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# UTU News

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The Official Publication of the United Transportation Union

## Futhey speaks on merger process, Obama support, improved finances

"I will not stand down, I will not retreat and I will not surrender until our members have the right to vote on their own constitution," UTU International President Mike Futhey said at a regional meeting in Denver in explaining his position on the court-sidetracked merger with the Sheet Metal Workers International Association (SMWIA).

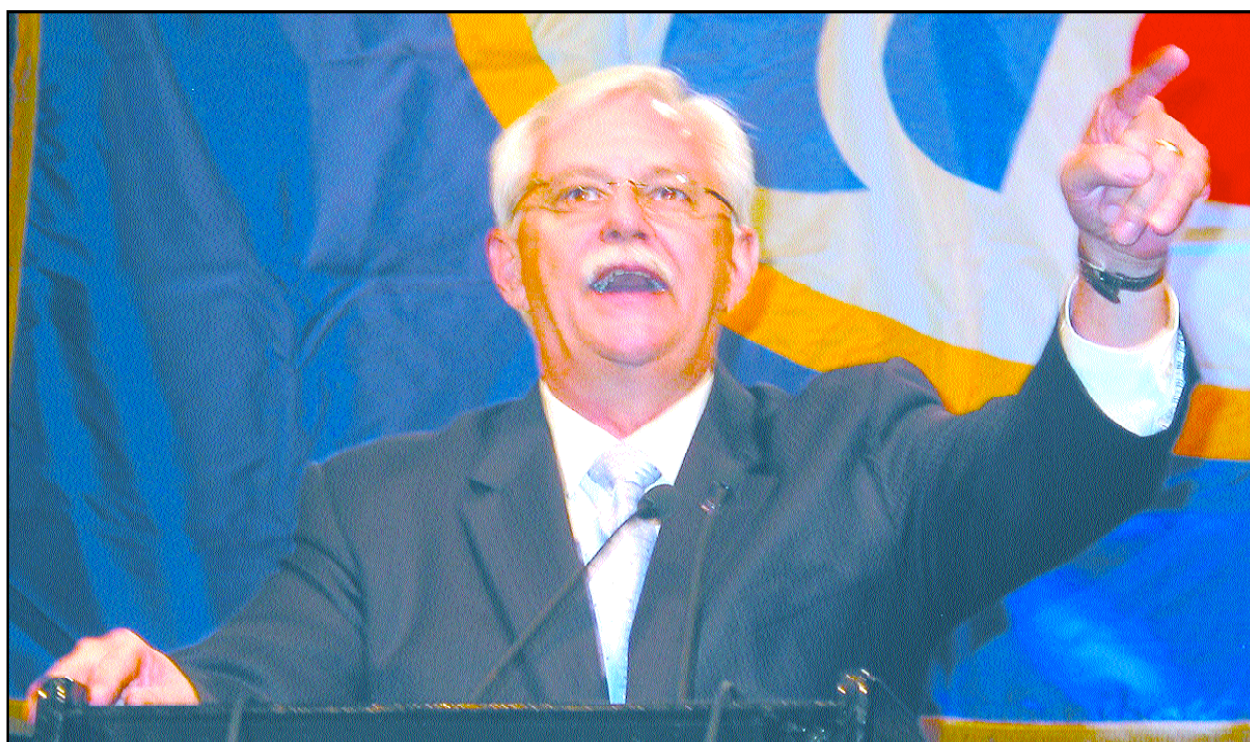
### International President Mike Futhey's State of the Union Address

In his first state of the union address since taking office Jan. 1, Futhey said the finances of the UTU, the UTUIA and the Discipline Income Protection Plan (DIPP) are showing improvement owing to internal cost cutting and new efficiencies, increased revenue and less aggressive disciplinary actions by carriers.

Futhey pledged to devote every resource at the UTU's disposal to assuring the November election of Barack Obama and other labor-friendly candidates.

In regard to the SMWIA merger – currently halted by a federal court-imposed preliminary injunction (see "Merger injunction" at right) – Futhey said he never opposed the merger. In fact, he voted for it.

But after learning that the "merger promised" wasn't the merger to be delivered, Futhey demanded – as the federal court subsequently suggested – that a merged-union constitution be written and submitted to the UTU membership for approval.



"I was all for the merger that promised craft and general committee autonomy," Futhey said. Then, before taking office, Futhey heard former UTU President Paul Thompson tell a UTU gathering that an intent of the merger was to subvert union democracy and "get accomplished what couldn't be accomplished through democratic procedures" – specifically, an end to the UTU's long and cherished craft and general committee autonomy.

At that point, Futhey said, he realized that he, and all other UTU members, had been misled –

*Continued on page 10*

## Obama pledges support

Presumptive Democratic presidential candidate Barack Obama has reached out to UTU members, assuring them of his support on issues with paycheck relevance for railroad and transit workers.

In a personal letter to International President Mike Futhey, Obama thanked the UTU for its endorsement, promising he will not let UTU members down.

Obama promised to "preserve and promote policies that recognize the value of transportation workers.

"I will preserve the sanctity of Railroad Retirement and the Federal Employers' Liability Act (FELA), and push for a fair process to receive and maintain a commercial driver's license," Obama wrote. "My administration will push for Amtrak, commuter rail and public transit system funding, ensuring strong employment levels well into the future.

"I am proud to stand with UTU in our joint efforts to build an America that values the labor



of every American and rewards it with a few basic guarantees: wages that can raise a family, health care if we get sick, and a retirement that's dignified," Obama wrote.

In reading Obama's letter at the Denver regional meeting, Assistant President Arty Martin said, "Every day, in every location in the nation, there is an issue that threatens our way of life as working families.

"Having a friend in the White House means we have a say in who runs the FRA," Martin said.

"It also means we have a say in who is appointed to the National Mediation Board and the National Labor Relations Board, and who chairs the Surface Transportation Board, which rules on railroad mergers and labor protections," Martin said.

Martin said that "a vote for Obama in November is a vote for better paychecks, better benefits, better working conditions and better family security."

### News and Notes

#### Member killed on job

Local 1000 (Minneapolis) member **Jerome "Jerry" Bour Jr.** was killed in an incident Thur., July 10, at the BNSF's Northtown Yard in Minneapolis. He was 40 years old and lived in St. Paul. Bour worked 11 years for the BNSF as a switchman and conductor. "He will be dearly missed by all. Condolences to the Bour family," Minnesota State Legislative Director Phil Qualy said.

#### Merger injunction

AKRON, Ohio – A preliminary injunction was issued June 26 by a federal district court here against a merger between the United Transportation Union and the Sheet Metal Workers International Association (SMWIA) that would have created the International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers.

The preliminary injunction, issued by Federal Judge John R. Adams, means the merger may not be consummated pending conclusion of the case, including any appeals.

Judge Adams previously issued a temporary restraining order, which now has been replaced by the preliminary injunction.

The merger challenge was brought by four UTU rank-and-file members that the UTU membership had not been given a constitution for the proposed merged union.

The result, said the plaintiffs, is that the UTU membership was not aware of conflicts between the existing UTU constitution and the SMWIA constitution.

UTU International President Mike Futhey said, "This confirms my view that if the merger should proceed, it should be the merger promised members, and all conflicts should be resolved in a SMART constitution prior to submission to the members for ratification."



# Around the UTU

## Local 5, Kansas City, Mo.

BNSF switchman and amateur golfer **Brad Nurski** fired a first-round one-over-par 72 on June 7, earning him a three-shot lead over 16 other challengers for a single spot in June's 108th U.S. Open at Torrey Pines Golf Course in La Jolla, Calif. Nurski, 29, shot for par the next day, but fell to former U.S. open player Bob Gaus, who shot 66.

## Local 49, Pueblo, Colo.

Legislative Representative **Manuel Armijo** and his wife, Ann, received the sad news that their brother-in-law had died while serving in Iraq. Sergeant 1st Class Jason F. Dene, 37, of Castleton, Vt., died of non-combat related injuries on May 25, reported State Legislative Director **Rick Johnson**. "Please take a moment to remember Sgt. Dene and all the other service members who have died or have been injured in Iraq and Afghanistan. We should not, and cannot, forget the sacrifices of these great Americans," Johnson said.

## Local 343, Hamilton, Ont.

Members of this Canadian National local wish **Tom "Mum" Rodgers** a very happy retirement, reports Local President **Scott Montani**. "I wish to thank all of my fellow brothers and sisters across the entire UTU for all of their support during my 20 years holding office," added Montani, who will be stepping down from his positions of president, local chairperson, legislative representative and delegate at the end of the summer. Montani also urged all members of the local to attend the September meeting in order to run for one of these positions.

## Local 367, Omaha, Neb.

**Scott Sutherland** reports that the address of this local's Web site has been changed to [www.utu367.org](http://www.utu367.org). Members who would like to be placed on the local's e-mail list should notify Sutherland at [sasutherland@cox.net](mailto:sasutherland@cox.net).

## Local 465, Gillette, Wyo.

Local President **Billy Montgomery** is a candidate for the 31st District seat in the Wyoming House of Representatives. "It is our responsibility, as residents of this great state, to proceed in a direction that will benefit all of our neighbors from every walk of life," he said. To contact Montgomery's campaign, send e-mail to [votebillymontgomery@hotmail.com](mailto:votebillymontgomery@hotmail.com).

## Local 898, Boston, Mass.

Member **Richard Nunziato** recently returned from a trip to Albacete, Spain, where he attended the premier of a short film in which he starred, reported Vice Local Chairperson **Roberta Ward**.



Nunziato

Nunziato, a conductor on the Massachusetts Bay Commuter Railroad and a magician, was featured in *Magic Happens*, a short film about the value of public libraries and their dependence upon private funding. His appearance in the film was the result of a chance meeting with film-maker Carmela Sainz de Baranda as he performed magic tricks for passengers on a train.

## Local 951, Sheridan, Wyo.

Numerous members from the northwest wrote to report the passing of **Basil R. Hipple** in May at the age of 45. Hipple, who represented the UTU at the Equality State Policy Center in Wyoming, was found in his room at his away-from-home terminal in Forsythe, Mont. He had addressed the ESPC board just days before his death about his plans to run for the state House of Representatives this year. The ESPC works through research, public education and advocacy to hold state and local governments accountable to the people they represent.



International President Mike Futhey, left, congratulates Stan Paprocki after presenting him with the George Meany Award for Outstanding Leadership.

## Service and skills lead to George Meany Award

Retired Union Pacific conductor **Stan Paprocki** was presented with the George Meany Award for Outstanding Leadership at the UTU's Denver, Colo., regional meeting on July 7, 2008.

The award, given to an adult union member who has made a significant contribution to the youth of his or her community through scouting, was presented to Paprocki by UTU International President Mike Futhey. It is an award of national recognition and must be approved by the AFL-CIO's Executive Council. Meany served as AFL-CIO president from 1955-1979.

He was nominated for the award by Colorado State Legislative Director **Rick Johnson**.

Paprocki said he became involved in scouting at the behest of son, Stosh. "As a youth here in Denver, Stosh wanted to become a scout. He is an Eagle Scout and I am very proud of him," Paprocki said.

Paprocki became the scout leader for Stosh's troop and his scouts often attended the local meetings of Paprocki's local, Local 202 at Denver. He sought personal donations and equipment from his fellow members and area businesses, and his troop once received a donation of a vehicle.

He is a counselor for the Boy Scouts of America's American Labor Merit Badge, and serves on the scouts' Wood Badge staff, which provides elite adult training to other individuals.

Paprocki is also recognized as a master trainer/educator for his work with Leave No Trace, an organization that helps to maintain and secure wilderness lands throughout the United States.

During his active membership in the UTU, Paprocki held the offices of local president, vice president and local chairperson. He is also a member of the UTU for Life program.

"Stan was an outstanding leader of our local when he served as president," Local President **Carl K. Smith** said. "He was great inspiration for me to get involved in the local and try to make a difference."

Paprocki and his wife, Susan, live in the Denver suburb of Lakewood, where he continues to serve as committee chairman for Troop 876.

## Local 1092, Teague, Texas

Tragedy struck this local on July 5 when member **Robert Knight**, a Teague Volunteer Fire Department chief, was killed after the front brick wall of the McDonald's Upholstery Shop collapsed and fell on him. Knight, 42, a BNSF engineer, was airlifted to East Texas Medical Center Tyler, where he succumbed to his injuries. He was named Citizen of the Year in Teague in



Knight

2007 and was a member of the State Firemen's and Texas Fire Chiefs' Associations. He is survived by his wife of nine years, Teri Jo, a son, Trent, and daughters, Layla and Laura. A memorial fund has been established in the name of Knight at Citizens National Bank in Teague.

## Local 1177, Willmar, Minn.

Members will be holding their annual picnic Aug. 23 at the upper shelter at Diamond Lake Campground, 6920 County Rd. 4 N.E., in Kandiyohi, Minn., Legislative Rep. **Brian Hunstad** reported. Members from all crafts and their families are invited. Food will be provided, but attendees are asked to bring beverages. The local has also established a bank account to raise money for Local Chairperson **Paul Gunderson** and his family, who lost their home to a fire. Contributions can be sent to Gunderson Fund, Lake Region Bank, 1690 S. 1st St., Box 1740, Willmar, MN 56201.

## Local 1252, Fresno, Calif.

BNSF conductor **Eugene Kemp Jr.**, 26, passed away May 21 and retired conductor **Ray C. Welchel**, 87, died on June 26, retired Secretary & Treasurer **D. L. Heffernan** reported.

## Local 1293, Altoona, Wisc.

All active and retired members, spouses and widow(ers) of this Union Pacific local (formerly Chicago and North Western) are invited to the annual picnic being held on Sunday, Sept. 7, from 11 a.m. to 3 p.m. at Lake Altoona County Park, reports retired member **Edward Thompson**. Food and beverages will be supplied. For information, contact retired engineer **Donald Knutson** at (715) 834-4405.

## Local 1548, Indianapolis, Ind.

This CSX local sponsored a hole at a golf tournament at the Stone Crest Golf Community in Bedford, Ind., to raise money for the volunteer fire department in Springville, Ind. Members of the local also participated in the event.



Pictured, from left, are Secretary Jim Cobb, Safety Rep. T.J. Moore, Local Chairperson Brian Connors and Legislative Rep. Kyle Brooking, at the hole sponsored by Local 1548.

## Local 1732, San Jose, Calif.

Local Chairperson **Raymond Belluomini** reports that **William Cotton Jr.** hung up his Amtrak conductor's uniform July 7 after 47 years in both freight and passenger service. "Brother Cotton has influenced me personally in the most positive ways. He is a good friend to many and an inspiration to all members, young and old," Belluomini wrote. In other news, Amtrak conductor **Michael Chappell** reached a personal landmark when he participated in a 12-hour hike to the summit of Yosemite National Park's Half Dome, raising \$3,500 for the Leukemia & Lymphoma Society. Chappell, a yard trainer and vacation coordinator in Oakland, said he is grateful to everyone who supported him emotionally and financially.

## Local 1846, West Colton, Calif.

Conductor **T. R. "Terry" Johnson** retired July 11 after 39 years of service, reports Local President **Richard Escamilla**. "We all wish him and his lovely wife, Judy, a long and happy retirement in Washington state, looking for the 'big fish.'" On a sad note, the local lost **J. G. "Glenn" Yates**, 73, on Independence Day. "He was very proud of the fact that he held every elected office of this local during his railroad days. Our condolences to his entire family," Escamilla said.



# LIRR: World's busiest commuter railroad

“The Route of the Dashing Commuter,” the Long Island Rail Road is North America’s busiest commuter railroad, operating 24/7 and carrying some 288,000 passengers daily on 728 trains serving 124 stations.

The LIRR’s hub-and-spoke system, with all but one of 11 branches radiating out of Jamaica, N.Y., is the template for the airlines’ hub-and-spoke system.

Chartered in 1834, the LIRR is America’s oldest railroad operating under its original name. Once owned by the Pennsylvania Railroad, the LIRR was acquired in 1966 by the Metropolitan Transportation Authority.

The LIRR’s 700 miles of track stretch between Pennsylvania Station in Manhattan and Montauk on Long Island’s eastern tip – 120 miles.

The UTU represents more than 2,500 LIRR conductors, car inspectors, yardmasters, coach cleaners, car repairers, maintenance of way and buildings and bridges workers. Its locals include 29, 645, 722, 1440, 1831 and 1978.



Local 645 conductor Frank Viola has 29 years' service on the LIRR.



LIRR General Chairperson Anthony Simon (GO 505) was recently singled out by the Long Island Rail Road president as being “instrumental in bringing the railroad’s diverse unions together” in a “spirit of cooperation” that led to a three-year agreement covering most of the railroad’s crafts. Leaders of other crafts were quoted that they couldn’t recall the last occasion when all the major unions had signed contracts at practically the same time. At a UTU LIRR officers’ meeting are, seated, from left, Local 645 Chairperson Michael B. Levin, Simon, and Local 645 Local Chairperson and Vice President Vincent Tessitore Jr. Standing, from left, are Local 722 Vice Local Chairperson Mike Denn and Local 722 President Steve Valentinetti.



Pausing during a work break at Jamaica Station are, from left, Local 722 carmen Louis Perillo and Matt Fasone; Local 645 conductor Nancy Ross, and Local 645 Vice Local Chairperson Dominick Amendolare, a retired NYPD sergeant enjoying a second career on the railroad.



At New York’s Pennsylvania Station, are, from left, Metropolitan Transportation Authority policeman Rich Johnson with his German Shephard assistant, and Local 645 conductors Michael Reo and Ann Marie Rumplick.



# Listen to the voice of reason: Al Chesser

At age 94, his powerful, penetrating speaking voice still dominates a crowded theater, his memory remains near detail perfect, and his signature oath, "lower than a snake's belly in a wagon rut," has not been abandoned.

For sure, former UTU President Al Chesser remains a guiding spirit and conscience of the union he led as president from 1971 to 1980, and served as first national legislative director.



Chesser

After I invited Al to the luncheon podium at our regional meeting in Denver July 8, Al wasted precious little time shaming anti-union right-wing politicians – "lower than a snake's belly in a wagon rut," he called them – and urging a vote in November for Barack Obama and other union-friendly candidates.

"We may be facing the most



## International President's Column

By Mike Futhey, International President

important election of our time," Al told more than 700 of our members in attendance. "I've never seen our country in the shape it is in, and I'm

epidemic of home foreclosures, and growing economic pessimism among America's middle class as a reason to embrace change.

**"I ask you, I plead with you, to join me and many of the other labor leaders and union members and vote for Barack Obama for president. We can make a difference."**

94 years old – and I'll soon be a senior citizen."

Al cited growing unemployment, soaring energy and food costs, lost pensions, 47 million Americans without health-care insurance, an

"Today, we have government by the corporations, for the corporations and of the corporations," Al said. He urged union members to vote their paychecks in November and avoid any siren song from John McCain, whom Al characterized as someone given to outbursts of temper and unable to maintain a position or deliver on a promise.

"We have to look at our own pocketbooks" when voting, Al said. "Yes, we have friends in the Republican Party, but the right-wing has put a knife in our backs.

"We have a choice" in November, Al said. "We can vote for the right-winger, John McCain, or for Barack Obama, who represents what you and I have fought for all our lives.

"Hasn't the labor movement had enough of George Bush?" Al asked

rhetorically, in linking McCain to Bush. "Barack Obama pulled himself up by his bootstraps. He is a man for the people," Al said.

Al also read from the letter Obama sent to the union: "I am proud to stand with UTU in our joint efforts to build an America that values the labor of every American and rewards it with a few basic guarantees – wages that can raise a family, health care if we get sick, and a retirement that's dignified," are Obama's words.

Al correctly observed, "John McCain would never say, 'I'll stand with labor.' Honor him for his military service, but we have military heroes in the Democratic Party, also," Al said, concluding:

"I ask you, I plead with you, to join me and many of the other labor leaders and union members and vote for Barack Obama for president. We can make a difference."

To make a difference, each of us must get to work now on behalf of Barack Obama.

This means encouraging family members, neighbors and friends to register to vote in November.

This means encouraging your brothers and sisters at work to contribute to UTU PAC.

It means that if you think you might be away from home on Election Day, requesting an absentee ballot and casting that ballot.

And it means urging family, neighbors and friends to vote on Election Day – and providing them rides to the polls if necessary.



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**Contact the UTU:**

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## Be sure to vote, no matter what

**“Instead of focusing on a candidate's record, this campaign has descended into false allegations that are repeated over and over so that some uninformed people believe them.”**

Election Day grows closer. UTU does not want to tell you how to vote. It only recommends and endorses candidates.

No matter how you exercise that right, no matter whose recommendation or endorsement you take to heart when making that decision, a couple of things come first.

You must be registered to vote. The registration requirements vary from state to state but if you are not registered yet, time is running out. Many UTU members work very difficult schedules – they have little or no control over the hours that they work.



Brunkenhoefer

Please make the effort to find out if you can vote early or how to vote by absentee ballot.

I believe we all learned in 2000 that every vote counts. A small number of votes can literally make the difference between war and peace, between a good economy and a recession.

More important than how you vote is that you participate. Many U.S. soldiers have died all over the world so that you can exercise that right. Many people around the world thirst for that

right.

You will see a non-stop blitz 24 hours a day, seven days a week on several channels, with information about the elections and the candidates; information from sources too numerous even to think about.

The Internet and e-mail are wonderful. However, the difference between the Internet and mainstream

reporting is no one has to stand behind the story. It is extremely disappointing that lies about both candidates have been forwarded millions of times.

Instead of focusing on a candidate's record, this campaign has descended into false allegations that are repeated over and over so that some uninformed people believe them.

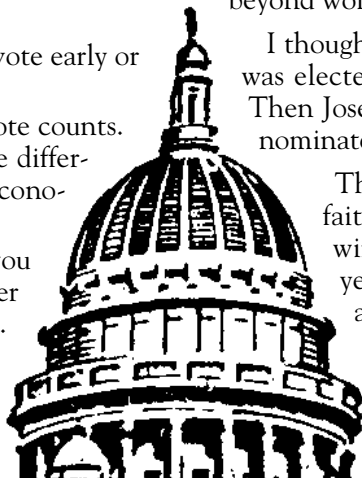
One candidate has been attacked about his religion. He has been called a Muslim when in fact he is a Christian. Does it really matter? Haven't we gone beyond worrying about a candidate's sex, religion or race?

I thought we had settled the question about religion when John Kennedy was elected. Remember he was the first Catholic to be elected President. Then Joseph Lieberman in 2000 became the first Jewish person to ever be nominated in a major party ticket.

There are those, however, who want to use a candidate's personal faith as a wedge issue against them so that the other candidate can win. One candidate was prisoner of war in Hanoi for half a dozen years, carrying out his patriotic duty. But this condition is being used against him, alluding to his mental health. Or, in spite of excellent health, that candidate is being painted as too old.

How a UTU member votes is his or her own business. But make sure when you make your decision how to vote, that you are voting using the facts to make your decision.

Wouldn't it be a tragedy if the wrong person got elected because faceless liars have found a way to put slime, filth and lies in a high-tech form? But don't forget to register and don't forget to vote.



## WASHINGTON WATCH

By James M. Brunkenhoefer



# State Watch

## News from UTU State Legislative Boards

### Kentucky



UTU representatives, including State Legislative Director David Miracle, got to bend the ear of one of the most powerful representatives in Congress recently.

The UTU officers were attending a fundraiser for UTU-endorsed candidate Rep. John Yarmuth, Democrat representative from Kentucky's Third Congressional District. Attending the event was Speaker of the House of Representatives Nancy Pelosi (D-Calif.). "We spoke with her about the problems facing UTU members and she was very supportive of our efforts," Miracle said. "Rep. Yarmuth has always been a friend of the UTU." In the photo above, left to right, are Miracle, Local 376 (Louisville) Legislative Rep. Terry Tyrrell, Pelosi, Assistant State Legislative Director Donnie Head and Yarmuth.

### Colorado



The Colorado State Legislative Board recently held its reorganization meeting. According to State Legislative Director Rick Johnson, "All officers were re-elected by acclamation to return for another four years. All will work to promote candidates who will vote in favor of legislation to help working and retired UTU members and families." Pictured in the front row, left to right, are Dane Schwengels (LR, Local 500, Grand Junction, alternate state legislative director); Manuel Armijo (president and LR, Local 49, Pueblo); Charlie Skidmore (LR, Local 204, Pueblo, assistant state legislative director and vice chairperson); Al Chesser (past International UTU president); John Rossi (from UTU Designated Legal Counsel firm of Rossi, Cox, Vucinovich, Bremseth & Flaskamp); back row, left to right, Greg Kuderer (legal counsel of Rossi, Cox, Vucinovich, Bremseth & Flaskamp); James Harmes (president, delegate and LR, Local 201, Trinidad); Pat Engebrecht (local chairperson and LR, Local 945, La Junta, board secretary); Jack V. Shaver (Local 202, Denver, retired Colorado state legislative director); Mike Kenney (Alt. LR, Local 202, Denver); John Weisgerber (LR, Local 1136, Sterling) and Johnson.

"Arizona has an excellent chance of electing UTU-endorsed congressional candidates in six of eight races in Arizona!" Olson said.

The endorsed candidates are Bob Lord in the Third Congressional District, Ed Pastor in the Fourth Congressional District, Harry Mitchell in the Fifth Congressional District and Raul Grijalva in the Seventh Congressional District.

### Maryland



Several legislative representatives from the Maryland State Legislative Board recently met with Frank Kratovil, candidate for the First Congressional District. "We are endorsing Frank Kratovil for Maryland's First Congressional District because he recognizes the importance of having a strong rail infrastructure and public transportation system to serve not only Maryland, but the country," State Legislative Director Larry Kasecamp said. Pictured above, left to right, are Tom George (LR, L-631, Brunswick), Carroll "Mickey" McBee (LR, L-610, Baltimore), Kratovil, Brian Shaw (LR, L-454, Baltimore) and Kasecamp.

### Louisiana

State Legislative Director Gary W. Devall reports Gov. Bobby Jindal has signed HB 1248, which will authorize the state's Public Service Commission to enact the Federal State Rail Safety Partnership Program with the FRA. "This will give us up to six state rail inspectors to work with the FRA and make sure the railroads are complying with the federal laws and make Louisiana a safer state," Devall said.

### Missouri

The Missouri State Legislative Board will be hosting a seminar with the FRA to inform members about new federal rail rules, State Legislative Director Ken Menges reports. The seminar will be held in St. Louis on Aug. 26 at 9:30 a.m. at the South County Holiday Inn. Additionally, on Aug. 28 the Missouri and Kansas state legislative boards will be hosting the same meeting at the American Inn on Front Street in Kansas City. Contact local officers for details, Menges said.

## Bus Department

By Vic Baffoni, vice president/director  
v\_baffoni@utu.org

## First-half score: Many hits, but there is more to play

UTU-represented bus operators and mechanics can take great pride in their accomplishments the first half of 2008, but there remain many hurdles to overcome.

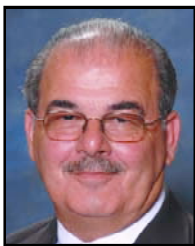
The final DOT rule on drug and alcohol testing for holders of a commercial driver's license (CDL) goes into effect Aug. 25. DOT ordered that all specimens be tested for validity, which means adulterants and urine substitutes. Also, observed collections will now be required, rather than be an option, for all return-to-duty and follow-up testing.

Holders of CDLs and commercial learner permits (CLPs) face many tougher rules, and the UTU will be there every step of the way to protect the rights of its bus members.

We still have numerous contracts to negotiate before the end of the year, and there also are many pending arbitration cases. This office has an open-door policy: Any UTU officer is encouraged to call my office for assistance anytime.

Thanks go out to Alternate Vice President-East Rich Deiser for his excellent handling of the TNM&O merger and acquisition by Greyhound. Brother Deiser negotiated rights for our former members, which included dovetailed seniority, benefit protections and additional work assignments, ensuring important protections as part of their movement into the Amalgamated Transit Union.

It is good news to see reports of sharp increases in bus ridership across America as soaring gasoline prices force a shift from automobiles to public transportation. The bad news is that transit agencies are saying they cannot dramatically increase bus service anytime soon because of rising fuel costs. The UTU is urging all levels of government to increase spending on public transportation.



## Bus operators in Santa Cruz, Santa Monica ratify pacts

UTU-represented bus operators employed by both the Santa Cruz (Calif.) Metropolitan Transit District and Santa Monica (Calif.) Municipal Transit have ratified new contracts.

General Chairperson Bonnie Morr said the three-year agreement with the Santa Cruz system provides members of Local 23 with pay raises over each of the three years covered by the contract, plus includes improvements in health-care insurance and retirement benefits, which translate to "more money in the members' pockets."

Receiving praise from Morr, who led the negotiating team, are Local 23 officers Sandra Lipperd, James Taylor, Steve Prince and Eduardo Montesino.

"For our committee, this was a very difficult process," Morr said. Three years ago, Local 23 members achieved a new agreement only after a 37-day strike. "We persevered this round with help from the community and lawmakers."

"This agreement fixes a long-time level of unfair and unequal treatment between other represented units at this Transit District," Morr said.

The more than 250 UTU-represented drivers in Santa Monica are all members of Local 1785, Santa Monica.

The new contract includes wage increases; a hike in pension benefits; a company-paid long-term disability insurance policy; increases in vacation time for some members; a sick-pay cash-out policy; improvements in work rules; increased overtime protections, and enhancements in contract-enforcement provisions.

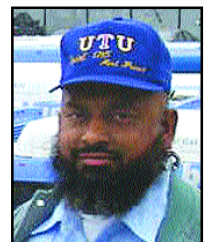
"I think it's one of the finest contracts in the transit industry today," said Vice President Vic Baffoni, who assisted the negotiating committee.

Members of the negotiating committee were General Chairperson Adhi Reddy; Vice General Chairperson Jabryan Donald, and former Vice General Chairperson Martin Guerrero.

"I also want to thank Local President Ken Johnson for his support of the efforts of the negotiating committee," Baffoni said.



Morr



Reddy



# 2008 Denver Regional Meeting Scrapbook



Members of the local planning committee, clockwise from top left, are Local Chairperson Jose Sobalvarro (1584), Local Legislative Rep. and UTUIA Field Supervisor Charlie Skidmore (0204), Local Legislative Rep. Dane Schwengels (0500), Local President Carl K. Smith (0202) and Colorado State Legislative Director Rick Johnson (0202). The local committee members assisted International staff in preparation for and throughout the meeting.



Steve (0855) and Cathy Mazulo of Chattaroy, Wash., visit with James Werner (0018) of El Paso. Mazulo holds the position of local legislative rep., while Werner holds the positions of delegate, secretary & treasurer and vice local chairperson.

Kenneth Holman of Local 1524 in Houston meets with Wayne Scharnak of the Railroad Retirement Board.



Local 508 Chairperson Larry S. Richards, left, visits with General Secretary and Treasurer Kim Thompson during the welcome reception at the Denver Hyatt Regency on the evening of Sunday, July 6. Richards also serves as a vice general chairperson of the Union Pacific GO 927 general committee. Local 508 is in Smithville, Texas.



For the spouses, family members and guests who were not taking part in the UTU's workshops and programs, a daylong tour and luncheon was made available. Participants were bused to the U.S. Air Force Academy, provided a finely prepared box lunch, then visited the famed "Garden of the Gods," a registered National Natural Landmark in Colorado Springs, Colo.

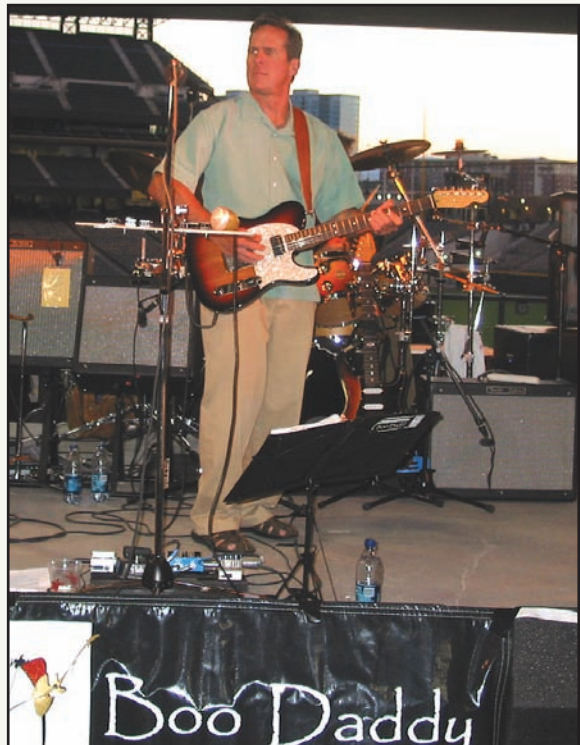


Members of the UTU's Bus Department, including Vice President Vic Baffoni, far left at front, assembled for a photograph as the workshop broke for lunch on July 8. Also in the photo, at the far right, is Dr. Frank Quinn, who was a presenter in the workshop. Quinn also was a presenter in the "No Rules" workshop, along with Designated Legal Counsel Steve Young.



The Auxiliary of the UTU presented a continental breakfast and morning workshop on July 8 for its members and UTU family members in attendance. The workshop featured guest speakers from among UTU International officers, designated legal counsel, health-and-welfare benefit providers and the Auxiliary's own International officers panel.

## Night Out at Coors Field



Local 202 member Rich Lear and his band, "Boo Daddy," perform at Coors Field. The band is based in Evergreen, Colo., and Lear provides rhythm guitar and vocals.



The scoreboard at Coors Field welcomed UTU members, their families and guests with a "Proud to be Union" banner prominently displayed throughout the evening.



Colorado Rockies mascot "Dinger" visits with Maddie, Aidan and Abbie Parker in the lobby of the Hyatt Regency Denver prior to the regional meeting "Night Out at Coors Field" on Tuesday evening, July 9.



West Virginia State Legislative Director Mark Mewshaw and his wife, Deanna, see Coors Field up close. Meeting attendees were able to go onto the field behind home plate, as well as tour the visiting team's dugout and locker room.



Members of the Dunham family from LaCrosse, Wis., were among the first people to visit the UTU's regional meeting registration desk in the Colorado Convention Center. Pictured clockwise are Local 311 Secretary & Treasurer Mike Dunham, his wife, Amy, and sons Isaac and Andy.



Alternate Vice President Paul Tibbit congratulates International President Mike Futhey following Futhey's State of the Union address on July 9. Tibbit is the general chairperson of BNSF Railway General Committee 393 in Temple, Texas, and is the insurance rep. of Local 331.



Jeremy (0477) and Lori Zehr of Andover, Kan., purchase a railroad drawing by renowned railroad artist Herschel Scott.



Assistant President Arty Martin visits with former President Al Chesser outside the Hyatt Regency Capitol Ballroom. Chesser, 94, resides in the Denver area.



UTUIA Field Supervisors (left to right) David Landstrom, Joe Solito, Serge Decoste and Gary Snyder were available throughout the meeting to counsel UTU members and family members about their insurance needs and UTUIA's available products.



# UTU for Life

News, information for members of the UTU for Life program

## UTU retiree Herman Shirley helps prisoners

Herman Shirley is a shining example of the saying, “Treat others as you would like to be treated.”

Every week, Shirley, 88, a retired switchman off the Houston Belt and Terminal and member of Local 1524 in Houston, treats some 600 prisoners with a little respect in the hopes he will never see them again.



Shirley

Sadly, that’s not often the case.

For the past six years Shirley has volunteered at the Wawls Unit of the Texas Department of Corrections in Huntsville. This is where prisoners who have served time in one of the 10 prisons within a 20-mile radius of Huntsville are released.

The facility processes between 600 and 700 prisoners a week, sometimes more than 150 per day, Shirley said.

Shirley began ministering to the less fortunate as a way to give them a fresh start in life. “We have a team that talks to the prisoners, and their families if any of them show up, before they are released,” he said. “We talk to the families and give them information about how they should treat those being set free, what to expect, where to get more help if they need it, that kind of thing.

“We also talk to the prisoners and try to explain what life will be like on the outside. Some of them don’t even know what a cell phone is. We give them all sorts of information in the hopes they won’t come back. But about 60 percent of them do. Sometimes it seems like they go out the front door and come right back in through the back door.”

“I just love (volunteering with prisoners) better than anything. If I can help anybody, I will. If what I do helps somebody in any way, that’s what I want to do. I feel good doing it,” he said.

## Railroad Retirement credits due Armed Services veterans

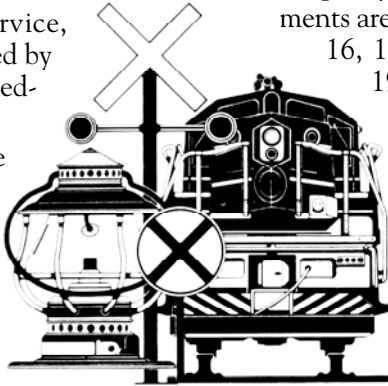
Many railroad employees have served in the Armed Forces. Under certain conditions, military service may be credited as rail service under the Railroad Retirement Act.

The intent is to prevent career railroad employees from losing retirement credits while performing active duty military service during a war or national emergency period.

To be creditable as railroad service, active duty service must be preceded by railroad service in the same or preceding calendar year.

With some exceptions, the employee must also have entered active military service when the United States was at war or in a state of national emergency or have served in the Armed Forces involuntarily. Military service is involuntary when an employee is required by law, such as the draft or troop call-up from a reserve unit, to leave railroad service.

Any military service a reservist was required to perform as a result of a call-up, such as during the current partial mobilization, would be creditable, so long as the military service was preceded by railroad service in the same or preceding year. Under certain conditions, training duty as a member of a reserve component of a uniformed service is also considered active duty.



Active duty in a state National Guard or state Air National Guard unit may be creditable only while the reservist was called to federal active duty by the Congress or president. Emergency call-up of the National Guard by a governor for riot or flood control would not be creditable.

The dates of the creditable war and national emergency periods that affect current retirements are: Sept. 8, 1939, to June 14, 1948; Dec. 16, 1950, to Sept. 14, 1978; and Aug. 2, 1990, to a date as yet undetermined.

Railroad employees should file proof of military service well in advance of retirement to expedite the annuity application process. Military discharge papers (DD Form 214) can be submitted as proof. If employees do not have an official record of their military service, their local RRB office will explain how to obtain acceptable evidence.

For more information about the crediting of military service, contact the nearest office of the Railroad Retirement Board. You may find the address and phone number of an RRB office by calling the automated toll-free RRB Help Line at (800) 808-0772, or visiting [www.rrb.gov](http://www.rrb.gov).

*This item provided by V.M. “Butch” Speakman Jr., labor member of the Railroad Retirement Board.*

## Former GC Will, SLD Boudreaux pass

Former Western Maryland Railway (now CSX) General Chairperson **Robert J. Will** and retired Louisiana State Legislative Director **Tyrone Boudreaux** have passed away.

Will passed away July 13. He had been a member of Local 1881, Baltimore. Boudreaux passed away June 6 after succumbing to cancer. He was a member of Local 1836, New Orleans.

Will was a delegate to UTU conventions in

1983, 1987, 1991 and 1995. A friend of International President Mike Futhey and former General Secretary & Treasurer Dan Johnson, Will ran against former International President Paul Thompson in 1991 for a vice-presidential position and lost.

Boudreaux, 63, worked for the Southern Pacific (now Union Pacific) for 37 years. He was Louisiana state legislative director for 11 years.

## THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
1	Garvey, James J.	Buffalo, N.Y.	496	O'Dell, Rony E.	Sciotoville, Ohio	1290	Barrowman, John A.	North Fort Myers, Fla.
14	Hudson Jr., David	Greenwood, Ind.	496	Rutherford, George R.	Ceredo, W. Va.	1298	Paquette, Joseph G.	Chapleau, Ont.
60	Prokop, Russell	North Arlington, N.J.	498	Reiss Jr., William E.	Hellertown, Pa.	1477	Frederick, Wallace J.	White Lake, Mich.
61	Norris, Raymond F.	Philadelphia, Pa.	506	Diller, Max R.	Topeka, Kan.	1374	DeWitt, Angela L.	Titusville, Pa.
94	Beason, Leroy	Kansas City, Kan.	584	Fett, Thomas E.	Corinth, Miss.	1375	Ross, Lloyd R.	Philadelphia, Pa.
194	Tryon, Victor V.	Plainfield, Ind.	586	Laird, John A.	Marion, Ohio	1376	Stanley Jr., Sylvester	Klamath Falls, Ore.
196	Launer, Cleon E.	Virginia, Ill.	600	Mayes, Richard P.	Sterling, Va.	1393	Powers, Bernard L.	Stratford, Conn.
226	Jasper, Hilan R.	Liberty, Mo.	601	Legg, Albert E.	Crestline, Ohio	1397	Reed, Clarence W.	Columbus, Ohio
226	Wilhite, Paul A.	Moberly, Mo.	645	Dorego, Charles W.	Spring Hill, Fla.	1402	Potashnick, Victor J.	Bonne Terre, Mo.
233	Abbott, Loren D.	Bandon, Ore.	645	Morch, Robert J.	Bay Shore, N.Y.	1433	Dowd, Edward F.	Nokomis, Fla.
233	Rath, Donald G.	Pierre, S.D.	656	Howard, Richard B.	Hensley, Ark.	1473	Mattson Jr., John V.	Ashland, Mass.
281	Walter, Bernard G.	Lake Villa, Ill.	713	Buchanan, Donald M.	Sydney, N.S.	1502	Duncan, Alphonso	Lowell, Fla.
293	Ingram, Olan B.	Azle, Texas	762	Lewis, James B.	Deatsville, Ala.	1529	Clapsaddle, William W.	Milbury, Ohio
298	Dunn, Lynn W.	Auburn, Ind.	769	Banton, Felix L.	Plantation, Fla.	1532	Schroeder, Robert W.	Raytown, Mo.
298	McGovern, Cyrus E.	Rocky River, Ohio	771	Connolly, Lawrence E.	Needles, Calif.	1570	Hagen, Marvin M.	Clatskanie, Ore.
300	Bradley, William J.	Norwood, Pa.	783	Callahan Sr., Edward M.	Lynchburg, Va.	1598	Gresham, Ralph O.	Manchester, Ga.
300	Lang, William T.	Gulfport, Fla.	792	Homer, Charles F.	Brookville, Ohio	1628	Glaser, Norman L.	West Newton, Pa.
311	Breecher, Ralph O.	La Crosse, Wis.	807	Fricker, Chester P.	Tucson, Ariz.	1709	Burkitt, David B.	East Detroit, Mich.
312	Howland, D.L.	Friendship, Wis.	857	Hastings, Claude	Round Rock, Texas	1722	Kemper, Donald L.	Dagsboro, Del.
318	Giammichele, Nicholas D.	Port Richey, Fla.	997	Hartman, Jess W.	Alpine, Ariz.	1732	Hanna, Millard F.	Sonoma, Calif.
333	Hammon, John E.	Cincinnati, Ohio	997	Otto, Boyd W.	Dillsburg, Pa.	1732	Oakes, R.E.	San Marcos, Texas
339	Hubbard, Raymond B.	Jackson, Tenn.	1042	Walker, Howard L.	Midwest City, Okla.	1836	Boudreaux, Tyrone G.	Harvey, La.
378	Neuer, Earl D.	Citrus Springs, Fla.	1074	Miller, Frederick J.	Matyport, Pa.	1974	Cook, Archie D.	Portland, Ore.
385	Neuer, Henry G.	Hopatcong, N.J.	1075	Abercrombie, William E.	Healdton, Okla.			
445	Cook, Dale H.	Arlington Heights, Ill.	1083	James, Charles F.	Las Cruces, N.M.			
473	Fowler, Ernest	La Grande, Ore.	1190	Stratton Jr., Isaac L.	Lancaster, Ky.			
496	Covey, Everett	Wheelersburg, Ohio	1258	Romanchuk, Phil M.	Schaumburg, Ill.			

Correction: Local 498 member John A. Kincaid Sr. is alive and well in Bethlehem, Pa. UTU News regrets the error.



# Accidental Death and Dismemberment

## New UTUIA policy offers guaranteed approval for active transportation employees!

UTUIA's new Accidental Death and Dismemberment policy includes all the following benefits:

- \$180,000 for death caused by common carrier
- \$90,000 for death caused by automobile
- \$60,000 for accidental death
- \$30,000 for dismemberment
- Intensive care confinement benefits of:
  - \$600 per day
  - \$60 per day for family lodging
  - \$30 per day for family meals
  - Up to \$1,800 for air ambulance
  - Up to \$300 for surface ambulance
- Optional rider for spouse/children

This policy provides benefits for accidents and not sickness. Some benefits provided to the policy owner are greater than those provided under the optional family rider. Some benefits may vary by state of residence.

For more information, complete and mail the coupon at right or call the UTUIA, toll-free, at 1-800-558-8842.

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



### Information, please

I would like more information on the Accidental Death and Dismemberment plan.

Please print



Full name		Date of birth		UTU local number	
Address		City		State	ZIP
Telephone number with area code		Sex	Male <input type="checkbox"/>	Female <input type="checkbox"/>	

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

07/08

# 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 post-

## Percentage of chargeable fees determined by neutral review for calendar year 2007

<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.

marked no later than thirty (30) days after issuance of the independent referee's report.

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.



# Soo Line, DM&E members hammer out agreements

UTU-represented members on both the Canadian Pacific's Soo Line subsidiary and the Dakota, Minnesota & Eastern Railway have reached tentative agreements with their employers.

The deal on the Soo Line covers wages, rules and working conditions affecting Soo Line conductors, brakemen, switchmen, firemen and hostlers.

The agreement is retroactive to July 2005, and extends through December 2009, and largely mirrors the national rail agreement recently ratified by UTU members employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific and numerous smaller railroads.

A difference is that the Soo Line agreement

provides for entry rates to reach 100 percent wage parity within three years. Soo Line also will implement an automated yard-job selection process, which General Chairperson **James Nelson** said will create additional UTU jobs and give the UTU a voice in further development and enhancement of the process. A new time limit on grievances will speed the handling of discipline cases and time claims.

UTU International Vice President John Babler, who assisted with the negotiations, praised the hard work done by General Chairperson Nelson on behalf of the employees he represents. The tentative agreement, which still must be ratified by each affected craft, was reached after just two negotiating sessions.

Nelson, in turn, thanked members **Bob Hill** (Local 911), **Tim Baird** (Local 887), **Tom Sperling** (Local 1344) and **Bill Ranallo** (Local 1433) for their efforts, as well as "members who took the time to voice their constructive thoughts."

On the DM&E, it took more than three years and extensive mediation, but the members of Local 64 have finally reached a tentative agreement.

The agreement includes immediate wage increases and bonuses.

"Our main objective was a quality-of-life provision for road crews, which we achieved," said Assistant President Arty Martin, who assisted in negotiations since Section 6 notices were served.

"We achieved 12 days of availability with a guaranteed four days off," Martin said.

The negotiating team was led by General Chairperson **Phil Craig** and Local 64 Chairperson **Tom Behsman**.

"Members should be very proud of these brothers, whose patience and determination produced this agreement," Martin said.

"The management of this railroad tried every tactic to bust the resolve of our negotiating team and membership. But they couldn't bust UTU solidarity."

DM&E, which is in the process of being acquired by Canadian Pacific for some \$1.5 billion, operates some 1,100 miles of track across South Dakota and southern Minnesota, and extends into Iowa, Nebraska and Wyoming.

## Arbitration to decide remote-control fight

A federal district court in Ohio ordered arbitration to determine if CSX violated a collective bargaining agreement with the UTU by entering into a separate agreement with the Brotherhood of Locomotive Engineers and Trainmen (BLET), permitting engineers to operate remote controlled locomotives outside existing terminal limits.

The dispute, ruled by the court as "minor" under the Railway Labor Act and requiring binding arbitration, involves a January 2007 CSX-BLET agreement the UTU says conflicts with a 2002 remote control agreement between the UTU and the nation's major railroads, including CSX.

That ratified 2002 agreement provided that the scope of work by UTU-represented conductors extends to remote control operations "including, but not limited to, yard engines, road switchers, locals and other comparable assignments."

Although an arbitrator subsequently ruled that language to be valid and enforceable, the court noted that the arbitrator "deliberately limited his findings to remote control technology operated within terminal limits," resulting in the court's ruling to arbitrate.

UTU and CSX representatives will be meeting to agree on the mechanics of the arbitration process and selection of arbitrators.

## Arbitrators to rule on FMLA application

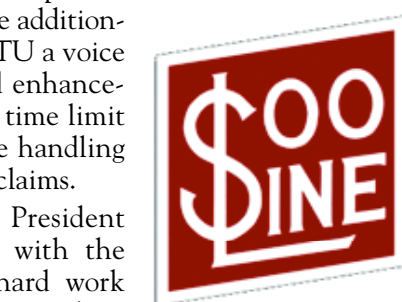
An arbitration panel will determine whether the carriers' application of the Family and Medical Leave Act (FMLA), under which rail carriers are requiring employees to substitute paid vacation and/or paid personal leave for unpaid leave provided by the FMLA, violates contractual agreements with the UTU.

BNSF, CSX, NS and UP agreed with major rail unions, including the UTU, to arbitrate the issue, nationally, before a special board of adjustment pursuant to the provisions of the Railway Labor Act.

The question to be presented to the three-person special board – all neutrals – is: "Do the carriers' policies requiring employees to substitute paid vacation and/or paid personal leave for unpaid FMLA leave violate requirements of the national vacation and/or national personal leave agreements?"

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.

The UTU and other labor organizations contend that that national vacation and/or personal leave agreements should not be upset by the FMLA and that unpaid FMLA should be granted without employees having to substitute paid vacation and/or paid personal leave for unpaid FMLA leave.



## State of union

*Continued from page 1*

that the promise of the UTU constitution being inserted, intact, into the SMWIA constitution was a sham.

"I want the merger promised me, promised the UTU board of directors and promised UTU members," Futhey said. To accomplish that, "let's get a constitution written, put it out to our members, and let our members decide if the constitution written is the one they want."

Futhey said he had several meetings with

and they have a right to say what they want to say." Their appeal of the preliminary injunction is currently pending before the U.S. Sixth Circuit Court of Appeals.

Chief among the UTU successes in 2008, Futhey said, is a ratified and signed national rail contract reached by the negotiating team "that is superior to the agreement the Brotherhood of Locomotive Engineers and Trainmen got for its members."

Futhey also cited recent Bus Department agreements as among "the strongest in the nation," and praised a new Amtrak agreement that preserves the jobs of all assistant conductors.

**Chief among the UTU successes in 2008 is a ratified and signed national rail contract reached by the negotiating team "that is superior to the agreement the BLET got for its members."**

SMWIA General President Mike Sullivan to discuss the writing of a constitution for the merged union. Such a constitution has not yet emerged.

In regard to seven members of the UTU Board of Directors who seek, through SMWIA-financed court action, to force the merger's implementation without an approved constitution, Futhey said he "never asked [them] to change their position. This is a democratic union

"We know workers can do better and we are proving it every day on behalf of our members," Futhey said, pointing to the UTU's ramp-up of organizing efforts.

By training UTUIA field representatives in organizing, the UTU added 13 new organizers without increasing costs, Futhey said. "Whether it is eight new members in Alabama, or 800 new members in Orange County, California, we are going to organize them and represent them."

## Contract

*Continued from back page*

• **Arbitration to settle the dispute over entry rates tied to training**, and with arbitrators that the UTU will have a hand in choosing. The arbitration process will begin prior to Aug. 1 under terms of the agreement.

• **Continuation of a cost-of-living allowance (COLA)**, beginning in 2010 while a new agreement is being negotiated. The UTU was the only organization to gain continuation of the COLA, which put some \$7 more per day in members' pockets while the agreement was being negotiated.

Left undisturbed are locally negotiated crew-consist agreements, and the carriers dropped their attack on the Federal Employers' Liability Act (FELA).

UTU International President Mike Futhey praised the UTU negotiating committee, which

he said "pursued a positive and cooperative interest-based bargaining approach with the carriers when stalled negotiations were resumed in January. The carriers responded with a positive and cooperative attitude, leading to the tentative agreement ratified by members," Futhey said.

The reconstituted negotiating committee, which sat down again with the carriers in January, included Futhey, Assistant President Arty Martin, International Vice Presidents John Babler, J.R. "Jim" Cumby and Robert Kerley, National Legislative Director James Brunkenhoefer, and General Chairpersons John Lesniewski (CSX, GO 49) and Delbert Strunk (NS, GO 687).

This was only the second national rail agreement ratified by members in the 39-year history of the UTU. The 2002 national rail agreement was ratified by all crafts, with 76 percent of those voting in 2002 favoring the agreement.

This latest agreement ratified with 85 percent of those voting favoring the agreement.



# UTU member foils LIRR assault attempt

A Long Island Rail Road conductor and UTU member, alerted by passengers to cries for help near the tracks, stopped the alleged sexual assault of a woman in broad daylight at the Freeport, N.Y., station last month.

Assistant conductor **Eugene Chino**, a member of Local 645 in Babylon, N.Y., said a female passenger told him she heard a child crying near the east end of the platform when the train was stopped at 4:11 p.m. July 2.



Chino

Chino, 42, went down to track level to try to find the child but instead found a woman screaming "Help me! Help me! Stop!" as a man assaulted her just a few feet from the electrified – and deadly – third rail.

"It was shocking, scary, frightening and something that's unacceptable," Chino said at a news conference. He said he told the attacker to stop, and the man turned to him and seemed confused.

"He was in shock. He looked at me like he was in another area of his thought process," said Chino, who has worked for the railroad for six years.

Chino alerted MTA police, who nabbed the alleged assailant, David Thornton, 48, of Island Park.

The 28-year-old woman, whose identity was not disclosed, suffered bruises to her neck, back and shoulder. Thornton allegedly assaulted her on the rocks in between the two sets of tracks shielded by the cement housing for the platform staircase, officials said.

Metropolitan Transportation Authority police said the attack occurred around 4:15 p.m. near the edge of the platform closer to the eastbound tracks, shielded from riders. Police said they didn't know how Thornton lured the victim to the tracks.

MTA officers Kevin Smith and Michelle Russo were at the station responding to a suspicious package call when Chino alerted them of the attack. Smith said the victim suffered anxiety and seemed shaken up.



Martinez

"She hugged me. She wouldn't let go," Smith told *Newsday*. The victim was taken to Nassau University Medical Center, police said.

The victim didn't know Thornton and he didn't use a weapon in the alleged assault, according to police. Thornton was held on \$500,000 cash bail or \$250,000 bond.

Newly issued cell phones kept lines of communication open between Chino and fellow crew members, including collector **Loraine Martinez** and engineer Brian Zaderecki. Chino notified Martinez of the situation, while Martinez called Zaderecki and told him to hold the train at the station.

(Martinez is also a member of Local 645.)

UTU General Chairperson Anthony Simon also offered praise. "I could not be prouder of our members, but their actions do not surprise me," Simon said. "LIRR crew members come in every day and do their job without much fanfare. The LIRR crew members at Freeport did not flinch when they heard a cry for help and were able to stop an attack in progress. The victim could have suffered even more traumatic injury if not for their quick action."

## Adirondack members ratify pacts

Workers employed by **Adirondack Trailways and Port Ticket Sales**, all members of Local 1582 in Albany, N.Y., have successfully completed negotiations for four separate contracts, General Chairperson Russell Gaillard reports.

The contracts cover about 150 bus drivers, tickets agents, maintenance personnel and baggage personnel.

"All contracts provide increases in wages plus improvements in the company match for our 401(k) pension plans, as well as improvements in our health-care plans, increases in our sick-time allotment and uniform allowances," Gaillard said.

Gaillard praised Vice General Chairperson and Local President **Wesley Wohl, Bill Henning III, Thomas Broadhead, Jane Kelly and Sarah Wellington** for their hard work during negotiations.

## THE UTU INTERNATIONAL STAFF: HERE TO SERVE YOU

### CHRISTINE MARTIN

Christine Martin started with the UTU in 1976 ("I was 12") in the Accounting Department "issuing expense checks on machines that don't exist anymore." During her years working in the Accounting Department she handled many jobs, including paying insurance commissions and payroll. She was promoted to the Investment Department then moved over to the Billing/Audit Department about 10 years ago. Chris oversees the billings for about 120 locals, including all Canadian locals. "I mostly deal with local treasurers, by phone or e-mail," she said. "They are usually asking, 'How do I do this or how do I do that?' And I always try to help them. It keeps us very busy."



### DAVID MAJHER

David Majher serves the union and its members as a Supply Department representative. He started with the UTU in 1999 as a sales and marketing representative for the UTUIA, then moved to the Supply Department in 2007. If local officials need supplies, be it envelopes, letterhead or forms, Dave can handle the request. He also takes care of supplies for the UTU office. A major part of Dave's job is handling incoming and outgoing mail and parcels. "Working in the Supply Department is sort of like being on a ship: You can have smooth sailing and then the waves hit and all hell breaks loose!" Translation: It can get real busy, real quick," Dave said.



### TERRI HATHCOCK

Terri Hathcock serves the UTU membership as a claims adjuster and accounting representative in the Accounting Department. She started with the union in 1993 in the Claims Department and has held a variety of jobs. "I pay the expenses of the UTU International officers, general committees and state legislative boards," she said. "I also prepare and distribute changes in dues assessments for general committee and legislative boards. I also record and deposit miscellaneous receipts, and back up the payroll desk when needed. I also receive the bulk of calls in the Accounting Department and enjoy hearing from members out in the field. It keeps me pretty busy."



## 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](http://www.utu.org) and click on the blue tile, "Designated Legal Counsel."



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"If I had known this injury would turn out to be as serious as it is, I would have done things differently." Sadly, as a UTU Designated Legal Counsel, I hear injured employees say that all too frequently. Too many injured employees fail to take advantage of this union benefit: UTU Designated Legal Counsel. Remember to contact a DLC for a free consultation immediately after an on-duty injury."



### GARY C. JOHNSON

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"Congress, in enacting FELA, recognized the significant dangers of working for the railroad and established laws to protect injured workers. DLCs are selected because they are uniquely qualified to handle railroad work-related injuries due to their vast knowledge and experience with FELA."



# 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.

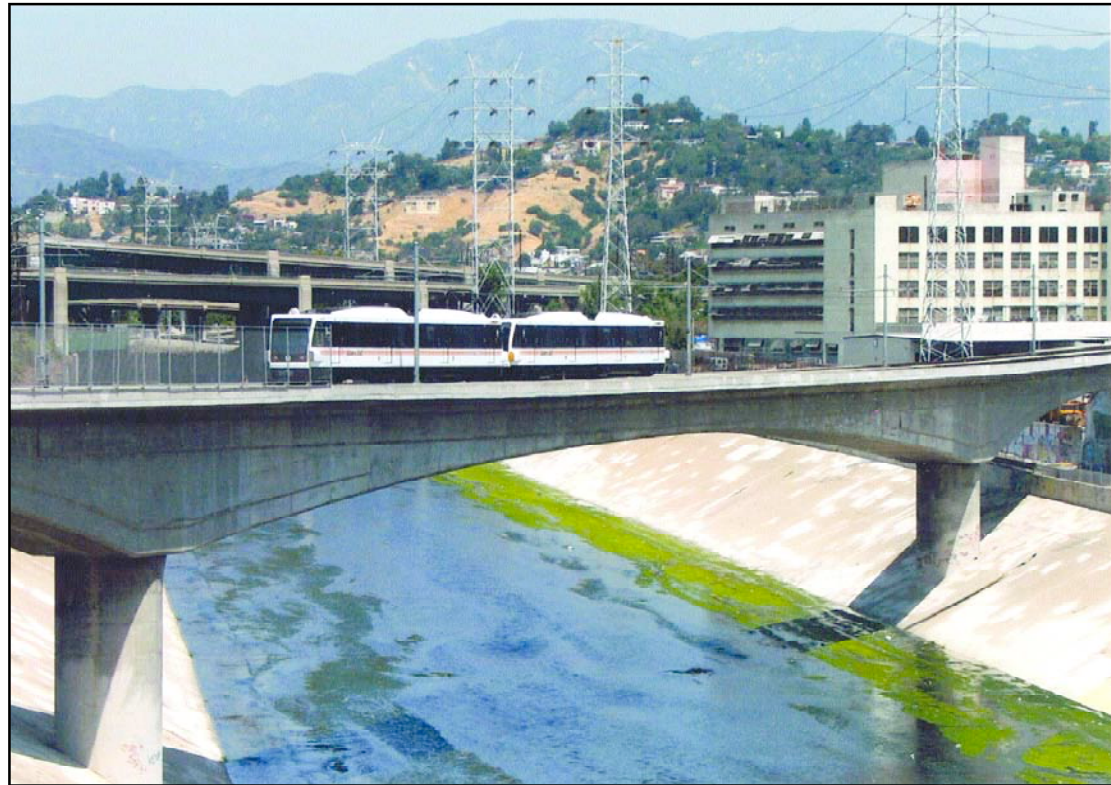
Printed photographs should be mailed to *UTU News*, 14600 Detroit Ave., Cleveland, OH 44107.

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 **Victor A. Motta**, a member of Local 1607 in Los Angeles. "This picture of the Gold Line Metro was taken as it crossed the Los Angeles River headed to downtown Los Angeles. On the right is the old Los Angeles County jail building and in the background are the Glendale Mountains."



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## Members ratify national rail pact

Having been ratified by the highest margin in UTU history, a new national rail contract was formally signed July 1 in Washington, D.C., by UTU International President Mike Futhey and the railroads' chief negotiator.

The agreement, retroactive to Jan. 1, 2005, and extending through Dec. 31, 2009, required more than 38 months of difficult negotiations with the National Carriers' Conference Committee, which represents BNSF, CSX, Kansas City Southern, Norfolk Southern, Union Pacific and numerous smaller railroads party to the agreement.

It covers conductors, brakemen, engineers, firemen, hostlers, switchmen and yardmen. Yardmasters voted separately on an agreement – similar in most respects to the national agreement covering all other UTU crafts – and it also was ratified by a record margin.

The contracts provide for:

- A 17-percent general wage increase over its life;
- Retroactive pay. By agreement, the carriers will make all reasonable efforts to pay the retroactive portion of the general wage increase as soon as possible, and no later than within 60 days;
- No change in work rules;
- An increase in the meal allowance;
- A cap on health-care contributions, with no reduction in health-care benefits;



UTU International President Mike Futhey signs the ratified national rail agreement, accompanied by members of the negotiating team. Seated, from left, are General Chairperson Delbert Strunk (NS, GO 687), Futhey and General Chairperson John Lesniewski (CSX, GO 49). Standing, from left, are UTU National Legislative Director James Brunkenhoefer, International Vice President J.R. "Jim" Cumby, International Vice President John Babler and International Vice President Robert Kerley. Assistant President Arty Martin was on assignment and unable to attend.

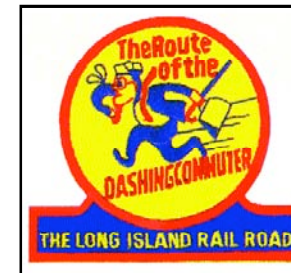
- New hires to gain (effective Jan. 1, 2010) a reduction in the waiting period to 30 days, from 120 days, for health-care coverage;

*Continued on page 10*

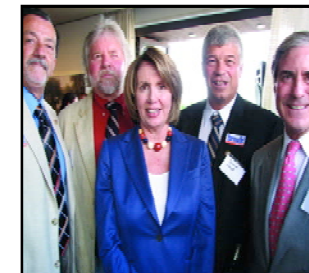
## Inside this issue of the UTU News:



Scouting for a leader? Stan Paprocki has merit. See page 2.



UTU members put the "Dash" in the LIRR. See page 3.



When the UTU talks, House Speaker Pelosi listens. See page 5.



LIRR conductor Chino is owed a great, big hug. See page 11.