golf Club's Adobe course.



Railroad Retirement Board Rep. Geri Clark, seated, meets with Local 331 (Temple, Texas) Chairperson Lamont Whitfield to discuss retirement issues.



Spouses and family of UTU members were invited to a continental breakfast and presentation offered by the Auxiliary of the UTU.



Three generations of the Carney family attended the Phoenix meeting, including Ed Carney III, Ed Carney Sr. (L-1440, Staten Island, N.Y.), Ed Carney Jr. (L-1440), Joan Carney and Mary Grace Carney. Standing behind the Carneys is International Vice President W.W. Lain Jr.



Jake Dunn, the son of Local 756 (San Antonio, Texas) Chairperson John Dunn, attempts to rope a mechanical calf at the "Wild, Wild West" theme party during the UTU's Phoenix regional meeting.



Retired member Paul Bonham (L-656, North Little Rock, Ark.), wife Claudia, International President Mike Futhey and wife, April, were among the first meeting attendees to check in at the regional meeting registration desk.



UTU International Auditor Mike Araujo, second from left, explains some of the features of the Winstabs bookkeeping program to Local Secretary & Treasurer Neal McSorley (L-1117, Las Vegas) during a one-on-one training session. Also pictured are International Auditor Steve Noyes, second from right, assisting Local 161 (Seattle) President Brian Donald, Local 161 Secretary & Treasurer Pascale Jamieson and Local 100 (Oakland, Calif.) Secretary & Treasurer Daniel C. Fretty.



# UTU Alumni Association

News, information for members of the UTU Alumni Association

## Alumni member serves community as firefighter

John Rudder, an Alumni Association member and retiree from Local 656, North Little Rock, Ark., “stays out of trouble” (as he puts it) by working as a firefighter in the rural town of Oak Grove, Ark.

Rudder, 67, who retired from Union Pacific in 2002, used to work as a conductor, working from Pine Bluff to North Little Rock.

Now, he works five days a week extinguishing fires, assisting paramedics and helping others stay out of trouble.

He has worked as a volunteer firefighter since 1980, but took up the job full time after retirement eight years ago.



Rudder

“It keeps me out of my wife’s hair,” he said.

His fire company of 27 paid and volunteer firefighters, three to an engine, is responsible for a town of about 9,600 residents, in addition to 21 miles of Interstate highway plus a local highway.

“We get house fires, car crashes, all sorts of stuff. As a first responder, we generally get there before the paramedics. You never know what is going to happen, and you have to be prepared for anything.

“One time we had an 18-wheel gasoline tanker turn over on I-40 and catch fire.

“We just stood back and watched it burn until all the fuel was gone. Man, that was hot.

“I will do this until they run me off,” he said. “I have to take classes all the time to stay up-to-date, but I enjoy it.

“It is something I like to do; I get a kick out of it and it helps the community. And, I get to work with some really good kids and show them a thing or two.”

### Most members eligible for death benefit

If you retired from railroad service on or after April 1, 1967, you may be eligible for a \$2,000 retiree life insurance benefit.

Benefits are administered by MetLife for all retirees from railroads participating in the National Railway Conference / UTU Health & Welfare Plan and the Railroad Employees’ National Health and Welfare Plan (formerly GA-23000).

To file a claim, or to obtain a change-of-beneficiary card, call the following toll-free number:

**MetLife (800) 310-7770**

Retirees are urged to keep this notice with their other important documents and to keep the designated beneficiary up to date.

When filing a claim, it will be very helpful to know the date the employee last worked, the name of the employing railroad, and the employee’s Social Security number. These items will assist in the prompt processing of claims.

## UTU offers holiday tour of Opryland

The UTU is offering members of its Alumni Association a holiday tour they will not soon forget: the newly renovated Gaylord Opryland hotel and convention center, plus the Grand Ole Opry theater, in Nashville, Tenn.

The “Country Christmas” tour will take place Tuesday, Dec. 7, through Friday, Dec. 10, at the Gaylord Opryland resort.

The tour includes three nights at the Gaylord Opryland Hotel; tickets to “The Radio City Christmas Spectacular, starring the world-famous Rockettes;” tickets to Louise Mandrell’s special dinner show; tickets to “ICE: Nashville’s Winter Wonderland;” the “Treasure for the Holidays” craft show featuring a variety of handmade and novelty gifts; the “Hall of Trees” holiday-tree display; a coupon book good for discounts throughout the resort; luggage handling, taxes and resort fees.

The cost of the tour, arranged through the UTU Alumni Association’s designated travel professionals, Landfall Travel, is \$495 per person double occupancy; \$415 per person triple; \$375 per person quad, and \$725 per single.

Parking is an additional \$18 per day, if required.



A non-refundable deposit of \$100 is due with the reservation. The balance is due by Oct. 15. Landfall representatives can also handle requests for air travel, upgraded room accommodations or other special requests.

Call Landfall toll free at (800) 835-9233; check out the Alumni Association page on [www.landfalltravel.com](http://www.landfalltravel.com) or email [travel@landfalltravel.com](mailto:travel@landfalltravel.com) for more information.

This tour is open to all UTU Alumni Association members, family and friends; other UTU members are welcome to join them as space permits.

## 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
1	Fox, Walter H.	Clarence Center, N.Y.	489	Cryer Jr., William L.	Floresville, Texas	1238	Justice, William H.	Waynesville, N.C.
2	Schmidt, John W.	Sandusky, Ohio	490	Russell, Dennis	Winslow, Ind.	1289	Miller, Cecil L.	Sapulpa, Okla.
5	Gasser, Billie G.	Shawnee, Kan.	511	Cleveland, Thomas W.	Woodstock, Ga.	1290	Graham, Maurice E.	Ludlow, Ill.
14	Bainter, Marcus R.	Dayton, Ohio	535	Gilmore, Hubert R.	Saint Augustine, Fla.	1293	Parker, Windell O.	Altoona, Wis.
94	McCleary, Norman E.	Adrian, Mo.	573	Walls, Royce D.	Junction City, Ky.	1337	Huye, David W.	New Orleans, La.
94	McGuire, Charles J.	Kansas City, Kan.	587	Cyr, Isidore J.	Mechanicville, N.Y.	1366	McBride, Ralph L.	Bountiful, Utah
113	Abrahamsen Sr., Arne L.	Winslow, Ariz.	596	Birckbichler, Melvin J.	Conneaut, Ohio	1366	Richards, Ralph E.	Ogden, Utah
145	Cundiff, W.C.	Syracuse, Ohio	610	Meadows, Thomas L.	Arnold, Md.	1374	Stratton, Mervin L.	Saint Clairsville, Ohio
145	Snowball, Virgil E.	Powell, Ohio	631	Fitzpatrick, James J.	Hyndman, Pa.	1383	Weaver, Robert	Tinley Park, Ill.
194	Martin, Robert D.	Elkhart, Ind.	632	Odellick, John F.	Claysburg, Pa.	1386	Mathews, James L.	Zanesville, Ohio
202	Miller Jr., John J.	Pueblo, Col.	662	Cross, D.D.	Mechanicsville, Va.	1393	Highfield, George J.	Buffalo, N.Y.
239	Quinn, Theodore T.	Modesto, Calif.	694	Emerson, Curtis G.	Copperopolis, Calif.	1393	Nieswiadomy, Harry A.	Buffalo, N.Y.
254	Stylos, Peter L.	Lowell, Mass.	753	Nance, John W.	Myrtle, Miss.	1518	McKinney Jr., James E.	West Terre Haute, Ind.
258	Sheedy, Neil J.	Savanna, Ill.	792	Mammone, Joseph	Canton, Ohio	1525	Hicks, Noel W.	Bloomington, Ill.
303	Ross, Halferd A.	Des Moines, Iowa	811	Rider, Troy E.	San Bernardino, Calif.	1544	Williams, Harold B.	Carson City, Nev.
305	Bennett, Donald A.	Dawson, Neb.	830	Henry, William J.	Millsboro, Del.	1548	Wente, Joseph R.	Indianapolis, Ind.
306	Wille Jr., John	Fort Dodge, Iowa	845	Harowicz, Frank J.	Seattle, Wash.	1558	Rasmuson, Albert O.	Whiting, N.J.
318	Croak, Warren	Mill Hall, Pa.	911	Theroux, Albert T.	Saint Paul, Minn.	1567	King, Roy	Corbin, Ky.
318	Holtz, Edward L.	Williamsport, Pa.	913	McDuffe, David V.	Nanaimo, B.C.	1628	Bavuso, D.A.	Monongahela, Pa.
318	Owens, Kenneth L.	Hornell, N.Y.	923	Saul, Stanley C.	Tucumcari, N.M.	1628	Bobak Jr., Lee	Irwin, Pa.
322	Christian, Royce J.	Green Bay, Wis.	950	Henke, Leo D.	Blytheville, Ark.	1687	Casick, John M.	Raton, N.M.
324	Hieggelke, Allan	Redmond, Wash.	950	Nelms, Cecil E.	Fayetteville, Ark.	1713	Gosser, Frank J.	Snohomish, Wash.
375	Fiedler, Chris I.	Hot Springs, Fla.	974	Ayers, R.T.	Hermitage, Tenn.	1722	Young Jr., Galen R.	Lititz, Pa.
376	Walls, Charles E.	Louisville, Ky.	1033	Elmore Sr., Wallace C.	Nashville, Tenn.	1760	Birk, Donald G.	Franklinton, N.C.
386	Gula, Andrew J.	Reading, Pa.	1074	Benko, Leonard P.	Conway, Pa.	1846	Shanabarger, Jerry E.	Yuma, Ariz.
412	Umholtz, Willard K.	Cottonwood Falls, Kan.	1074	Sestili, James W.	Pittsburgh, Pa.	1949	Reitzel, Charles E.	Cockeysville, Md.
462	Conery Jr., Robert G.	Bella Vista, Ark.	1138	Thomas, Paul E.	Raleigh, N.C.	1951	Grasso, Patrick M.	East Falmouth, Mass.
462	Selman, George E.	Monticello, Ark.	1168	Hunt, Coleman D.	Clovis, N.M.			
477	Klenke, John G.	Whitewater, Kan.	1221	Maddox, Ameril D.	Port Saint Lucie, Fla.			

# Transfer your IRA to the UTUIA and stop worrying

## Transfer your existing IRA to the UTUIA and relax; your investment is in good hands

Members who can count on a pension program, as well as Railroad Retirement, Social Security, CalPERS or a similar benefit program, are two-thirds of the way to financial security. To complete the picture, experts agree some kind of investment income is needed.

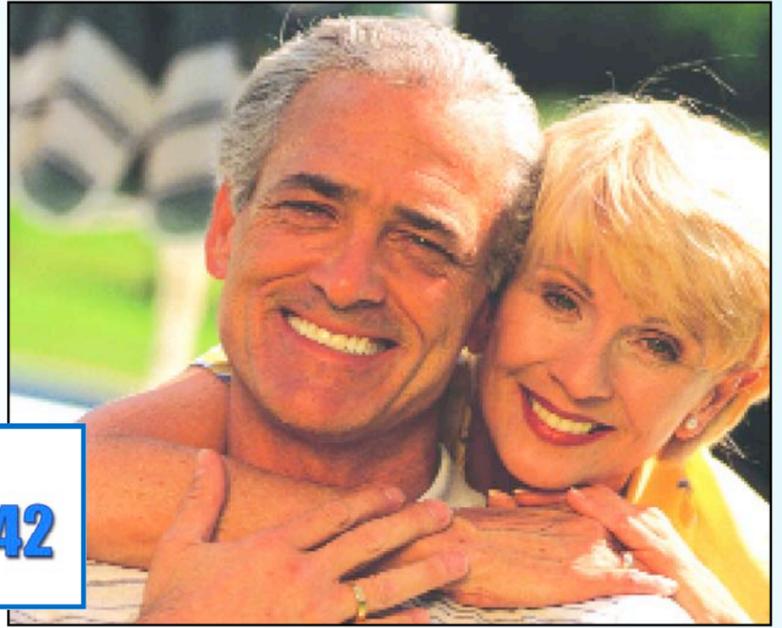
The UTU Insurance Association (UTUIA) provides members and their families with three great options specifically designed with retirement in mind. "All three products have a guaranteed minimum interest rate that, unlike the stock market, ensures that your investment will never decrease in value!" said UTUIA Director of Insurance Tony Martella.

These three products (currently yielding 4.00 percent!) include the Roth and Traditional IRA, and a Flexible Premium Annuity. Interest earned is tax-deferred until such time as you start making withdrawals, which enhances growth potential. Providing certain conditions are met, interest earned in a Roth IRA will be tax free upon withdrawal.

Transferring an existing IRA to the UTUIA is simple. Simply call the UTUIA at (800) 558-8842 and we will get you started.

Remember, the UTUIA is dedicated to serving union members and their families. Unlike other insurance companies, UTUIA does not engage in anti-union activities. When you call the UTUIA, you get a real person on the telephone, not a computer.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at (800) 558-8842, or log onto [www.utuia.org](http://www.utuia.org).



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

### Information, please



I would like more information on UTUIA's annuities.

Please print

Full name \_\_\_\_\_ Date of birth \_\_\_\_\_ UTU local number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Sex Male  Female

Telephone number with area code \_\_\_\_\_

Complete and mail to: UTUIA, 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 08/10

# UTU policy concerning fees objectors

1. Any person covered by a UTU union shop or an agency shop agreement in the United States who elects to be a non-member has the legal right to object to political and ideological expenditures not related to collective bargaining, contract administration, or other activities germane to collective bargaining. Each non-member who objects shall pay the reduced fees.

To the extent permitted by law, a non-member cannot participate in Union elections as a voter or as a candidate; attend Union meetings; serve as delegate to the Convention, or participate in the selection of such delegates; or participate in the process by which collective bargaining agreements are ratified.

2. The objecting non-members shall provide notice of objection by notifying the International General Secretary & Treasurer of the objection by first-class mail postmarked during the month of September each year or within thirty (30) days after he/she first begins paying fees and receives notice of these procedures. The objection shall contain the objector's current home address. Once a non-member objects, the objection shall stand until revoked. Objections may only be made by individual employees. No petition objections will be honored.

3. The following categories of expenditures are chargeable:
- a. All expenses concerning the negotiation of agreements, practices and working conditions;
  - b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employees in the craft or class (or bargaining unit) or employer representatives regarding working conditions, benefits and contract rights;
  - c. Convention expenses and other union internal governance and management expenses;
  - d. Social activities and union business meeting expenses;
  - e. Publication expenses to the extent coverage is related to chargeable activities;
  - f. Litigation expenses related to contract administration, collective bargaining rights, and internal governance;
  - g. Expenses for legislative and administrative agency activities to effectuate collective bargaining agreements;
  - h. All expenses for the education and training of officers and staff intended to prepare the participants to better perform chargeable activities;
  - i. All strike fund expenditures and other costs of economic action, e.g., demonstrations, general strike activity, informational picketing, etc., that benefit members of the bargaining unit or craft represented by UTU;

4. The International shall retain a certified public accountant to perform an independent audit of the records of the International and subordinate units maintained by the International General Secretary & Treasurer. The International shall also retain a neutral referee for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures that fall within Section 3 shall be the basis for calculating the reduced fees that must be paid by the objector. The neutral referee shall also give an opinion concerning the adequacy of the escrow amounts maintained pursuant to Section 17, and later will verify the existence and the amounts of money in any escrow accounts.

5. The neutral referee shall complete the report no later than July 31. This report shall include an analysis of the major categories of union expenses that are chargeable and non-chargeable.

6. Each person entitled to receive the referee's report may challenge the validity of the calculations made by the neutral referee by filing an appeal with the International General Secretary & Treasurer. Such appeal must be made by sending a letter to the International General Secretary & Treasurer postmarked no later than thirty (30) days after issuance of the independent referee's report.

## Percentage of chargeable fees determined by neutral review for calendar year 2009

<b>UTU International</b>	84.4*
<b>General committees of adjustment<sup>1</sup>, including locals under jurisdiction</b>	
GO 001 BNSF Railway	100.0*
GO 049 CSX/B&O	98.9*
GO 769 Conrail	99.8*
GO 851 Florida East Coast	99.2
GO 953 Union Pacific-Eastern	98.5*
<b>State legislative boards<sup>2</sup></b>	
LO 011 Florida	77.5
LO 018 Iowa	87.7*
LO 030 Nebraska	71.3*
LO 035 New York	87.2*
LO 038 Ohio	95.5*

<sup>1</sup> Unreviewed general committees will have the historical average of chargeable percentages of audited general committees, which is 99.6 percent, applied to any new objectors.

<sup>2</sup> Unreviewed state legislative boards will have a 0 percent chargeable percentage applied to new objectors.

\* Estimate; final ratio forthcoming.

7. After the close of the appeals period, the International General Secretary & Treasurer shall provide a list of appellants to the American Arbitration Association (AAA). All appeals shall be consolidated. The AAA shall appoint an arbitrator from a special panel maintained by the AAA for the purpose of these arbitrations. The AAA shall inform the International General Secretary & Treasurer and the appellant(s) of the arbitrator selected.

8. The arbitration shall commence by October 1 or as soon thereafter as the AAA can schedule the arbitration. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the need for an informed and expeditious arbitration.

9. Each party to the arbitration shall bear their own costs. The appellants shall have the option of paying a pro-rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by UTU.

10. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the appellants. If appellants do not purchase a copy of the transcript, a copy shall be available for inspection at the International during normal business hours.

11. Appellants may, at their expense, be represented by counsel or other representative of choice. Appellants need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statement shall be filed no later than fifteen (15) days after the transcript becomes available, but in no case more than thirty (30) days after the hearing closes.

12. Fourteen (14) days prior to the start of the first hearing, appellants shall be provided with a list of all exhibits intended to be introduced at the hearing and a list of all witnesses intended to be called, except for exhibits and witnesses that may be introduced for rebuttal. On written request from an appellant, copies of exhibits (or in the case of voluminous exhibits, summaries thereof) shall be provided to them. Additionally, copies of exhibits shall be available for inspection and copying at the hearing.

13. The International shall have the burden of establishing that the reduced fees set forth in the neutral referee's report are lawful.

14. If the arbitrator shall determine that more than one day of hearings is necessary, hearings shall be scheduled to continue from day to day until completed. The parties to the appeal shall have the right to file a brief within fifteen (15) days after the transcript of the hearing is available, but in no case more than thirty (30) days after the hearing closes. The arbitrator shall issue a decision within forty-five (45) days after the submission of post-hearing briefs or within such other reasonable period as is consistent with the rules established by the AAA.

15. The arbitrator shall give full consideration to the legal requirements limiting the amounts that objectors may be charged, and shall set forth in the decision the legal and arithmetic basis for such decision.

16. If an objector receiving an advance reduction wishes to continue objection, he/she shall continue to pay the reduced fees that he/she is currently paying until the neutral referee issues the report. As soon as possible after the issuance of the neutral referee's report, he/she shall pay the amount of the reduced fees calculated by the neutral referee. Persons objecting for the first time shall be sent a copy of the report prepared by the neutral referee for the previous year and shall pay the reduced fees as soon as possible.

17. Each month thereafter for all objectors, an amount shall be put in an interest-bearing escrow account equal to 25 percent of the reduced monthly fees, or such other greater amount as the neutral referee may recommend. All objectors from the previous year shall be paid the amount of non-chargeable money that is in the escrow account as determined by the neutral referee's report as soon as practicable after its issuance. The appropriate unit of UTU shall not, however, take its portion of the monies in the escrow account until fifteen (15) days after the conclusion of the period within which an objector may appeal the report of the neutral referee, or upon the issuance of the decision of the arbitrator, whichever is later.

18. When the decision of the arbitrator is announced the monies remaining in the escrow account shall be distributed in accordance with the decision.

# Federal court upholds rep-election rule

WASHINGTON – A federal district court, in a bench decision Friday, June 25, upheld a National Mediation Board ruling making it easier for railroad and airline unions, covered by the Railway Labor Act, to win representation elections.

U.S. District Judge Paul Friedman turned away

an appeal of that ruling by the Air Transport Association, which sought an injunction against the ruling.

The NMB ruling, upheld by the court, reverses a 75-year-old precedent of the board requiring that a majority of employees eligible to vote vote affirmatively before gaining representation

rights. Those not voting were considered to have voted “no.”

Under the new ruling – which mirrors the procedure in most democratic elections – just a majority of those actually voting and voting “yes” is all that is required for a union to gain representation rights.

The Air Transport Association did not indicate if it would appeal the district court’s ruling.

“Today, democracy has prevailed and we gladly usher in a new era where aviation and railway employees have a voice,” said Patricia A. Friend, president of the Association of Flight Attendants-CWA.

“Throughout this country, a majority of those casting ballots determine election outcomes. And for the first time in recent history, elections conducted by the NMB will be held to the standards and principles that our country was founded upon,” Friend said.

## State of the union: Improvement

*Continued from page 1*

elected with UTU support return to seek advice from UTU state legislative directors and the UTU National Legislative Office. The UTU Auxiliary, led by Carol Menges, works closely with the National Legislative Office assisting members and their families to register to vote and to vote on Election Day. Increased UTU PAC contributions help elect labor-friendly candidates.

• Since passage of the Rail Safety Improvement Act, which tightened penalties for carrier intimidation and harassment and added whistleblower protection, **UTU designated legal counsel have pledged to support members** each and every time a carrier violates one of the law’s provisions.

**“You have become warriors through your commitment at this meeting that we stand united in support of our membership.”**

• A **UTU Rail Safety Task Force** was created to supplement efforts of the UTU Switching Operations Fatalities Analysis (SOFA) Group and the UTU Transportation Safety Team to improve workplace safety. Results of a recent task force survey of members on fatigue, harassment and intimidation are already being reviewed by the FRA.

• The **UTU successfully partnered with Amtrak** for a \$300,000 federal grant for the UTU to train – by producing manuals and videos – on-board passenger-train staff in recognizing behavioral traits of terrorists and deranged individuals. The UTU has approached the Class I railroads about expansion of the program to freight carriers. There are favorable indications that the carriers are interested.

• Among accomplishments of the National Legislative Office was **gaining an FRA requirement that, in implementing positive train control, carriers must provide separate computer screens in each cab**, one for the engineer and one for the conductor, validating that two sets of eyes and ears are essential for train safety.

• A **promise was kept to yardmasters** that in addition to preservation of their craft autonomy, they would continue to have a voice at the UTU International.

• **Officer training now includes additional and more needs-directed regional meetings workshops**, such as training in situational awareness and for hazmat first responders.

“You have become warriors through your commitment at this meeting that we stand united in support of our membership,” Futey told attendees. “Let the message go forth that if anybody tries to tread on us, they will be beneath our feet.”

## MEMBERS ON LIRR TO RALLY FOR JOBS, SAFETY

UTU members working on the Long Island Rail Road (LIRR) are encouraged to attend a rally Monday, Aug. 30, to fight planned layoffs of LIRR and other area transit workers.

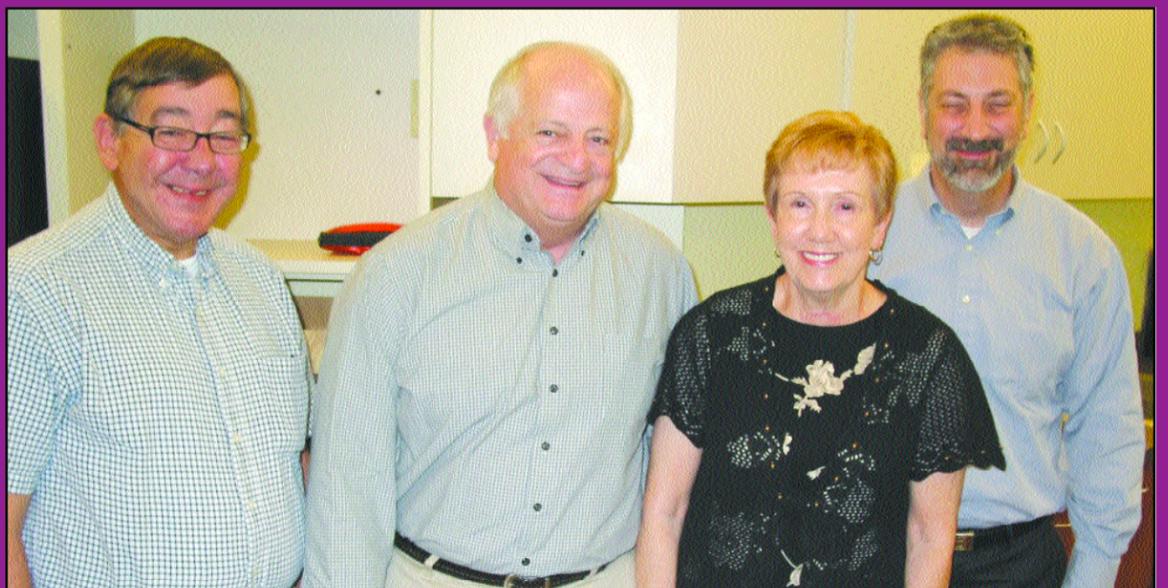
The rally will be held at 5 p.m. on the north side of the Mineola, N.Y., train station.

Many UTU and other union leaders, elect-

ed officials and supporters of rail workers and safe rail service are expected to attend.

“We are fighting to save LIRR jobs and service,” General Chairperson **Anthony Simon** said. “The UTU and all LIRR labor unions are united in their fight for their members. We speak with one voice when we say, ‘Fight layoffs and save service to Long Islanders.’”

## Longtime UTU employee Brenda Barron retires



Brenda Barron, who for 17 years served as secretary to UTU International General Counsel Clint Miller, retired June 30. “For the 17 years she was my assistant, I appreciated her calm, welcoming demeanor when speaking with officers at every level and with the membership on the phone, and her selfless dedication in getting materials out on time,” Miller said. Pictured above, from left, are Miller; UTU International Assistant President Arty Martin; Barron, and Associate General Counsel Kevin Brodar.

## THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

### BRUCE KARL

Bruce Karl is the assistant director of the UTU and UTUIA’s Information Technologies Department. He started as a computer operator in 1973.

“I make sure the union’s computer hardware and software are up and running efficiently,” he said. “Our biggest challenge lately has been the conversion of our old mainframe-computer applications to Web-based applications. It’s been a big challenge to get these applications to run in a Web-based environment. The UTU has provided for my family and me for the last 37 years and I am very grateful for that.”



### ROB ZANATH

Rob Zanath has been a member of the UTU’s Public Relations Department since 1990. His duties include managing the UTU Web site and assisting with writing and laying out the *UTU News*. “Over the years, I have typeset many of the documents still used by various UTU departments today, as well as the UTU directory when it was published in print format. I have designed a number of UTU promotional items and produced documents and items for the UTU’s conventions and regional meetings.”



### STU COLLINS

Stu Collins is executive director of finance and human resources for both the UTU and UTUIA. Collins began service to the UTU and UTUIA in 1997. In 2002 he departed to be chief financial officer of a private sector firm, but returned in 2005. He manages the investments of the UTU and UTUIA, the Discipline Income Protection Program and the UTU International’s pension fund. He also oversees the recently established 401(k) investment program at the UTU and UTUIA. “We all serve the members in one way or another” he said.



## New benefit year begins for sick, jobless benefits

A new benefit year for jobless and sickness benefits under the Railroad Unemployment Insurance Act began July 1.

Administered by the Railroad Retirement Board (RRB), this law provides two kinds of benefits for qualified railroaders: unemployment benefits for those who become unemployed but are ready, willing and able to work; and sickness benefits for those who are unable to work because of sickness or injury.

Almost all employees will qualify for the new maximum daily benefit rate of \$66, which increased from \$64 under indexing provisions reflecting the growth in average national wages. Benefits are generally payable for days of unemployment or sickness in excess of four in biweekly claim periods, which yields \$660 for each two full weeks of unemployment or sickness.

Persons with questions about these benefits should contact an RRB office by calling toll free at (877) 772-5772. More information can also be found by visiting [www.rrb.gov](http://www.rrb.gov).

## NMB names chief of staff

Daniel Rainey, known to many officers within the UTU, has been promoted to chief of staff at the National Mediation Board, the federal agency that administers the Railway Labor Act.



Rainey

Rainey will oversee the mediation, alternative dispute resolution, arbitration and administrative functions of the NMB.

Rainey has participated in UTU regional meetings, making presentations on alternative dispute resolution. He also played a leadership role in creating the NMB's Knowledge Store, accessible at [www.nmb.gov](http://www.nmb.gov).

## DM&IR members reach agreement

A tentative agreement has been reached with the Duluth, Missabe & Iron Range (DM&IR) Railway covering wages, benefits and working conditions for UTU-represented conductors and trainmen. DM&IR is part of CN North America.

General Chairpersons **Tom Jackson** (GO 321) and **Ken Larson** (GO 315) said the agreement is being explained to members and that ratification ballots would be distributed shortly.

The new agreement increases job security by more tightly defining job classifications and restricting future furloughs. It would replace a standard mileage/rule-based labor contract with one based on hourly wages and job guarantees.

Additionally, the tentative agreement would increase wages; provide a cash signing bonus; provide for retroactive pay; maintain weekly board markups; improve vacation and personal leave benefits, and offer a 401(k) plan with employer contributions.

Jackson and Larson thanked UTU Interna-

## ASHEVILLE REGIONAL MEETING INFO ONLINE

Information on the UTU/UTUIA regional meeting set for Aug. 23-25 in Asheville, N.C., is available online at [www.utu.org](http://www.utu.org).

# Alabama & Gulf Coast MoW workers approve new pact

Maintenance-of-way (MoW) employees of shortline Alabama & Gulf Coast Railway have unanimously approved their first wage, benefits and working conditions agreement as members of the UTU.

These MoW workers on Alabama & Gulf Coast, a RailAmerica property, chose the UTU as their collective bargaining agent in July 2009. Alabama & Gulf Coast train and engine workers have been UTU members since 2007, and work under a UTU-negotiated agreement.

Doyle Turner, the UTU's alternate vice president-east, negotiated the agreement for the maintenance-of-way employees, along with retired UTU General Chairperson **Warner Biedenharn** (GO 433, Illinois Central). They thanked UTU International President Mike Futhey for his support.

Alabama & Gulf Coast Railway operates some



400 miles of track, including a mainline from Pensacola, Fla., north through eastern Alabama to Columbus, Miss., and a branch line from Mobile to Kimbrough, Ala.

"We will continue to look for railroad and other transportation workers who want and need union representation," Turner said. "We are trying hard to bring parity in wages, work rules and benefits to employees of the shortline rail industry."

"Some of the benefits these shortline railroad employees obtain when they join the UTU are job security, a defined grievance procedure and discipline rules, a work schedule that enhances their quality of life, and a defined set of benefits and work rules," Turner said.

"These are the benefits these employees are looking for, and they won't get them without joining a union," he said.

## UTU officers sue former president

Three UTU members – two general chairpersons and a state legislative director – have filed a lawsuit in federal court complaining that former UTU International President Paul Thompson and Sheet Metal Workers International Association (SMWIA) General President Mike Sullivan "conspired to misrepresent, conceal and omit material facts" concerning a merger between the two organizations.

Specifically, the lawsuit was filed against the SMWIA; against Mike Sullivan in his official capacity as president of the SMWIA; against the Sheet Metal, Air, Rail and Transportation Workers (SMART); against Paul Thompson in his capacity as a former president of the UTU; and against the UTU International.

The UTU/SMWIA merger, not implemented and the subject of continuing court litigation, would have created the Sheet Metal, Air, Rail and Transportation (SMART) Workers union.

This lawsuit – filed by UTU General

Chairperson **David Murphy** (Rochester & Southern Railway); UTU General Chairperson **Pate King** (GO 680, Norfolk Southern) and UTU Texas State Legislative Director **Connie English** – was filed July 15 in U.S. District Court for the District of Columbia. It asks for a jury trial.

The plaintiffs complain that Thompson and Sullivan conspired to withhold information from the UTU Board of Directors and the UTU membership – such as the fact that, contrary to written and spoken assertions of Thompson and Sullivan before the August 2007 merger ratification vote, significant conflicts existed between the two organizations' constitutions.

To read the lawsuit brought by the three UTU officers, go to [www.utu.org](http://www.utu.org) and click on "NUTS to SMWIA Takeover." Then click on "UTU members sue former UTU president" and go to the bottom of the article for the link to the lawsuit.

## RRB's labor member announces retirement

The labor member of the Railroad Retirement Board (RRB) says he will retire after Jan. 1, or sooner if a successor is nominated and confirmed by the Senate before then.

V.M. "Butch" Speakman Jr., who was first confirmed by the Senate to his post in 1992, is one of three members of the agency that administers the Railroad Retirement Act and Rail-



Speakman

road Unemployment Insurance Act, which pays sickness and disability benefits to rail workers.

Labor and management are represented on the RRB along with a chairperson who is a neutral.

Speakman currently is the board's longest-serving member. His first nomination was by President George H.W. Bush in 1992. He was renominated by President Clinton in 2000 for two terms, and for a fourth term in 2007 by President George W. Bush.

From 1987 until his first nomination to the RRB in 1992, Speakman was president of the Brotherhood of Railroad Signalmen.

Early in his career, Speakman was a signalman and foreman on the former Penn Central, which became Conrail following its bankruptcy.

Conrail later was privatized and subsequently partitioned to CSX and Norfolk Southern following a bidding war for Conrail stock.

## New general chairperson for Amtrak committee



**Roger Lenfest Jr.** was elected chairperson of Amtrak GO 769 on June 3, succeeding the late **Al Suozzo**. With Lenfest (seated) are, from left, **Gary Galvin**, GO 769 secretary; **John Keim**, Local 1390 (Trenton, N.J.) chairperson; **Jim Kruhm**, Local 816 (Harrisburgh, Pa.) chairperson (now retired); **Clare Auwil Jr.**, Local 1470 (Edmonston, Md.) chairperson, and **Charles Fowler Jr.**, acting Local 30 (Jacksonville, Fla.) chairperson.

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## Imposter today; terrorist tomorrow

It's a dark and stormy night. Maybe it's just dark.

A suit walks up to you in the yard, flashes a badge.

Says he's an FRA safety inspector. Starts asking questions.

Any tank cars with vinyl chloride or ammonia nitrate? Where?

You don't need trouble from supervisors, railroad bulls or feds.

You answer the questions.

Two nights later, an FRA inspector you recognize shows up.

"You guys back again?" you ask.

"Back again? I'm the only FRA inspector assigned to this yard," he says.

The other guy? Curious imposter? Terrorist? Who knows.

What we do know is this is a true story, told by an authentic FRA inspector.

### UTU Rail Safety Task Force



Arizona  
State Director  
Greg Hynes



Arkansas  
State Director  
Steve Evans



Michigan  
State Director  
Jerry Gibson

What to do? The UTU Rail Safety Task Force urges:

- Know your co-workers and FRA and TSA inspectors by name or face.

- If you don't recognize someone, or are suspicious, follow the railroad's guidelines for contacting supervisors or police. Phony badges can be purchased off the Internet; phony credentials are easily forged.

- Don't leave a potential threat to your job, co-workers and the community for others to handle.

- Be especially observant around fuel facilities, hazmat cars, radio towers and dimly lighted areas.

### Phony badges can be purchased over the Internet; phony credentials are easily forged

We are the front-line eyes and ears on the ballast. We are most at risk. Practice situational awareness every moment while on the job.

For more information on the UTU Rail Safety Task Force, visit [www.utu.org](http://www.utu.org) and click on the "Rail Safety Task Force" button.

## 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 photo was taken by **Kelly D. McLaughlin**, a member of Local 113, Winslow, Ariz. "This is a photo of a BNSF westbound manifest train stopped at Bibo, Ariz., on BNSF's southern transcontinental line. Bibo is a remote station located about 30 miles east of Holbrook, Ariz., and 10 miles east of the Petrified Forest National Park, through which the BNSF line runs."



Please recycle

## Inside this issue of the *UTU News*:



UTU organizer **Carlos Wallace** brings on the music. See page 2.



UTU's **Bates** named to federal transit panel. See page 3.



It was hot, hot, hot at the Phoenix regional meeting. See pages 6/7.



UTU retiree **John Rudder** serves as fire-fighter. See page 8.