



UTU News

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The Official Publication of the United Transportation Union

Delegates elect officers, amend constitution

HOLLYWOOD, Fla. – Delegates elected **Mike Futhey** to his second four-year term as president of the United Transportation Union Aug. 8, and amended the union's constitution, during the UTU's 11th quadrennial convention here.

Futhey, a member of Local 950, West Memphis, Ark., was re-elected by a vote of 453-34 against challenger **Scott Cole**, delegate from Local 278, Jackson, Mich.

"This vote was a complete repudiation of the four-year effort of the Sheet Metal Workers International Association to take over the UTU," said **Steve Simpson**, delegate from Local 489, San Antonio, Texas, following the vote.

Most UTU officers re-elected by acclamation

Also re-elected Aug. 8 – by acclamation – were Assistant President **Arty Martin** (Local 78, Pocatello, Idaho); General Secretary & Treasurer **Kim Thompson** (Local 226, Moberly, Mo.) and National Legislative Director **James Stem** (Local 1129, Raleigh, N.C.).

Election results for UTU International officers include:

- **Robert Kerley** (Local 303, Springfield, Mo.), **Dave Wier** (Local 469, Madison, Ill.), **John Previsich** (Local 31, San Jose, Calif.) and **Delbert Strunk** (Local 225, Bellevue, Ohio) were all re-elected by acclamation as UTU International vice presidents.

In other International vice president elections:

- **Paul Tibbit** (Local 331, Temple, Texas) defeated **John Babler** (Local 597, Des Plaines, Ill.) by a vote of 371-117.
- **John Lesniewski** (Local 1534, Chicago) defeated **J.R. "Jim" Cumby** (Local 1962, Toledo, Ohio) by a vote of 420-68.



UTU International President Mike Futhey, center, with Assistant President Arty Martin, left, and General Secretary & Treasurer Kim Thompson.

- **Bonnie Morr** (Local 23, San Jose, Calif.) defeated **Calvin Studivant** (Local 759, Newark, N.J.) by a vote of 274-213.

Additionally, Alternate National Legislative Director **John Risch** (Local 1344, Mandan, N.D.) was re-elected, defeating **Jay Seegmiller** (Local 166, Salt Lake City), 378-105.

Also:

- **Calvin Studivant** was elected alternate vice president-east, Bus Department, by acclamation.

- **Brian Donald** was elected alternate vice president-west, Bus Department, with 337 votes, defeating **Adhi Reddy** (Local 1785, Santa Monica, Calif.), who received 75 votes, and **Robert**

Gonzalez (Local 1563, El Monte, Calif.), who received 74 votes.

- **Larry Barrilleaux** (Local 1836, New Orleans), **R.W. "Red" Dare** (Local 1525, Carbondale, Ill.), **John England** (Local 1674, Los Angeles), **Troy Johnson** (Local 594, Mineola, Texas), **Doyle Turner** (Local 1962, Toledo, Ohio) and **Daniel Young** (Local 1081, Glendale, Ariz.) were elected alternate vice presidents, receiving a majority of votes (and more than 50 percent of ballots) among nine candidates for six alternate vice president positions.

Also:

- **Dale Barnett Jr.** (Local 762, Montgomery, Ala.) was elected "Engine Service Member" on the Board of Appeals, defeating **Daniel O'Connell** (Local 800, Jersey City, N.J.) by a vote of 369-116.

- **Donald Seyer** (Local 947, Chaffee, Mo.) was

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Members ratify national rail contract

A new national rail contract, delivering a 17 percent wage increase over 60 months (18.24 percent when compounded), a 78-month cap on health care insurance contributions, plus improvements in health care benefits, has been ratified by solid margins by UTU members in each of the six crafts eligible to vote.

The new contract also provides certification pay, a faster process for new hires to reach full pay rates, provides for no work-rules givebacks and has no prior cost-of-living adjustment offsets.

Health care plan design changes deliver expanded and improved health care benefits, such as personalized medicine and access to centers of excellence. Personalized medicine assures access to the most up-to-date health care products available, while centers of excellence provide access for members and their families to the most advanced treatment centers in America when serious illness strikes.



Retroactive to Jan. 1, 2010, the ratified contract covers some 38,000 UTU members employed by BNSF, CSX, Kansas City Southern, Norfolk Southern, Soo Line, Union Pacific and numerous smaller carriers – all represented in national handling by the rail industry's National Carriers' Conference Committee.

Lump-sum payments of the retroactive portion of the wage increases will be paid by the carriers – 2.0 percent covering the period July 1, 2010, through June 30, 2011, and an additional 2.5 percent from July 1, 2011. (See table at right for each of the wage hikes under the ratified contract.)

"The 17 percent wage increase over the life of this agreement is significantly higher than the rate of price inflation – providing a greater boost in purchasing power than any other national contract in the past 40 years," said UTU Inter-

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New contract boosts wages

July 1, 2010	2 percent
July 1, 2011	2.5 percent
July 1, 2012	3 percent
July 1, 2013	3 percent
July 1, 2014	3.5 percent
Jan. 1, 2015	3 percent

**Compounded total:
18.24 percent**

Around the UTU

Local 5, Kansas City, Mo.

Local officers are organizing a "Christmas in October" to be held Oct. 8 to assist the family of **Thomas Bleyenber**, who was killed Aug. 15 in a switching accident in BNSF's Argentine Yard in Kansas City, Kan. Bleyenber left behind a wife and two children. Local Legislative Rep. **Curt Jones** said the family's home needs a little painting and winterizing and this event will give Tom's friends and union brothers and sisters "a chance to do something that the family will remember for a lifetime." Anyone who would like to help or donate to the cause should contact Jones at molocal_5@yahoo.com or Missouri State Legislative Director **Ken Menges** at moutu@embarqmail.com or (573) 634-3303.

Locals 78, 265, Pocatello, Idaho

More than 620 members, retirees and family attended the annual picnic of these Union Pacific locals Aug. 3, feasting on pulled pork BBQ, chicken breasts, salads and desserts, State Legislative Director **George Millward** reports. Children enjoyed inflatable water slides, cotton candy, fish pond games and a variety of prizes, with six being awarded new bikes. "The officers of both locals worked hard to put this together and to make it such a success," said Local 265 President **Kelly Fly**. "Who would believe we could serve 1,000 ears of corn and have so many smiles on everyone's faces." Thanks go out to General Chairperson **Brent Leonard** and the law firms of designated legal counsel Donald Britt, Ron Barczak, Jim Vucinovich and James Farina.

Local 60, Newark, N.J.

Retired New Jersey Transit conductor **Carmin DeFalco**, 78, with 45 years of service in the railroad industry, died July 19, State Legislative Director **Dan O'Connell** reports. Prior to his employment with NJT, DeFalco served as president of Local 1428 (Conrail) at Jersey City, N.J.

Local 240, Los Angeles

Local Chairperson **Harry Garvin Jr.** reports that the 9th annual rail reunion and retirement dinner for employees of UP, SP, Pacific Electric, Metrolink, Amtrak and AT&SF (Locals 240, 32, 1422, 1770, 1813 and 1846) will be held Nov. 5, from 3-9 p.m., at El Rancho Verde Golf Club, 335 E. Country Club Dr., in Rialto. The cost is \$35 per person or \$65 per couple, with a reservation deadline of Nov. 1. The cost will be \$40 per person at the door. For more information, call Garvin at (909) 261-8878 or (909) 481-7261. Send checks or money orders to Garvin at P.O. Box 8396, Alta Loma, CA 91701-0395, and include names, address, telephone number, railroad and years of service. In other news, Garvin noted that retired conductor **W.W. "Bill" Wherry II**, who retired Dec. 16 after 44 years of service, died Aug. 4.

Local 524, Palestine, Texas

Local Secretary & Treasurer **James "Mike" Taylor** has informed *UTU News* that this Union Pacific local has established a website at www.utulocal0524.com. The website contains meeting times and dates, local officer contacts, copies of agreements, claim forms and other valuable information.

Local 528, Chicago

Secretary & Treasurer **Richard Gladkowski** informed *UTU News* that the following members of the local have died in the past several months: retiree **Bobby D. Walker** died in December 2010; retiree and former Local Chairperson **Michael J. Kinney Sr.** died in April, and **Santiago "Sonny" Ramos** died in June.

Local 934, Alliance, Neb.

Mathew Johnson, the son of member **Lance Lowe**, was awarded a \$500 college scholarship from Union Plus. Mathew's intended major is forensic science, with a minor in psychology, and he hopes to work as a detective, crime scene investigator or criminal psychologist. Mat long ago arrived at the truth about unions and what they have meant to his family and his country. Representation, he said, means "fair wages, equality in the workplace and decision-making based on the worker's voice."



During a hospital visit, Local Chairperson Rich Mohr presents Zach Jorgensen with a certificate awarding him "honorary membership" in Local 286 at North Platte.

Boy's passion for trains gains 'honorary' union membership

When GO 953 Vice General Chairperson and former Local Chairperson (286) **Rich Mohr** heard about an ailing boy's wish to get up close and personal with trains, he went ahead full throttle to ensure that boy's wish came true.

Zach Jorgensen suffers from muscular dystrophy. His two favorite things on earth, besides his family, are trains and Harley Davidson motorcycles. "Zach has had rides on Harley Davidsons, but he had never been on a train," Mohr said.

Mohr approached his fellow local members about making Zach an honorary member of the local. The membership voted to do just that, as well as to extend an invitation for an all-expenses-paid tour of the North Platte Bailey Yard and a tour of the Golden Spike Visitors' Center to Zach and his family.

"I contacted the UTU International in Cleveland and they sent us a certificate making Zach an honorary member of Local 286 at North Platte, Neb., signed by President Futhey and Assistant President Arty Martin," Mohr said.

Following surgery earlier this year to place support rods in Zach's spine, Mohr visited Zach at Children's Hospital in Omaha and presented him with a UTU cap, the certificate and an E9 replica HO locomotive that the UP Council Bluffs Service Unit was going to give away as a safety award.

"You can tell by the pictures that even though he was in terrible pain and could only sit up for a couple of hours at a time, he was thrilled with his gifts and the invitation to come to North Platte," Mohr said.

"Our local hosted a get-together picnic in North Platte on June 10 so the members of Locals 7, 200 and 286 could meet Zach. Our members that owned Harleys showed up to show off their bikes to Zach. He was not able to go for a ride, but he was thrilled to see all the bikes," Mohr said.

On June 11, Zach and his family took a tour of the Bailey Yard followed by a tour of the Golden Spike Visitors' Center.

"Zach has unbelievable courage in his fight against this terrible disease and his parents, Shelly and Joel, are two of the most incredible people I've ever met," Mohr said.

After meeting Zach, the UTU members were all amazed at his courage and his never-ending smile. "Meeting Zach and seeing his courage has made me a better man, and I hope the members that met Zach feel the same way," Mohr said. "We have been friends ever since."

Local 1138, Miami

Members of this local hosted a pig roast Aug. 13 at the home of Local Chairperson **Yvonne Hayes**, raising \$700 for the UTU's Collective Bargaining Defense Fund. Attendees included both UTU and BLET members, signalmen, maintenance-of-way employees and local labor activists, including a group of restaurant workers fighting an employer for alleged unpaid wages and overtime. Honored guests included National Legislative Director **James Stem**, Brotherhood of Railroad Signal-

men General Chairperson **Gus DeMott** and UTU convention attendees. The firm of designated legal counsel **Charles Baumberger** provided the pig and refreshments.

Local 1374, New Castle, Pa.

A *Night at the Races* fundraiser July 30 to assist the family of deceased member **John "Lumpy" Crews** raised \$12,000 for Amy Crews and her daughter, according to UTUIA Field Supervisor **Art Rayner**. Nearly 250 people attended the event. Rayner recognized the efforts of Local 1374 officers and members, UTU Auxiliary Lodge 711, the UTU Auxiliary Grand Lodge, International employee **Marilyn Spangler** of UTUIA Local Unit One, the firm of designated legal counsel **Matt Darby** and investigator **Sam Marino**, and Pennsylvania State Legislative Director **Don Dunlevy**.



Meeting with Amy Crews at the Night at the Races are, from left, Designated Legal Counsel **Matt Darby**, Local Chairperson **Frank Genareo**, International Vice President **Delbert Strunk**, General Secretary & Treasurer **Kim Thompson** and Pennsylvania State Legislative State Director **Don Dunlevy**.

Local 1440, Staten Island, N.Y.

The local will be holding its third annual holiday, retirement and service awards recognition dinner at 7 p.m., Dec. 17, at The Staaten, Local Secretary & Treasurer **Vincent LaBella** reports. Tickets are \$65 each and include an appetizer, dinner (nine choices), dessert and open bar. Each 2011 retiree will receive a Local 1440 wristwatch and recognition plaque. "Our members have sacrificed many years serving the Staten Island community and we look forward to recognizing their achievements," LaBella said. For tickets, contact LaBella at (718) 662-3179 or by email at utu1440treasurer@gmail.com. In other news, Angelica Francois, the daughter of member **Jean-Marie Francois**, was awarded a \$500 college scholarship from Union Plus. Angelica, who grew up in a two-union household, is thankful for the stability and support their union membership afforded her. "The labor movement has brought countless benefits to my family," she said.

Local 1532, Kansas City, Kan.

This BNSF Railway local has established a website at <http://1532.utu.org>, Local Secretary & Treasurer **Robert Lugo** reports. Although the site is currently in the developmental stage, it now provides contact information for all of the local's officers.

Local elections require October nominations

Information about the upcoming local elections has been posted at www.utu.org and can be viewed and downloaded by going to the "S&T Tools" page, scrolling to the bottom of the "Forms and Documents" column and clicking on "More forms...." Officers and members should review Special Circular No. 29, along with the "how-to" election guide for 2011. Elected this autumn, and taking office Jan. 1, 2012, are local officers including president, vice president, secretary, treasurer (or secretary-treasurer), and a board of three trustees, as well as a legislative rep. and alternate legislative rep. Vacancies in other elective posts should also be filled at this time. Where such vacancies are addressed, the successful candidate will take office immediately upon installation, as per Article 58 of the UTU Constitution.

OSHA putting teeth in rail whistle-blower law

For too long, many railroads have tied managerial bonuses to lower reportable injury rates among employees, creating a culture of fear through harassment and intimidation – a culture that discourages the reporting by workers of on-duty injuries and allows railroads to claim an industry safety award accompanied by glowing press releases as to its low employee-injury rate.

After collecting file drawers full of verified complaints from members of carrier harassment and intimidation following an on-duty injury, the UTU's National Legislative Office was successful in shepherding through Congress the Federal Rail Safety Act of 2007.

Its purpose is to protect rail workers from retaliation and threats of retaliation when they report injuries, report that a carrier violated safety laws or regulations, or if the employee refuses to work under certain unsafe conditions or refuses to authorize the use of any safety related equipment.

An employer also is prohibited from disciplining an employee for requesting medical or first-aid treatment, or for following a physician's orders, a physician's treatment plan, or medical advice.

Retaliation, including threats of retaliation, is defined as firing or laying off, blacklisting, demoting, denying overtime or promotion, disciplining, denying benefits, failing to rehire, intimidation, reassignment affecting promotion prospects, or reducing pay or hours.

What was missing was tough enforcement of the law – but no more.

For the sixth time in recent months, the Department of Labor's Occupational Safety and Health Administration (OSHA) has taken strong action against a railroad for violating the law – and fully protecting the whistle-blowing

employees who suffered harassment and intimidation by the offending carrier.

In the latest OSHA action, Union Pacific was ordered in August to pay more than \$600,000 in back wages, punitive damages, compensatory damages and legal fees to three employees for improper termination and suspension – all in retaliation for reporting workplace injuries, OSHA reported.

Said OSHA: "Union Pacific Railroad has created a climate of fear instead of a climate of safety. The company must take immediate steps to change this unacceptable pattern of retaliation."

One UP conductor working out of Kansas City, Mo., was terminated after making repeated complaints to the railroad's hotline about fall and trip hazards, missing roadway signs, other safety issues and reporting that a supervisor had violated safety procedures during a field test, said OSHA. The conductor was also cited for having a tattoo the railroad deemed as creating a hostile work environment – a tattoo OSHA said commemorated his prior military service.

A second conductor, working out of Kansas City, was suspended without pay after making several complaints about "rough spots on the track," said OSHA.

And a UP engineer, working out of Tucson, Ariz., was improperly terminated after reporting a workplace injury, said OSHA in imposing the awards and fines.

Separately in August, OSHA ordered BNSF to pay a conductor \$300,000 to cover back wages, attorney's fees and damages for improperly suspending her after she reported an injury. According to OSHA, the conductor twisted a knee in a BNSF yard in Seattle.

Although BNSF officials followed her to the emergency room, according to OSHA, the railroad later accused her of failing to report the injury in a timely manner and suspended her for 30 days without pay. BNSF also assessed her points, alleging she needed additional knowledge, training or behavior focus, said OSHA, which called that action "disciplining an employee who reports a work-related personal injury."

In other recent OSHA actions:

- Norfolk Southern was ordered to pay a former employee more than \$122,000 in compensatory and punitive damages, plus attorney fees, for improper termination after the employee reported an on-duty injury. OSHA also issued a startling statement validating what many UTU members have long suspected – that Norfolk Southern's culture of employee harassment and intimidation permitted the railroad to "maintain the appearance of an exemplary safety record and continue its 22-consecutive-year record as recipient of the E.H.Harriman Gold Medal Rail Safety Award."

According to OSHA, the injury occurred in a NS yard in Jamestown, N.C., while the worker was removing spikes. Fearing loss of employment, the worker did not report the injury until a re-injury occurred. The employee was subsequently terminated.

- Metro North Commuter Railroad was ordered to promote a worker and pay him more than \$130,000 in compensatory and punitive damages, plus legal fees, for improperly discriminating against him by classifying the injury as not work-related and denying him a promotion.



OSHA has taken actions against rails for harassment

Agency orders rails to train mgt. of whistle-blower rights

- A Wisconsin Central conductor was awarded more than \$125,000 in compensatory and punitive damages, plus legal fees, following unlawful harassment and intimidation as the result of reporting an injury.

- Union Pacific was ordered to rehire a machinist it had fired following the reporting of a work-related injury.

- BNSF was ordered to rehire a conductor after being found guilty of improper retaliation after the conductor filed an injury report.

In all cases, OSHA ordered the railroads to provide training on whistle-blower rights to its managers, supervisors and employees, and to notify employees of their rights to be able to file complaints without fear of retaliation under the Federal Rail Safety Act.

A rail employee may file a whistle-blower complaint directly with OSHA, or may contact a UTU designated legal counsel, general chairperson or state legislative director for assistance.

A listing of UTU designated legal counsel is available at <http://www.utu.org>, or may be obtained from local or general committee officers or state legislative directors.

Southland Transit votes UTU

PERRIS, Calif. – In the 24th organizing victory in 43 months, the UTU has added representation of additional employees of Southland Transit here.

Following the lead of bus drivers and mechanics of Southland Transit, who voted "UTU, yes" in June, the company's call center employees have now chosen the UTU as their bargaining representative.

The new UTU members include dispatchers, schedule editors and vaulters, who count and transfer farebox revenue.

All are now members of the newest UTU local, Local 1700.

The organizing drive was led by Bonnie Morr,

alternate vice president, west, of the UTU's Bus Department.

Southland Transit is a community transit operation serving the disabled and elderly in the Southern California counties of Riverside and San Bernardino, providing transportation on demand and over fixed routes.

Southland currently provides, fixed route service, ADA complementary service, rail connection services, general public dial-a-ride services, elderly/disabled dial-a-ride services and am/pm route services for developmentally disabled adults. It also provides route deviation services and medical courtesy transportation.



Delegates agree: 'Nuts to SMART'

HOLLYWOOD, Fla. – The almost 500 delegates to the United Transportation Union's 11th Quadrennial Convention here voted unanimously Aug. 12 in favor of a resolution in opposition to a merger between the United Transportation Union and the Sheet Metal Workers' International Association (SMWIA).

The text of the resolution reads:

"As the nomination and elections that occurred earlier this week clearly demonstrated, and the numerous discussions between the delegates at this 11th Quadrennial UTU Convention have confirmed, the overwhelming sense of this body is that a merger with the SMWIA and the cre-

ation of the Sheet Metal, Air, Rail and Transportation (SMART) Workers Union never come to fruition.

"We have faith that the attempted SMWIA takeover of the UTU, which would not be in the best interests of either union, will never occur, and that such a combination would indeed be destructive of the UTU and harmful to the labor movement itself.

"We want to recommit the confidence we have placed in our newly elected officers and trust that we will remain an independent autonomous labor organization: the United Transportation Union."

Send UTU your photos

The UTU International is seeking good railroad, bus and airline photos for its annual calendar and other uses.

High-resolution digital photographs should be emailed to utunews@utu.org.

Printed photographs should be mailed to UTU News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

Please include the UTU member's name and UTU local number, the name(s) of the person or persons in the photo (left to right) and any other information.



All photographs submitted become property of the UTU.

“The best of wages will not compensate for excessively long working hours which undermine health.” – Former Supreme Court Justice Louis Brandeis (1916–1939)

UTU local meetings a source of info, inspiration

As a young railroad employee, I wondered why we had the wages and benefits that we had, why we had rules for assignments and for the work we performed.

I wondered what could be done to make things right when things didn't seem right. Only then did I attend my first local meeting.

I discovered local officers conducted the meeting in an orderly fashion and officers gave reports related to their positions.

I discovered that due to our collectively bargained agreement, a grievance process existed through which we could submit claims for violation of our rights. But what are



Officers' Column

By General Secretary & Treasurer

Kim Thompson

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ments have been changed by later agreements, and interpretation can be made only by the parties to agreement – the UTU and the carriers.

Had my local not held regular meetings, I would not have had an opportunity to learn the basics of how my union works.

I have learned much about this industry in the years since my early local meetings, but the foundation for my understanding began there. I am eternally grateful for that opportunity,

and for the desire to learn from a reliable source.

My message to you is to attend your local meetings.

Be active and take part in discussions. Ask questions of your local officers. If so moved, run for local office. The more you become involved, the more of an asset you are to your union.

Most importantly, ask a member to attend your local meeting, especially the young members.

We can all make a difference.

**Attend your UTU local meeting.
Ask questions. Get involved. Run for office.**

those rights? What is the contract?

Further interest revealed that our “contract” is actually a compendium of many agreements made over a period of time.

The Railway Labor Act provides that all agreements remain in effect until changed. They do not expire. This means that interpretation is required as to what earlier agree-

ments have been changed by later agreements, and interpretation can be made only by the parties to agreement – the UTU and the carriers.

I don't recall ever being invited to attend my first local meeting. Maybe I was invited, but too self-centered or all-knowing to care. Maybe I was too busy to take the time.



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For the latest news, visit www.utu.org; also, sign up on the UTU website to receive news alerts via email.

Fighting to fend off the budget axe

Congress is back from its August recess and eyes are focused on the “Super Committee” of House and Senate members charged with finding \$1.5 trillion in budget cuts over the next 10 years.

Should that committee fail to agree – and that is likely – there is an automatic triggering mechanism to cut \$1.5 trillion split evenly between defense and discretionary spending.

We will be working to see that Amtrak, transit, high-speed rail,



Officers' Column

By National Legislative Director

James Stem

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Ohio. The UTU Collective Bargaining Defense Fund and the UTU PAC are at work protecting basic rights of collective bargaining.

our members were registered to vote and were informed about the candidates' positions.

While we were heavily outspent by far-right anti-labor national groups, it was the votes actually cast that mattered.

In the end, we showed that labor

Fortunately, Ohio has a referral process, and that legislation is on hold and will be voted on in November.

The UTU Collective Bargaining Defense Fund will be working long and hard in Ohio to defeat this measure.

Ohio State Legislative Director Glenn Newsom has been coordinating with Dean Mitchell urging UTU members and their families to register to vote.

They will be doing informational mailings about the significance of the vote.

While we can't raise the money anti-labor extremists can for these

Our funding priorities: Amtrak, transit, high-speed rail, essential air service, NLRB, NMB

essential air service, the National Labor Relations Board and the National Mediation Board are adequately funded.

Our fear is all these vital entities will take some financial hit, but we will do our best to preserve funding by visiting, speaking with and educating lawmakers.

We also will continue pursuing hours-of-service technical corrections and improvements to the Family and Medical Leave Act for operating rail employees.

We thought 2011 was an “off year” concerning elections. How wrong that was.

The assault on state workers' rights brought legislative recalls in Wisconsin, and a big legislative referral is on tap in November in

In August, there were recall elections of nine Wisconsin state senators – three Democrats and six Republicans – with all three Democrats easily re-elected and two of the anti-labor Republicans defeated.

The Wisconsin state senate, while still under control by Republican supporters of Gov. Scott Walker, has had the Republican majority reduced to a single seat.

One of those Republicans is a moderate whom we hope will help bring reason to that chamber.

The UTU Collective Bargaining Defense Fund played a meaningful part in the Wisconsin elections. Wisconsin State Legislative Director Tim Deneen worked with our political consultant, Dean Mitchell, and our Washington office to ensure

will not sit back and accept this assault on collective bargaining rights.

We are very proud of the 98 percent of our active and retired members who were registered to vote in Wisconsin.

Now, it's on to Ohio, where we intend to have 98 percent of our active and retired members and their families registered to vote.

Recall that the Ohio legislature passed Senate Bill 5 that repealed collective bargaining rights for public employees, and Gov. John Kasich signed it into law.

efforts, we can and will work to encourage UTU members and their families and friends to register to vote, ensure they are informed on the issues, and that they cast their ballots.

In the end, it's not the amount of money that is spent. It's the votes cast.

If you or a family member is not registered to vote in Ohio, please do so today.

You can find a link to register at www.utu.org, or simply call the National Legislative Office at (202) 543-7714 for assistance.

**Collective Bargaining Defense Fund,
UTU PAC defending basic rights**

State Watch

News from UTU State Legislative Boards

North Dakota

Tessa Burkle has been named acting state legislative director in the wake of the retirement of former State Legislative Director Marc Halvorson.

Burkle is the first female state legislative director in the history of the railroad brotherhoods.



Burkle

Burkle, who also serves as local chairperson and legislative representative of Local 1137, Fargo, is a graduate of the University of North Dakota.

She hired out in 2005 as a conductor with the BNSF in Grand Forks, N.D.

She transferred to Dilworth, Minn., where she is currently working as the Twin Cities Division UTU safety coordinator.

"Tessa Burkle possesses great communication skills and is an extremely qualified individual. I have the utmost confidence in Sister Burkle fulfilling her responsibilities as state legislative director," Halvorson said.

Illinois

Gov. Pat Quinn has signed UTU-sponsored legislation requiring all contract-carrier vehicles that carry railroad crews to be equipped with first-aid kits.

The legislation mandates that the kits must contain the same basic medical supplies that already are mandatory on locomotives, trains and railroad-owned motor vehicles.

The legislation is effective upon the governor's signature, but Illinois Legislative Director Robert W. Guy said it does allow time for the van operators to acquire and install the necessary equipment.

"They knew this was coming, but legally they were not actually obligated to start installing the kits in their vehicles until the governor's signature was on the legislation," Guy said. "We expect it will be a matter of several weeks before all affected vehicles are equipped."

DONATE TO



UTU PAC!

United States

Many delegates at the UTU International's recent convention stepped up to the plate and increased their donations to UTU PAC, the union's political action fund.

Of the 490 delegates in attendance, some 135 signed up or increased their UTU PAC pledges by \$43,287 a year. Many delegates increased their contributions from \$100 a year to a dollar a day.

At the convention, the UTU PAC received one-time contributions – through the sale of raffle tickets for a set of golf clubs donated by Alternate National Legislative Director John Risch and sales of T-shirts and hats – totaling \$4,101.

This was in addition to the more than \$21,000 in new or increased UTU PAC pledges received during the San Antonio and New York regional meetings, bringing this year's effort to nearly \$65,000 in new/increased annual pledges and more than \$5,000 in one-time contributions.

Many UTU bus member victims of Ponzi-style investment scheme

LOS ANGELES – For 15 years, Thomas L. Mitchell worked a Ponzi scheme targeting and draining the retirement funds of retired LACMTA bus workers, many of whom were UTU members.

The con artist will now spend his next nine years in federal prison – having pleaded guilty to mail fraud, according to *The Los Angeles Times*. And while Mitchell has been ordered to return to his victims millions of dollars in ill-gotten gains, it is likely the scores of retirees, whose comfortable retirement was ruined by the cheat, will never recover their money.

Federal prosecutors said Mitchell promised high investment returns in exchange for access to the victims' retirement funds. Only a small fraction of the money was placed in legitimate investments, with most of the funds financing a lavish lifestyle for Mitchell, according to prosecutors.

The federal judge who imposed the nine-year prison sentence described Mitchell's scheme as a "remarkable level of deception" driven entirely by "greed." A federal prosecutor said Mitchell "was able to lead a luxurious lifestyle by stealing the life savings of hard-working men and women who only sought a dignified retirement. For his criminal conduct, Mitchell richly deserves his nearly decade-long prison sentence."

One dishonest individual can devastate your retirement

As UTU General Secretary & Treasurer Kim Thompson pointed out in a leadership column in 2010, while "the vast majority of investment advisers, investment firms and financial planners are trustworthy professionals, an encounter with only one dishonest individual could devastate your retirement."

Thompson recommended retirees heed 10 steps suggested by best-selling author Charles Murray, a resident scholar with the American Enterprise Institute:

- 1) **Every deal is a potential scam:** Recognize that fraud is an act of deceit by one party intended to induce another to part with something of value.
- 2) **Map out your goals before shopping or investing:** There's a difference between "buying" and "being sold."
- 3) **Avoid mixing business with pleasure:** According to the National Institute of Justice, the attempt to defraud is more successful if a person knows or knows of the offender.
- 4) **Don't get greedy:** Remain calm and dispassionate.
- 5) **Be suspicious of "inside information," "hot tips" and "one-time offers":** Why you instead of Tom, Dick and Harry?
- 6) **Educate yourself:** Beware of getting all your information from the seller.
- 7) **Double check all facts:** A cheat doesn't want himself or his deal scrutinized.
- 8) **Don't wilt when the heat is turned up:** It takes a secure person to say "no" to pressure and manipulation.
- 9) **A promise is only as good as the person behind it.**
- 10) **Scams copy the same methods used in legitimate business dealings:** Spotting the difference can be difficult. Five tell-tale signs:

- Something is promised that borders between reasonable and too good to be true;
- Victims typically know or know of the swindler;
- A sense of urgency exists;
- A cheat doesn't want himself or the deal scrutinized;
- High-pressure sales tactics are used.

Bus Department

By Calvin Studivant, alternate vice president - bus
mcoperator2@yahoo.com

UTU prevails in grievances

Congratulations to all who were elected at the 11th Quadrennial Convention. Each has pledged to do their best in providing our members with sound leadership and the best representation available.

Members of Local 1715, Charlotte, N.C., recognize the quality of UTU representation. In recent weeks, three members were returned to work following successful processing of their grievances.

Additionally, the UTU has prevailed in 14 grievances that put \$1,000 in back pay into the wallets of each of those members.

We also have begun contract negotiations with the carrier. As part of that process, we are restoring respect our members lost while represented by another organization prior to the UTU representation election victory earlier this year. As part of those contract negotiations, we are in the process of delivering improved working conditions on the Charlotte property by modifying tentative contracts agreed to by the other organization.

Local 1715 also has completed its local elections. Kevin Moss was elected general chairperson, Hasson Trent was elected vice general chairperson, and Bruce Wright was elected local president. We are very proud of these new officers and the members.

Also in negotiations are members of Local 172 in Darby, Pa., where Vice President Vic Baffoni is assisting at the bargaining table.

We continue efforts to stop harassment of drivers

In late August, a federal appeals court vacated the Federal Motor Carrier Safety Administration's final rule requiring electronic onboard recorders. The court said the rule does not sufficiently protect drivers from being harassed by employers to remain at the wheel when they are fatigued. The final rule was scheduled to go into effect in June 2012. A lower court, which had set aside a challenge, was told to revisit the case.

The 7th Circuit Court of Appeals said the FMCSA "needs to consider what types of harassment already exist, how frequently and to what extent harassment happens, and how an electronic device capable of contemporaneous transmission of information to a motor carrier will guard against (or fail to guard against) harassment."

As a member of the FMCSA advisory committee, I previously voiced concern over this rule and it is comforting that our concerns were recognized by the appeals court. I expect the lower court will instruct the FMCSA to revise the rule to include better driver protection.



Bus companies ordered to post organizing message

The National Labor Relations Board (NLRB) has ruled that employers, including union and non-union bus companies, covered by the National Labor Relations Act must post notices on bulletin boards informing employees they have a right under federal law to organize and be represented by a labor union.

If employers communicate with employees regarding personnel issues via the Internet or an internal company Intranet, they must also post the notice on those sites, ruled the NLRB.

The New York Times reported that this is the first time, since passage of the National Labor Relations Act in 1935, that employers have been ordered to post notices about employee rights to organize.

The ruling does not affect railroads or airlines as they are covered by the Railway Labor Act, which is administered by a separate federal agency, the National Mediation Board.

Photo highlights of the 2011 UTU Convention



Nile Drago, delegate from Local 1503, Marysville, Kan., seconds the nomination for one of the candidates.



One of the many votes taken by the delegates. Local delegates hold up cards showing their local number to indicating their vote; the cards are also used to gain admission to the polling stations.



Vincent Tessitore Jr., delegate from Long Island Rail Road Local 645, Babylon, N.Y., donates \$1,000 to the UTU's Collective Bargaining Defense Fund.



A bagpiper from the Broward County (Fla.) Honor Guard opened the convention.



Delegate Richard Albire of Local 84, Los Angeles, studies the Report of the Constitution Committee before the start of proceedings.



Attending from Local 40, Denver, which represents workers at Great Lakes Aviation, were Jerad Tomicich, left, and Delegate Antonio Lopez.



Left to right are Los Angeles County Metropolitan Transportation Authority General Chairperson James Williams; former UTU International President Tom DuBose and Assistant California State Legislative Director Mike Anderson.



The newly elected UTU Executive Board (front, left to right): Robert Resendez Jr. (L-1422, Los Angeles); Steve Mavity (L-298, Garrett, Ind.); George Millward (L-78, Pocatello, Idaho); (standing, left to right) Phil Craig (alternate; L-64, Huron, S.D.); Mike Anderson (L-1570, Roseville, Calif.) and Steve Dawson (L-811, San Bernardino, Calif.).



Delegates (left to right) Edward Cox (L-740, Joliet, Ill.); David Muro (L-1628, Pittsburgh); Cory Mayberry (L-1383, Gary, Ind.) stand with Vice President David Wier.



Left to right are delegates Carl Crawford (L-821, Del Rio, Texas), Joseph Chelette (L-1337, New Orleans) and Troy Johnson (L-594, Mineola, Texas).



Delegates (left to right) Pate King Jr. (L-1172, Mullens, W. Va.); Mitchell Brunckhorst (L-1447, Newark, N.J.); Vincent LaBella (L-1440, Staten Island, N.Y.) and William Stone (L-1378, Wilmington, Del.) line up to vote.



From left are Vice Presidents Delbert Strunk and Paul Tibbit; Alternate Vice President-East Doyle Turner; Alternate Vice President-South Larry Barvilleaux, and Alternate Vice President-West Daniel Young.



Left to right are Jaime Delgadillo (L-1563, El Monte, Calif.); David Ojeda (L-1563); Robert Gonzales (L-1563) and Edward Montesino (L-23, Santa Cruz, Calif.).



The delegate who had served at the most rail-labor conventions, William Beebe of Local 1361, New Haven, Conn., who attended his first convention in 1964 and every convention since, was selected by his fellow delegates to swear in the newly elected UTU officers.



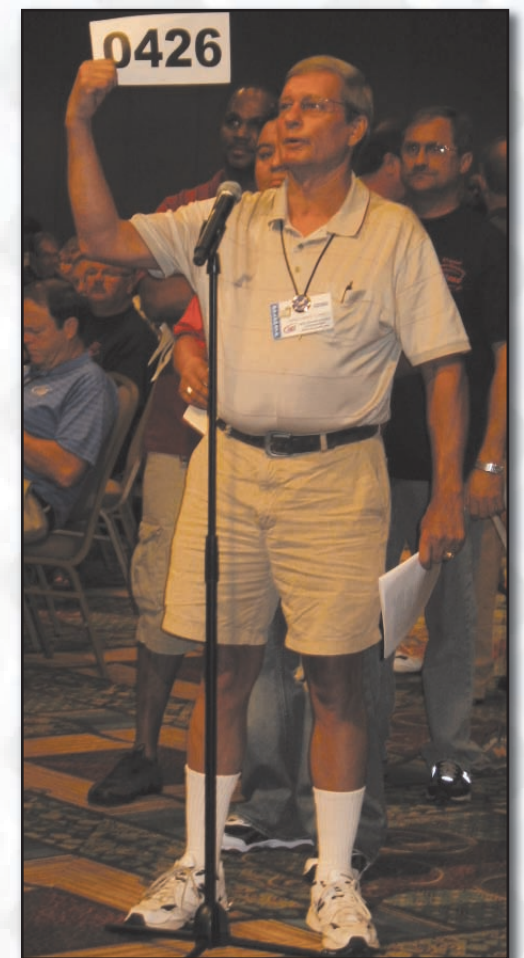
After a plea by National Legislative Director James Stem, delegates and others descended on the UTU PAC table to increase their contributions.



Delegates Glenn Hazelwood (L-1963, Louisville, Ky.), left, and Paul Stein (L-1741, San Francisco) show off T-shirts received by all delegates.



Left to right are Dale Barnett Jr. (L-762, Montgomery, Ala.); Michigan State Legislative Director Jerry Gibson; Gerald d'Ortenzio (L-1760, Detroit) and Adhi Reddy (L-1785, Santa Monica, Calif.).



Delegate James Larkin of Local 426, Spokane, Wash., addresses the delegation.



Local 923 (Dalhart, Texas) Delegate Randy Johnson votes at one of the 10 voting stations set up on the convention floor.



Convention speaker William Lucy, former general secretary and treasurer of the American Federation of State, County and Municipal Employees (left), and Director of UTU Designated Legal Counsel Mark Allen.



Having fun at the Sunday evening reception are Evan Snyder (son of Delegate Tim Breault, L-495, Salina, Kan.) and Ehryn, Monica and Marvin Henton, son of Delegate Chad Henton (L-506, Herington, Kan.).



Delegate Danny Kemp (L-1252, Fresno, Calif.) studies the convention schedule while his wife, Diana, and children, Nicole and Matthew, observe.



Leana Lewis, wife of UTU Organizer Mike Lewis, with a sand sculpture she created. Leana created a different sand sculpture every day of the convention.

UTU Alumni

UTU Alumni Association

News, information for members of the UTU Alumni Association

UTU retirees, father and son, visit D.C. war memorials

Honoring World War II veterans who served this country is admirable. Helping a group of World War II veterans who served this country visit their war memorial in Washington, D.C., is above and beyond the call of duty.

Such was the honor of 62-year-old retired Canadian National/Union Pacific conductor **Terry Palmer** (Local 650, Minneapolis) and other “guardians” who recently escorted 112 World War II veterans to our nation’s capital.

Adding to the pride was the fact that Palmer was able to escort his father, retired Chicago, St. Paul, Minneapolis & Omaha/Chicago & North Western (now part of Union Pacific) conductor **George Palmer**, 85, who served aboard USS Flusser in the South Pacific from 1943 to 1945.

The journey began with a 4 a.m. wake-up call and a 7 a.m. departure from Rochester, Minn., aboard an Honor Flight.

(Honor Flight is a non-profit organization created solely to honor America’s veterans for all their sacrifices. Honor Flight transports veterans and others to Washington, D.C., to visit and reflect at their memorials. Top priority is given to the senior veterans – World War II survivors, along with those other veterans who may be terminally ill. More than 63,000 veterans have been escorted, free of charge, to visit the nation’s capital.)



Terry Palmer, left, with his father, George, at the Vietnam Memorial Wall in Washington.

Stops in Washington included the World War II Memorial, Air Force Memorial, Navy Memorial, Marine Corps Memorial, Vietnam Memorial Wall, Korean Memorial and other sites.

Arrival and departure at Reagan International Airport included a swing band, jitter-bug dancers, singers, flag wavers and hand shakers, representatives from veterans’ organizations, active duty and former military personnel from all branches, school children doing interviews for class projects and more.

“It was a day that we will cherish for the rest of our lives,” Palmer said.

Bay area railroaders to host fourth annual reunion lunch

Retired conductor **John Herrmann** of Local 694, Dunsmuir, Calif., invites all active and retired railroaders in the San Francisco Bay area to the fourth annual lunch and reunion from 1-5 p.m. on Oct. 29 at Spenger’s Fresh Fish Grotto, 1919 Fourth St. in Berkeley, Calif. The cost of lunch is \$31 in advance, or \$36 at the door. Entrée choices are chicken, pork, salmon or pasta and include a salad, rolls and beverage. To make a reservation, call Herrmann at (530) 926-5180.

“I believe we had a record attendance of 85 last year and surely want to have more than 100 this year,” Herrmann said.

Railroaders, family and friends from SP, UP, WP, AT&SF and Amtrak, as well as other lines, from all crafts, are invited to attend. Those paying in advance should send their check or money order to Herrmann at P.O. Box 1504, Mt. Shasta, CA 96067, and indicate the entrée choice.



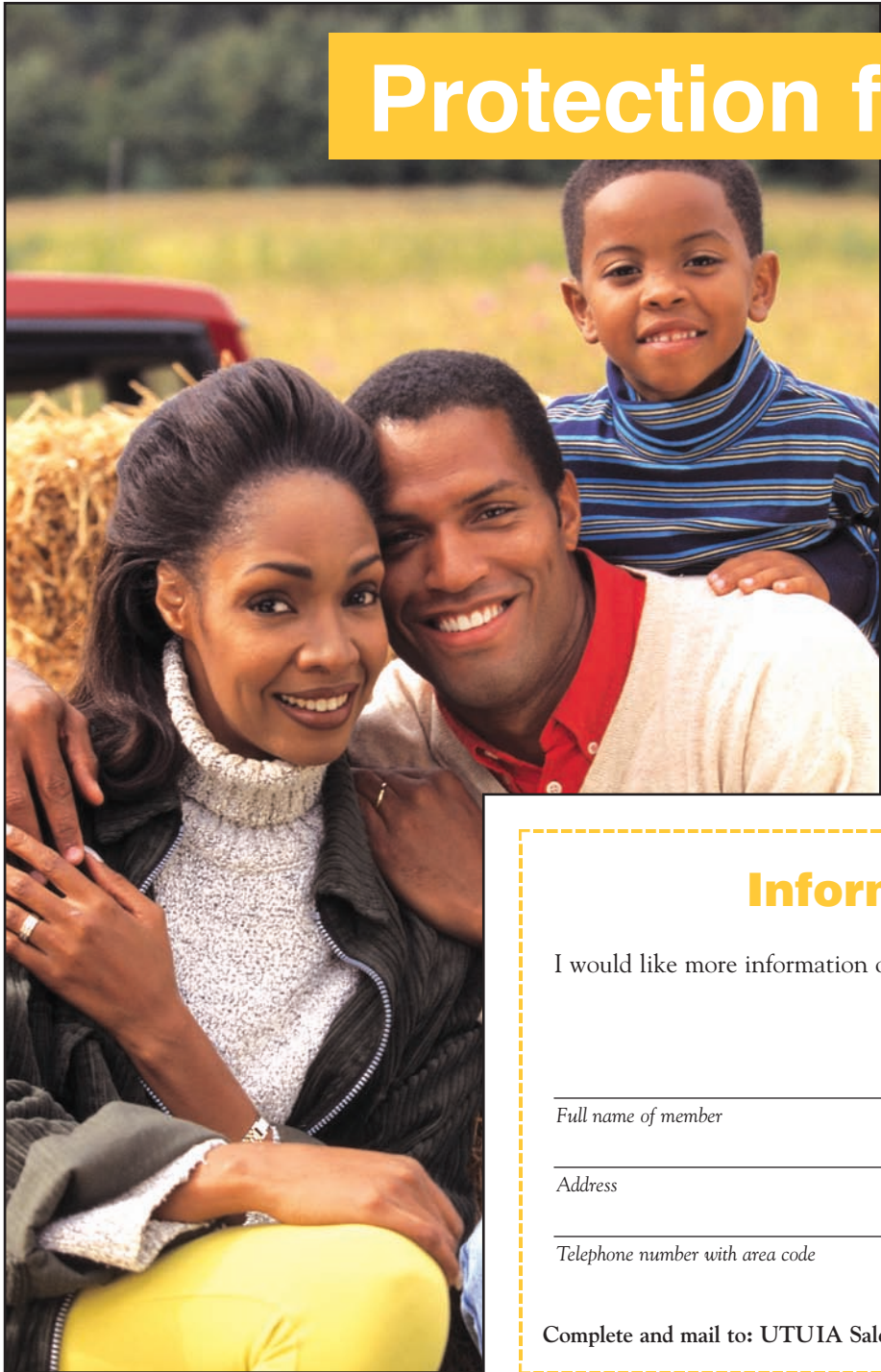
Retirees volunteer for youth programs

Four BNSF retirees recently volunteered to raise funds for the Boys and Girls Clubs of St. Charles County, Mo. The four (left to right) – UTU members **Bill Thomas**, **Gary Kosednar** and **Larry Austin**, and engineer Lou Pessoni – cut up and served a roasted whole hog for the attendees at the club’s annual Sporting Clay Shoot. Three are members of Local 1388 (St. Louis) and all worked at the Lindenwood Yard in St. Louis. The event raised nearly \$10,000 to help provide programs for the youths attending the clubs.

THE FINAL CALL

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

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
2	Spychalski, Melvin S.	Swanton, Ohio	620	Runowski, Thomas	Lakeview, Ark.	1241	Scheiter, Bruce N.	Camdenton, Mo.
14	Broering, Frank G.	Laurel, Ind.	631	Barnhart, Robert C.	Hagerstown, Md.	1315	Huff Sr., Harry G.	Union, Ky.
14	Peace, Bill J.	Burlington, Ky.	645	Langan, Robert G.	Avon, Conn.	1327	Conley, James H.	Logan, W. Va.
14	Rose, Charles E.	Springboro, Ohio	645	Lawrence, Joseph G.	Edmonds, Wash.	1366	Carlisle, Winn F.	Salt Lake City, Utah
48	Whited, Thomas E.	Spring, Texas	645	Stacey, Arthur C.	Bonifay, Fla.	1375	Jones, Norman P.	Chicago, Ill.
202	Seymour, Winfred W.	Denver, Colo.	650	Ryan, Thomas Q.	Saint Paul, Minn.	1378	Sparrow Jr., George W.	Delmar, Del.
228	Meadows, B.E.	Oskaloosa, Iowa	655	Wisdom, Marshall C.	Wedgfield, S.C.	1381	Summar, Algue L.	Gary, Ind.
228	Williams, Alva R.	Douds, Iowa	679	Beaupre, Roger E.	New Britain, Conn.	1383	Lapkovitch, Steven A.	Rensselaer, Ind.
258	Taube, Frank E.	Des Moines, Iowa	730	Albinger, Michael A.	Bozeman, Mont.	1386	Wilson, Henry E.	Newark, Ohio
284	Dudash, Frank	Twinsburg, Ohio	733	Crofutt Jr., Newell M.	Texarkana, Texas	1390	Pusateri, Sebastian D.	Bethpage, N.Y.
298	Simcox, Charles F.	Garrett, Ind.	744	Snodgrass, Byron M.	Michigantown, Ind.	1477	Trost, Laurence M.	Plymouth, Mich.
322	Pflanzer, Anton A.	King, Wis.	759	Trzcinski, Ronald	Goshen, N.Y.	1524	Gibbs, William C.	Highlands, Texas
324	Bushaw, Greg A.	Monroe, Wash.	762	Thompson, Robert E.	Prattville, Ala.	1545	Griffing Sr., Clyde V.	McGehee, Ark.
330	Richie, Frederick K.	Poplar Bluff, Mo.	781	Scott, Royce E.	Shreveport, La.	1565	Ashton, Walter R.	Santa Paula, Calif.
378	McCready, Howard P.	Berea, Ohio	823	Melear, William L.	Odessa, Texas	1597	Wagner, John H.	Schaumburg, Ill.
453	Mintun, John L.	Decatur, Ill.	991	Taylor, Carl R.	Tiltonsville, Ohio	1628	White, John W.	Pittsburgh, Pa.
471	Cosler, Kenneth D.	Albany, Ore.	1000	Carlson, Paul W.	Minneapolis, Minn.	1780	Wall, Ray D.	Excelsior Springs, Mo.
471	Hassler, Leo J.	Roseburg, Ore.	1011	Pait, George V.	Charlotte, N.C.	1790	Carver, Kenneth	Ambrose, Ga.
511	Wilson Jr., Joseph H.	Naples, Fla.	1031	Morgan Jr., Robert K.	Garnett, S.C.	1948	Loftus, John J.	Pittsburgh, Pa.
565	Biggs, Bobby D.	Royalton, Ill.	1035	Tuttle, Jerry G.	Irvine, Ky.	1962	Dixon, Arden L.	Grand Blanc, Mich.
565	Whitchurch, David L.	Troy, Ill.	1042	Brown, Oather E.	Oklahoma City, Okla.	1975	Gumminger, John M.	Kansas City, Mo.
590	Bright, Lorin R.	La Crosse, Wis.	1053	Johnson, Charles L.	Selma, Ala.	1978	Hayes, Patrick T.	Bergenfield, N.J.
594	Furrh, Paul E.	Mineola, Texas	1202	Haenel, Harry K.	Clyde, Ohio			



Protection for your loved ones

Peace of mind for you

Young families have very little discretionary cash. In fact, most young families rely on the income of both spouses to make ends meet.

You’ve thought about how your family would carry on if something happened to you. But you put the thought out of your mind because, after all, you’re young. Nothing’s going to happen to you. Right?

What if something were to happen to you? Would there be enough money to provide for even the barest of necessities, especially since it takes both incomes to make ends meet?

If you could protect the financial well-being of your loved ones for just a few dollars a month, wouldn’t you do whatever it takes to set aside those few dollars to ensure the financial well-being of your family? Of course you would!

The answer is life insurance. Life insurance – especially term insurance – is very inexpensive at young ages and, while you’re young and insurable, you stand the best chance of getting the best rate possible.

We can provide the peace of mind you’re looking for. **Contact us toll-free at (800) 558-8842, or email “utuiasales@utu.org.”**

Information, please

I would like more information on UTUIA’s Ultimate Term Insurance.

Please print

Full name of member	Sex	Date of birth	
Address	City	State	ZIP
Telephone number with area code	UTU local number		



Complete and mail to: UTUIA Sales Dept., 24950 Country Club Blvd., Ste. 340, North Olmsted, OH 44070-5333 09/11

Passenger, commuter train workers face new HOS rules

Passenger and commuter train conductors and engineers face new FRA-mandated hours-of-service rules effective Oct. 15.

Among the differences from freight hours-of-service rules is that passenger and commuter train hours-of-service regulations are more stringent for assignments between 8 p.m. and 4 a.m.; there is no cumulative-hours limit for passenger and commuter train crews, and passenger and commuter train operators must submit certain employee work schedules for scientific study to determine schedule-specific risks of fatigue.



The FRA said that while it “agrees that [a 10-hour call requirement] would provide predictability as to when an employee will be called to work, adopting a 10-hour call requirement is not possible at this time, as it was not a part of the proposed rule.... The regulation requires labor involvement in the determination of fatigue mitigation tools to be applied, so there may be opportunities to voluntarily make use of this schedule practice.”

UTU National Legislative Director James Stem provided this summary of the final rules:

- Provide a permanent separation from freight hours of service regulations because of the predictable work schedules of intercity passenger and commuter rail assignments. “Now we have two systems of HOS coverage – freight and passenger,” Stem said.
- Require at least two days of rest every 14 days for all assignments, with some flexibility allowed for assignments not working after midnight (i.e., 6-1, 12-2, 1-12-1, 14-2.)
- Require, for the first time, use of a scientific validated biomathematical fatigue model tool to analyze all assignments for risk of fatigue.
- Require consultation and agreement between the carrier and general chairperson on adjusting identified assignments for fatigue mitigation.
- Continue to require eight hours off duty between assignments for passenger operations because of the predictable work schedules.
- Create a tool box of acceptable fatigue mitigation strategies that the carrier and the general

Defined reporting times contribute to safety

chairperson may select. Also, there is encouragement to adopt a napping strategy, even for assignments that are only off duty at an interim release location for 90 minutes.

- Require improved facilities at interim release locations of four hours or more.
- Require much stronger reporting requirements of all aspects of hours-of-service operations.

“These final rules recognize and maintain the significant contribution to safety that a defined reporting time makes for safety-critical operations,” Stem said.

“Our operating employees are professionals. When they know the time they must report for service, they show up rested, and fatigue is not a factor.

“Also, a napping policy for our assignments that turn in fewer than four hours is a significant improvement for safety. Sleep scientists confirm that a 30-minute nap is a great fatigue mitigation tool,” Stem said.

Union Plus offers assistance to Irene victims

Union members living in areas impacted by Hurricane Irene and who participate in Union Plus programs may be eligible for financial assistance.

Union Plus disaster relief grants of \$500 are available to help participants in the Union Plus credit card, insurance or mortgage programs who are facing financial hardships. The money does not have to be repaid.

To qualify for a Union Plus disaster relief grant,

the union member must meet a number of conditions as described at www.unionplus.org/disaster.

To apply for a disaster relief grant, union members who participate in any of the following programs can call:

- Union Plus credit card: (877) 761-5028
- Union Plus mortgage: (800) 472-2005
- Union Plus insurance: (800) 472-2005

Delegates amend UTU Constitution

Delegates at the convention amended the UTU Constitution by adopting eight proposals. One will remove the dues obligation of officers in E-49 status, and another will require all UTU locals to adopt a set of bylaws.

Changes to the Constitution, except those that specify otherwise, become effective Nov. 1, 2011. A PDF of the UTU Constitution as amended will be posted on the UTU's website at www.utu.org.

Effective immediately were amendments to Article 2 and Article 36 altering the method of filling non-Bus Department vice presidential vacancies between conventions, decoupling the six non-Bus Department alternate vice presidents

from geographic designations, and adjusting convention election procedures.

Article 3 was also amended, effective immediately, to reflect the UTU's headquarters location.

Taking effect Nov. 1, 2011:

- an amendment of Article 7 allowing members in E-49 status to retain elective office while exempt from dues;
- a change in Article 12 calling for annual review of locals enjoying reduced International dues;
- an Article 19 change assigning the general secretary & treasurer "joint jurisdiction and authority with the International president over the financial affairs" of the UTU;

- a one-word change in Article 39 requiring all locals to adopt bylaws;
- an Article 47 change adding local vice presidents to the list of those exempt from transfer requirements, and
- a change to Article 82 dispelling ambiguity as to when a general chairperson may serve as a local chairperson.

A local bylaws template is available from the UTU International upon request. The Microsoft Word document also can be downloaded by going to the "S&T Tools" page of the UTU website at www.utu.org, scrolling to the bottom of the "Forms and Documents" column, and clicking on "More forms..."

A more complete rundown of changes made to the UTU Constitution can be found on the "Documents" page of the UTU website, www.utu.org.

UTU members ratify new national contract

Continued from page 1

national President Mike Futhey, who led the UTU negotiating team.

"The \$200 monthly cap on health care insurance contributions, through July 1, 2016, is less than half what federal workers currently are paying, and is more than \$140 less than the average currently paid by private-sector workers," Futhey said.

"With health care costs continuing to rise, this cap will be even more extraordinary in each successive year of this contract," he said.

Overall, the contract was ratified by a 60 percent to 40 percent margin. The craft-autonomy provisions of the UTU Constitution require that each craft ratify the agreement – and each of the six crafts did so by solid margins. (See the table at right for voting results by each craft).

Telephone voting – following town hall meetings across the country to discuss the contract – took place over a 21-day period beginning Aug. 12, with each voting-eligible member mailed a package of materials explaining the agreement.

The UTU News and UTU website also provided extensive explanatory materials, with the website offering an opportunity for members to request answers to specific questions.

Votes were tabulated by BallotPoint Election Services, an employee-owned and union-represented firm. Members voted in the craft in which they worked the day prior to the mailing of ballots.

In addition to UTU lead negotiator President Futhey, UTU officers on the negotiating team included Assistant President Arty Martin; National Legislative Director James Stem; UTU International Vice Presidents Robert Kerley and Delbert Strunk; and General Chairpersons John Lesniewski (CSX, GO 049), Pate King (NS, GO 680) and Doyle Turner (CSX, GO 347).

Ratification vote by craft

Following is how each UTU craft voted in ratifying the national agreement with most major railroads. The votes were certified by BallotPoint.

Craft	For	Against
Conductors	59%	41%
Yardmen	67%	33%
Brakemen	63%	37%
Engineers	53%	47%
Firemen/Hostlers	59%	41%
Yardmasters	68%	32%
Total:	60%	40%

Officers elected

Continued from page 1

elected, by acclamation, "Road Service (Train Service) Member" on the Board of Appeals.

• **Dale Welch** (Local 1092, Teague, Texas) was elected, by acclamation, "Yard Service (Train Service) Member" on the Board of Appeals.

• **Dirk Sampson** (Local 117, Vancouver, Wash.) was elected, by acclamation, "Commuter Authority Member" on the Board of Appeals.

• **Alvy Hughes** (Local 1596, Charlotte, N.C.) was elected "Bus Department Member" on the Board of Appeals, defeating **Adhi Reddy**, 379-106.

Also:

• **Steve Dawson** (Local 811, San Bernardino, Calif.), **Mike Anderson** (Local 1570, Roseville, Calif.), **Steven Mavity** (Local 298, Garrett, Ind.), **George Millward** (Local 78, Pocatello, Idaho) and **Robert Resendez** (Local 1422, Los Angeles) were elected, by acclamation, to the Executive Board.

Phil Craig (Local 64, Huron, S.D.) defeated **Harry Garvin** (Local 240, Los Angeles), 346-140, in the election for alternate to the Executive Board.

Terms of elected officers and alternates begin Jan. 1, 2012.

Per an arbitrator's ruling in the pending litigation and arbitration of whether the merger agreement between the UTU and the Sheet Metal Workers International Association (SMWIA) is an enforceable agreement, parallel elections were held for officers of the Sheet Metal, Air, Rail and Transportation (SMART) Workers Union.

Each of those elected Aug. 8-10 to a UTU position was also elected to the same-named position in SMART.

As to the parallel SMART election, Arbitrator Michael Gottesman required that "if SMWIA so requests," the UTU convention had to hold separate elections for officers of UTU and of SMART. SMWIA General President Joe Nigro so requested such votes be held.

Consequently, nominations and elections for the corresponding SMART officer positions were held simultaneous with UTU officer nominations and elections.

Arbitrator Gottesman said the required vote on SMART-officer positions should in no way suggest he has reached a decision.

UTU officer biographies, photos in next issue

Photographs and biographies of UTU officers elected at the union's 11th Quadrennial Convention will be printed in the October issue of *UTU News*.

Transportation Safety Team adds four members



The UTU's Transportation Safety Team, which assists the National Transportation Safety Board in ascertaining factual data in rail-related accidents, recently added four members, according to Safety Team Coordinator Nile Dragoo (center). Joining Dragoo at a training seminar at the NTSB's Ashburn, Va., facility in July were, from left, Illinois State Legislative Director Bob Guy, Indiana State Legislative Director Kenny Edwards, South Dakota State Legislative Director William Shillingstad and District of Columbia Legislative Director Willie Bates. "This seminar taught our new team members how an investigation is held and the process through which factual information is obtained. It will be very beneficial to these new members when they actually participate in an accident investigation in the field," Dragoo said.



UTU to Congress: ‘High-speed rail will create jobs’

WASHINGTON – New jobs building and operating high-speed rail “are American jobs that can’t be shipped overseas and would be a God-send in this economic downturn,” UTU Alternate National Legislative Director John Risch told a congressionally sponsored forum here Aug. 3.



Risch

“Railroad operating jobs are not just good paying jobs; they are great careers,” Risch told his audience, which included a bi-partisan group of lawmakers and their staff interested in advancing high-speed passenger railroading, as well as officials of the American High Speed Rail Alliance.

“Amtrak and its workforce should be the backbone for high-speed rail in America,” Risch said. “Amtrak, by law, is America’s national intercity rail passenger network and the nation’s only provider of high-speed rail with its Acela Express service in the Northeast Corridor.”

Risch told the forum the UTU supports Amtrak’s Next Generation Plan for development of high-speed rail in the Northeast Corridor, which would include speeds as fast as 220-mph and significantly reduced travel times.

“Amtrak’s plan would support 44,000 jobs annually over the 25-year construction period and some 120,000 permanent jobs,” Risch said.

“If we were instead to build more highways, we would have to build eight new lanes of Interstate between Washington, D.C., and Boston to

accommodate the same number of travelers Amtrak will carry on the Northeast Corridor upon completion of the Next Generation Plan,” Risch said.

“Amtrak,” said Risch, “has extensive experience operating passenger trains in America, has long-standing relationships with the freight railroads and has a proven track-record partnering with state and local governments to provide passenger rail service.”

“Most importantly, Amtrak employs the experienced conductors, engineers, on-board service workers, machinists, signalmen, train dispatchers, and others who know how to run a railroad,” Risch said. “These are the best trained passenger-rail workers in the nation, and Amtrak is the best choice to implement any high-speed rail program.”

Members’ actions recognized by NJ Transit police

Earlier this year, four Local 60 (Newark, N.J.) members employed by New Jersey Transit (NJT) were honored by the NJT Police Department for their various acts of “diligence and personal initiative” in keeping the traveling public safe, General Chairperson Patrick Reilly reports.

NJT Police Chief Christopher Trucillo presented Ian Worrell, Greg Ziolkowski and Edwin Ortiz with either a plaque or recognition award acknowledging their noble acts of ensuring the safety of NJT commuters.

Also recognized was UTU member Nazih Abdul-Shakur, who was unable to attend the presentation ceremony.

Worrell came to the aid of an NJT police officer who was in a violent struggle with a passenger, “enabling the officer to take this person into custody, thereby preventing further injury to the



Worrell



Ortiz



Ziolkowski

officer, train crew and ensuring the safety of our commuters,” according to the award.

Ziolkowski confronted a passenger in possession of a filled gasoline container on a train. “He then personally escorted the passenger off the train at the next stop without incident, thereby preventing any injury to the train crew and ensuring the safety of our commuters,” Trucillo said.

Employees Edwin Ortiz and Nazih Abdul-Shakur were on a concourse at the Hoboken Terminal when they observed a man acting suspiciously. Having just completed the “See Something – Say Something” training, they quickly contacted NJT police, who found the suspect was wanted for multiple crimes by the Weehawken police.

“These members went over and above their duties to ensure that the traveling public and their co-workers were safe,” Reilly said.

“Local UTU officers are working closely with NJT police to ensure the highest quality of safety for the public and our members,” Reilly said.

He cited the cooperative efforts of Chief Trucillo, who recently came to NJT from the Port Authority of New York & New Jersey Police Department, and Deputy Chief Joe Kelly.

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 2010

UTU International¹	77.9 percent
General committees of adjustment²	
GO 049 CSX/B&O	98.9 percent
All others	99.5 percent
State legislative boards³	
LO 005 California	79.2 percent
LO 035 New York	87.2 percent
All others	0.0 percent

¹ Calculated by analysis of UTU News.

² Calculated by applying the lowest of previous reviews of the applicable general committee or, if never reviewed, by applying the historical average of all general committees.

³ Calculated by applying the lowest of previous reviews of the applicable legislative board providing the board has had eight or more reviews.

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.

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Photo of the month

The UTU International is always looking for good photos, and awards UTU gear to monthly photo winners.

The UTU seeks photographs or digital images 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, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

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 Local 1000 (Minneapolis) retiree **Steve Dirksen**. "I took this picture of new White Pass and Yukon Railroad engine #99 in Skagway, Alaska, while on the Alumni Association-sponsored Alaskan cruise, which was fabulous."



The Official Publication of the United Transportation Union

UTU mourns deaths of 5 members in rail accidents



Tapia



Beeler



DeCeck



Bleyenbergh



Mack

Five UTU members have been killed in on-the-job accidents since late July, bringing to eight the number of members killed in 2011. This total already equals the number killed in each of the two previous calendar years.

Andres Tapia, 34, a Belt Railway of Chicago switchman and member of Local 1597 (Chicago), with three years' service, was crushed between two railcars July 25 while working a two-person remote control assignment.

Deborah Ann Beeler, 39, a BNSF conductor and member of Local 1289 (Tulsa, Okla.) since 2005, was killed in a Tulsa yard accident Aug. 4 when a vehicle in which she was riding crossed a track and was struck by a flatcar descending a hump.

Russell DeCeck, 48, a Long Island Rail Road car inspector and member of Local 722 (Babylon, N.Y.), with 28 years' service, was killed Aug. 14, when he came in contact with the third rail in a yard at West Islip, N.Y.

Thomas F. Bleyenbergh, a BNSF yardman and member of Local 5 (Kansas City, Mo.), since 1994, was killed Aug. 15 when he became trapped between two rail cars at the carrier's Argentine Yard in Kansas City, Kan., while working a two-person remote control assignment.

Blaine Mack, 56, a BNSF conductor and member of Local 1059 (Minot, N.D.), with 36 years' service, was killed Aug. 19 when the crew van in which he was riding was involved in a two-vehicle collision near Frazer, Mont.

For more information on these accidents, go to www.utu.org and insert the last name in the search engine.

The UTU has three dedicated teams that study safety issues, assist in accident investigations and make recommendations: the Switching Operations Fatalities Analysis (SOFA) working group, the UTU Transportation Safety Team, and the UTU Rail Safety Task Force.

Inside this issue of the *UTU News*:



Young train lover made honorary member of UTU. See page 2.



Local meetings a source of information and inspiration. See page 4.

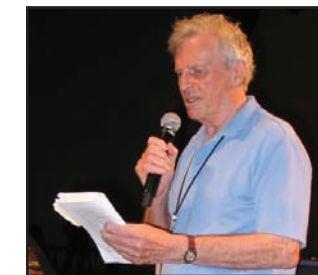


Photo highlights of the UTU quadrennial convention. See pages 6/7.



Retired railroaders enjoy visit to national monuments. See page 8.