

BMWED



BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
of the International Brotherhood of Teamsters

JOURNAL

Volume 126 ■ Number 3

www.bmwe.org

September-October-November-December 2017

BMWED and rail labor rally around Healthcare NOT Wealthcare

On Nov. 8, the BMWED engaged in nationwide informational picketing focused on the current round of collective bargaining with the Class 1 freights. Hundreds of railroaders united outside of their workplaces to protest corporate greed and unwarranted changes to our healthcare benefits.

“Healthcare NOT Wealthcare” was the prevailing theme for the dozens of actions scattered across the country, but many of the picketers came up with their own slogans, all focused on standing tough against the railroads greed.

The BMWED, through its Communication Action Team (CAT) internal organizing program, led the way, however participants came from all rail crafts. It was part of a concerted effort to unify all of rail labor in its struggle for worker



dignity.

The railroads are putting concerns for their profit margins and bonus checks ahead of the health of our families. It is as simple as that. It is not that they can't afford to maintain our current level of

health insurance, it's just that they won't. Your health, and the health of your spouse and children, are nothing more than a line item on their quarterly finance reports. The ability to report to their top shareholders that their margins are up is the only thing that drives them. Any concern about their employees is only lip service.

Our Day of Action garnered news attention. Newspapers and television and radio stations in Chicago, Kansas City, Indianapolis, Jacksonville, Fla., Georgia, Indiana, Ohio, South Carolina, and several other cities and states, all reported on our picketing. The pressure we applied on the railroads did not go unnoticed.

Thank you, BMWED Brothers and Sisters for standing and fighting with us. Solidarity!

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Keep up with BMWED on facebook

For the latest News, Photos, Job Openings, and Everything Brotherhood

Log on to www.facebook.com



Search for "Brotherhood of Maintenance of Way Employes"

And **LIKE** our page!



Do you have an interesting hobby or a great story to tell? Pictures from a recent lodge meeting or event? We want to hear and see them.

Contact the Journal at:

cballew@bmwe.org

Change of Address Request

Please remember to notify your System Office or the National Division of any change of address or telephone number. It is vital that this information be kept current. Railroad employers do not always provide this information to the BMWED. Phone numbers can be found at BMWE.org.

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SEPTEMBER-OCTOBER-NOVEMBER-DECEMBER, 2017 ■ BMWED DIVISION JOURNAL ■ VOLUME 126 ■ NUMBER 3

The BMWED Journal is the official news publication of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters

Freddie N. Simpson
President and Editor

Perry K. Geller, Sr.
Secretary-Treasurer

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Associate Editor

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Job Opening

Staff Assistant – Financial Services

The BMWED National Division is seeking rank-and-file applicants for the following position:

Job Title: Staff Assistant – Financial Services

Job Location: Novi, MI

Starting Salary: \$85,500

Starting Date: Immediate Opening

The responsibilities of the Financial Service Staff Assistant include managing employees, overseeing and assisting in payroll and accounts payable operations; balancing and filing federal tax documents; issuing W-2 and 1099 forms; executing bank wires; managing corporate credit card accounts and other duties assigned by the National Division Secretary Treasurer. Applicants should possess an accounting or finance degree and intermediate to advanced accounting skill set, extensive computer skills including Microsoft Word and Excel, have the ability to catch on quickly, be self motivated and be able to communicate well with others in a fast-paced work environment.

The BMWED provides a relocation package, health and welfare benefits, life insurance, vision care, vacation, and other benefits. Active members hired to work for BMWED remain covered under the Railroad Retirement Act and most continue to accumulate railroad seniority during their full-time employment with BMWED.

The BMWED is an equal opportunity employer committed to cultural diversity and non-discrimination. Interested members are strongly encouraged to apply and become part of BMWED's future. Resumes should include details of your railroad work history, any union activity/union positions held, education and training history, and a cover letter.

You may email your resume to Michelleo@bmwe.org, or by U. S. Mail at:

Job Opening BMWED
c/o Perry K. Geller, Sr.,
Secretary Treasurer
41475 Gardenbrook Rd
Novi, MI 48375

Note: please choose USPS or UPS

New England Central Railroad MOW employees join BMWED, ratify first contract

Maintenance of way department employees on the New England Central Railroad, who voted to join the Brotherhood of Maintenance of Way Division earlier this year, today ratified their first contract and are now officially part of the BMWED's Northeastern System Federation.

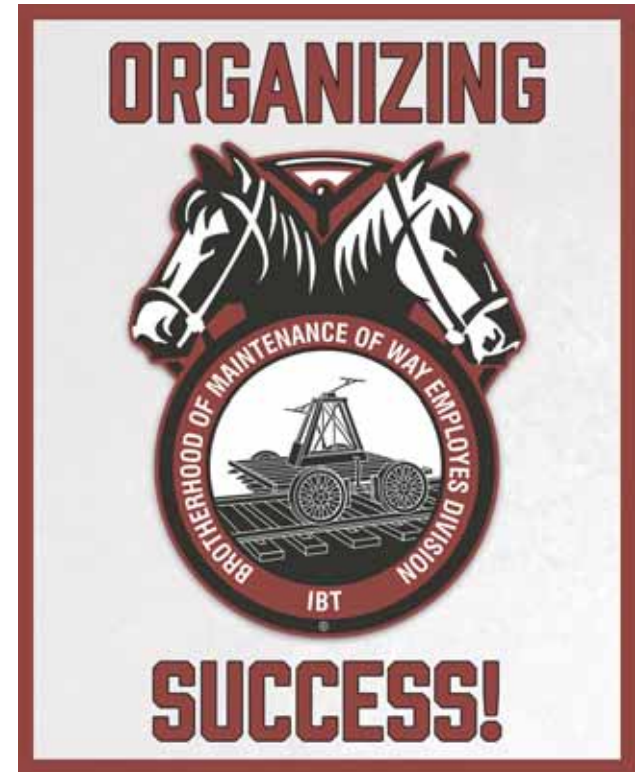
By a vote of 14-1, the 20-person NECR MOW department has its first-ever Union contract. The conditions include 18 percent gross wage increases over the term of the five and a half year agreement (from retroactive July 1, 2017 to 2022), overtime pay over 40 hours per week (after eight and 10 hours per day), and a minimum three hours OT on calls outside regularly assigned hours.

In addition this agreement provides for schedule stabilization, hours of work, seniority, and preference for overtime work and

improvements in away-from-home expenses.

The NECR is owned by the Gennese and Wyoming, its territory covers from St. Albans Vt. to New London, Conn. (former Central Vermont Lines) with 20 MOW employees currently manning the property. It interchanges with the Canadian National, CSX, and Pan Am railroads, along with five other shortlines.

"This is good news and I am proud to share it with the entire BMWED membership," NESF General Chairman Dale Bogart said. "Brother Tim McCall (BMWED Director of Organizing) should be given proper compliments, as he was responsible for organizing this property and securing BMWED representation there. I am grateful that the NESF is a part of this hard work and we are ready and honored to stand with our new members on the New England Central Railroad, who finally have a voice and an agreement on their property."



Sign up for BMWED News Alerts and get the latest news sent directly to your email account. To sign up visit the BMWED webpage at www.bmwe.org, or send your name and email address to dyack@bmwe.org, along with a request to be added to the BMWED News Alert list.

DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING JUNE, JULY, AUGUST, AND SEPTEMBER 2017

NAME	CITY/STATE	LODGE/SYSTEM/RR	D.O.D.
CURTIS L. EVANS	FORT GAY, WV	1464 ASF/NS	05/21/17
ALBERT E. SCHENCK	CLARK FORD, ID	0104 BURNOR/BNSF	04/04/17
GEORGE L. WHITAKER	BRIDGEVILLE, PA	1997 CRSF/NS	06/24/17
PETER WHITE	FREDONIA, NY	0482 CRSF/RETI	12/20/16
ROBERT O. PORTER	GREEN BAY, WI	0706 BURNOR/RETI	05/20/17
ADOLPH E. SCHWAB	BREWSTER, OH	2307 CRSF/RETI	05/20/17
FRANK J. MARTINEZ	BAKERSFIELD, CA	2418 ATSF/RETI	05/01/16
WILLIAM C. GALASPY	IUKA, IL	1162 AF/RETI	08/03/17
VINCENT M. CALABRESE	GENEVA, NY	0362 PENN/RETI	08/03/17
GERHOLD M. WANAMAKER	WALLKILL, NY	1350 CRSF/RETI	07/23/17
LAWRENCE R. FOOSE	CEDAR POINT, KS	2405 ATSF/BNSF	07/11/17
GILBERTO OLIVERA	BROWNSVILLE, TX	2754 AF/RETI	08/07/17
EDWARD M. PERDEW	PIPESTEM, WV	0613 ASF/NS	08/15/17

PAID JUNE 1, 2017 TO OCTOBER 1, 2017	\$ 6,500.00
AMOUNT PREVIOUSLY PAID	\$45,543,807.75
TOTAL AMOUNT PAID TO DATE	\$45,550,307.75
NUMBER OF CLAIMS PAID – 13	

REPORT OF DEATH NOTICES RECEIVED DURING JUNE, JULY, AUGUST, AND SEPTEMBER 2017

KERRY C. DAVIS	GODDARD, KS	2405	AT&SFF/BNSF	07/28/17
PEDRO RUIZ III	HALSTAD, MN	0249	BURNOR/BNSF	06/26/17
PEDRO B. CORDOVA	CLOVIS, NM	2416	AT&SFF/BNSF	06/29/17
JEROME FREEMAN	CHICAGO, IL	2857	BURL/NIR	06/14/17
BENNETT H. GERKEN	OMAHA, NE	1105	BURL/BNSF	06/27/17
CHRIS R. BLACK	WINSLOW, AZ	2417	AT&SFF/BNSF	12/24/16
JASON D. BYERS	TRACY CITY, TN	0667	AF-SE/CSXT	05/20/17
BRIAN J. ZAMORA	LOS LUNAS, NM	2415	AT&SFF/BNSF	01/22/17
ALFREDO ALVARADO	CHEYENNE, WY	0686	USD/UP	05/22/17
JAMES G. DECKER	SUSQUEHANNA, PA	1350	CRSF/NS	06/30/17
CASEY A. STRINGFELLOW	MAGALIA, CA	0922	USD/UP	08/13/17
DANIEL J. POTTER	OMAHA, NE	1105	BURL/BNSF	08/28/17
CHRISTIAN T. JOHNSON	BOELUS, NE	1214	BURL/BNSF	08/26/17
JOSEPH CARTER	WILMINGTON, DE	3095	PENN/NRPC	04/03/16
HUNTER O. BRAY	NORTHPORT, AL	0585	SOU/NS	09/17/17
CHET A. HAFLEY	ANNISTON, AL	0992	AF/CSXT	09/12/17

Learn more about the Teamsters Human Rights Commission and how you can participate.

Contact BMWED Vice President Roger Sanchez at (281) 354-4812 or by email at lodge1507@aol.com.



Legal Aid Program List

Here is an updated list of the approved attorneys in the Brotherhood of Maintenance of Way Employees Division's Legal Aid Program who can be called on for advice and assistance when needed in case of on-the-job personal injury or death.

Brotherhood of Maintenance of Way Employees Division members who are injured on the job, or the dependents of members killed as a result of such injuries, should ascertain their rights and protections under the Federal Employers' Liability Act (FELA) before attempting any settlement with a railroad company.

Under the Legal Aid Program, in case of personal injury or death while employed on a railroad, a Brotherhood of Maintenance of Way Employees Division member or his family has access to competent legal counsel in making claims under the FELA.

The Brotherhood of Maintenance of Way Employees Division-approved legal aid attorneys are well qualified to handle cases under the FELA.

LAW FIRMS APPROVED TO HANDLE CASES FOR MAINTENANCE OF WAY EMPLOYEES UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT

Blunt & Slocumb, Ltd.

60 Edwardsville Professional Park
P. O. Box 373
Edwardsville, IL 62025
TELEPHONE: (618) 656-7744
FAX: 618-656-7849
TOLL FREE
NATIONAL: (800) 323-5538
www.bluntlaw.com

Hubbell Law Firm, L. L. C.
1100 Main Street, Suite 2930
Kansas City, MO 64105
TELEPHONE: (816) 221-5666
FAX: 816-221-5259 & 816-472-5972
TOLL FREE NATIONAL: (800) 821-5257
www.hubbellfirm.com

Ingebritson & Associates, P.A.
7141 Amundson Avenue
Edina, MN 55439
TELEPHONE: (612) 340-8290
FAX: 612-342-2990
TOLL FREE NATIONAL: (800) 282-6393
www.ingebritson.com

James A. Ebert, LLC
Attorney at Law
80 Whitlock Place
Suite 100
Marietta, Georgia 30064
TELEPHONE: (404) 872-7759
FAX: 404-872-9430
TOLL FREE (888) 753-0533
jebert@jamesebert.com
www.jamesebert.com

Jones, Granger, Tramuto & Halstead
P. O. Box 4340
Houston, TX 77210-4340
TELEPHONE: (713) 668-0230
FAX: 713-956-7139
TOLL FREE TX ONLY: (800) 392-0620
NATIONAL: (800) 231-3359
www.jonesgranger.com
weldon@wgranger.com

Naumes Law Group LLC
2 Center Plaza, Suite 620
Boston, MA 02108
TELEPHONE: (617) 227-8444
FAX: 617-227-1270
TOLL FREE NATIONAL: (844) 826-8445
www.naumeslaw.com
Robert@Naumeslaw.com

Ridge & Downes, P.C. *
101 N. Wacker Drive, Suite 200
Chicago, IL 60606
TELEPHONE: (312) 372-8282
FAX: 312-372-8560
TOLL FREE (800) 572-1136 (800) 624-2121
ddownes@ridgedownes.com
www.ridgedownes.com

Pratt & Tobin, P.C.
P. O. Box 179
Route 111 at Airline Drive
East Alton, IL 62024
TELEPHONE: (618) 259-8011
FAX: 618-259-6793
TOLL FREE (800) 851-5562
www.prattandtobin.com

Rossi Vucinovich P.C.
1000 Second Avenue, Suite 1610
Seattle, WA 98104
TELEPHONE: (425) 646-8003
FAX: 425-646-8004
TOLL FREE (866) 357-RAIL (7245)
jvucinovich@rvflegal.com
www.rail-accidents.com

The Moody Law Firm
500 Crawford Street, Suite 300
Portsmouth, VA 23704
TELEPHONE: (757) 393-4093
FAX: 757-397-7257
TOLL FREE NATIONAL: (800) 368-1033
www.moodyrllaw.com

* Note: Primary office location.

Why Choose A BMWED-Designated FELA Attorney?

In this day of specialization, most lawyers, like most doctors and other professionals, tend to specialize. If you have tax problems, you go to a lawyer who knows the tax laws. If you have

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BMWED CRSF elects new system officers

Brother Jason Graham selected as new General Chairman

The Brotherhood of Maintenance of Way's Consolidated Rail System Federation elected new officers at its quadrennial convention this past October, including new General Chairman Brother Jason Graham.

Brother Graham replaces retiring CRSF General Chairman Ed Long.

Other officers elected at the CRSF convention in Niagra Falls, N.Y. include:

Secretary-Treasurer Brother David Beal
First Vice Chairman Brother Jesse Dewe
Second Vice Chairman Brother Perry Geller Jr.
Asst. General Chairman Brother Kevin Adams
Asst. General Chairman Brother Brian Emerson

Asst. General Chairman Brother Thomas Kirby
Asst. General Chairman Brother David Ostrum
Asst. General Chairman Brother Sheldon Swain
All the newly-elected officers assumed their roles in January. The CRSF represents members on Amtrak, CSX, Grand Trunk, Norfolk Southern, and several other smaller roads throughout portions of the northeast and midwest.

"Congratulations to the newest officers of the CRSF," BMWED Secretary Treasurer and former CRSF General Chairman Perry Geller Sr. said. "Your election is a testament to your hard work and dedication to serve your fellow railroad brothers and sisters. I wish you all much and great success."





FOURTH REGULAR CONVENTION OF THE BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION LAS VEGAS, NV 2018



THE TIES THAT MAKE US STRONGER

The Fourth Regular Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters will be held June 18 - 20, 2018, at the Bally's Hotel & Casino in Las Vegas, Nevada. More information will be provided as the Convention dates approach.

BMWED Bylaws, Article 1, Section 5 and 6

Sec. 5. The National Division shall convene in regular Convention in the month of June, quadrennially, at a time and date and in such city as may be determined by the National Division President and National Division Secretary Treasurer jointly, with the approval of the National Division Executive Board.

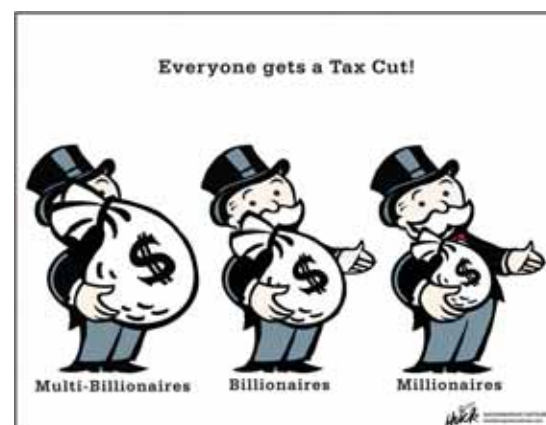
The rules contained in the current edition of Robert's Rules of Order shall govern the BMWED in all cases to which they are applicable and provided they are not inconsistent with these Bylaws and any special rules of order the BMWED may adopt.

Sec. 6. At each regular Convention of the National Division, delegates shall be entitled to cast one vote for every member in good standing of the membership which he represents. Each National Division Officer shall be a delegate ex officio but he may not participate in the election of National Division Officers unless he has been elected as a delegate by secret ballot vote of members of a Local Lodge.

NOTICE

Article XV, Section 8 – Transfer Refunds

Sec. 8. Refunds of monthly dues, fees and assessments for those who transfer outside the jurisdiction of BMWED will only be allowed for the months following the month the applicable General Chairman involved receives a written request and/or a valid revocation of the Dues Deduction Agreement wage assignment authorization. A notice pertaining to the Brotherhood's dues refund Bylaws provision will be published semi-annually in the Secretary-Treasurer Report of the Journal or its successor publication.





Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Freddie N. Simpson
President

Perry K. Geller, Sr.
Secretary-Treasurer

CONVENTION CALL

Official Notice of National Division Convention June 18, 2018

Novi, Michigan
November 3, 2017

ALL LODGE SECRETARY-TREASURERS

Dear Brothers and Sisters:

The purpose of this letter is to advise you that, in accordance with Article 1, Section 5 of the Brotherhood of Maintenance of Way Employees Division's Bylaws, the Fourth Regular National Division Convention of our Brotherhood will convene at Bally's Hotel & Casino, Las Vegas, Nevada, at 9:00 a.m., Monday June 18, 2018, for the purpose of reviewing the work and accomplishments of the Brotherhood, to consider legislation for the benefit and advancement of the membership, to amend the National Division Bylaws, to elect officers and to act upon such other business as may properly come before the Convention.

REPRESENTATION

Your attention is directed to Article XVIII, Section 14, Paragraph 1, of the National Division Bylaws, which provides, in pertinent part, that:

"Each Local Lodge in good standing shall be entitled to be represented at the National Convention by a delegate or alternate, or a delegate ex officio as set forth in the second paragraph of this Section. However, in the event a Local Lodge elects not to send its own member or delegate ex officio to the National Division Convention, two or more Local Lodges may elect to be represented by a delegate and/or alternate of another Local Lodge in the BMWED from their System Division Federation. No delegate may represent more than five hundred (500) members at the National Division Convention unless such members are all members of one Local Lodge. A delegate or alternate to the National Division Convention may request as many Lodges as may elect him if the total membership so represented does not exceed five hundred (500) members."

EX OFFICIO DELEGATES

Article XVIII, Section 14, Paragraph 2, of the National Division Bylaws governs the selection of ex officio delegates to the National Division Convention and provides as follows:

"All delegates and alternates to National Division Conventions must be elected by secret ballot vote of the members in good standing of the Local Lodge by which they are accredited to the Convention; provided, however, that National Division Officers shall be delegates ex officio at all National Division Conventions as set forth in Article 1, Section 6, if they are not elected as a delegate by a Local Lodge; and provided, further, that if a General Chairman or elective full time System Division or Federation Officer is not elected as a delegate by a Local Lodge, such General Chairman or such System Division or Federation Officer when designated by the General Chairman will, by virtue of election to such office, be a delegate ex officio at all National Division Conventions (at no expense to the National Division) and accorded the same rights and privileges enjoyed by National Division Officers who are delegates ex officio as set forth in Article 1, Section 6. When National Division Officers or General Chairmen or full time System Division or Federation Officers are delegates ex officio at National Division Conventions, such Officers will be entitled to cast one vote in all matters before the National Division Convention except election of National Division Officers."

ELIGIBILITY REQUIREMENTS FOR ELECTION AS DELEGATE AND ALTERNATE DELEGATE

Article XVIII, Section 14, Paragraph 3, of the National Division Bylaws sets forth the eligibility requirements to run for delegate and alternate to the National Division Convention:

"All National Division Convention delegates or alternates shall be members in good standing of a Local Lodge in good standing with the National Division, and shall meet the eligibility requirements as set forth in paragraph 4.9 of the Merger Agreement, and be a member in good standing to May 1 of the Convention year."

Retired Local Lodge Secretary-Treasurers holding such office under the provisions of paragraph 4.11 of the Merger Agreement are not eligible to run for delegate or alternate delegate. Retired state Legislative Directors holding such office, and all other BMWED retirees (i.e., those not "actively employed at the craft" as required under Article II, Section 4(a)(1) of the IBT Constitution), are also not eligible to run for delegate or alternate delegate.



If you provide National Division or your System Office with sufficient advance notice of the date of your meeting, National Division will furnish you with address labels or Notice of Meeting Cards with pre-printed addresses. Prior to mailing, you should check the addresses against your current membership records to ensure that all members receive a notice of the meeting, since it may be necessary to hand-address cards for members for whom addresses were not furnished. Addresses for those members who are deceased or individuals who are no longer members of the Brotherhood should be discarded.

QUORUM REQUIRED TO ELECT DELEGATE AND ALTERNATE

Article XVIII, Section 6, Paragraph 3, of the National Division Bylaws provides that five (5) members in good standing constitute a quorum for the purpose of transacting Lodge Business. Therefore, if there are not five (5) members in good standing present at your Lodge Meeting which has been designated to elect a delegate and alternate to the National Division Convention, it will be necessary to reschedule the election due to the fact that a quorum was not present.

SECRET BALLOT ELECTION

Article XVIII, Section 14, Paragraph 2, of the National Division Bylaws, requires that all delegates and alternates must be elected by secret ballot. This is also a requirement of the Labor Management Reporting and Disclosure Act of 1959 and must be adhered to.

MAILING OF CREDENTIALS

Credentials will be issued and mailed from the National Division in sufficient time to be in the hands of Local Lodge Secretary-Treasurers prior to January 1 of the year of the National Division Convention, in accordance with Article XVIII, Section 14, Paragraph 6 of the National Division Bylaws.

Early election by the Local Lodges of delegates and alternates is requested in order that the duplicate credentials are received by the National Division Secretary-Treasurer from the Lodge Secretary-Treasurers, twenty (20) days prior to Convention (May 29, 2018).

PROPOSALS TO AMEND THE CONSTITUTION

Article XX, Section 1, of the National Division Bylaws, provides that all proposals to alter or amend the National Division Bylaws which are printed in the BMWED JOURNAL thirty (30) days before the day the Convention begins, may be enacted by a majority vote of the delegates assembled at the National Division Convention. Therefore, to comply with this requirement, all proposed amendments to the National Division Bylaws that are to be published in the BMWED JOURNAL must reach the National Division not later than March 30, 2018. In the case of proposed amendments to the National Division Bylaws which are not published in the BMWED JOURNAL, the approval of three-fourths of the delegates is necessary for their adoption.

It is not necessary that resolutions other than those proposing to alter or amend the National Division Bylaws be printed in the BMWED JOURNAL. However, such resolutions should be submitted in advance so the Resolution Committee can consider them before the Convention convenes and submit a report to the Convention.

All proposals to amend the National Division Bylaws and all resolutions that are to be considered by the Resolutions Committee should be mailed to the National Division President.

Copies of this Convention Call were sent to all National Division and System Officers, National Division Appointees, State Legislative Directors and Local Lodge Presidents in the United States. Excerpts of this Convention Call will be published in the September/October 2017 issue of the BMWED JOURNAL and is intended to serve as official notice to all members of the Brotherhood.

Fraternally yours,

President

Secretary-Treasurer

- cc: National Division and System Officers
- National Division Appointees
- State Legislative Directors
- Local Lodge Presidents

Sign up for BMWED News Alerts and get the latest news sent directly to your email account. To sign up visit the BMWED webpage at www.bmwe.org, or send your name and email address to dinclima@bmwe.org, along with a request to be added to the BMWED News Alert list.





BMWED/IBT ELIGIBILITY TO VOTE, BE NOMINATED OR BE ELECTED TO UNION OFFICE

FREQUENTLY ASKED QUESTIONS

QUESTION 1: I've heard that since we are now under the Teamster's eligibility for elections, twenty four (24) months of Continuous Good Standing (i.e., continuous timely dues payments) are required to be nominated and elected for office, is this true?

ANSWER 1: Yes. For members of local lodges in existence for more than 24 months, 24 months "Continuous Good Standing" is required.

For members of newly-chartered local lodges in existence for less than 24 months, the provisions of Article II, Section 4(b) of the IBT Constitution would apply.

QUESTION 2: How are the twenty four (24) months of Continuous Good Standing counted?

ANSWER 2: Starting with the month prior to nomination and the prior twenty three (23) months, all of which must be consecutive.

QUESTION 3: What about a late payment during those twenty four (24) months?

ANSWER 3: In the case of either a late or missing payment, the member would not be eligible for nomination and election.

QUESTION 4: Does the 24 month continuous good standing provision also apply to nominating or voting in the election?

ANSWER 4: No, you need a minimum of one month good standing; the month prior to the month of nomination (and the month prior to election if nomination and election will be held in different months). A member can restore "good standing" by paying required dues to the duly accredited Secretary-Treasurer prior to the meeting and commencement of nominations or elections.

QUESTION 5: What if I was on Payroll Dues Deduction and the Carrier didn't take my dues?

ANSWER 5: In accordance with Article X, Section 5(c) of the IBT Constitution:

"A member on dues checkoff whose employer fails to make a proper deduction during any month in which the member has earnings from work performed during the month from which the dues could have been deducted, or has earnings from which the employer normally makes a dues deduction pursuant to the contract or established practice, shall not lose good standing status for that month. In such an event, the Local Union shall notify the member of his employer's failure and payment shall be made by the member within (30) days of said notice in order to retain good standing status."

QUESTION 6: Would a BMWED Unemployment Card cover me for months that I was furloughed?

ANSWER 6: No. Under the Teamster's Constitution an Unemployment Card does not count toward the required twenty four (24) months in calculating Continuous Good Standing.

QUESTION 7: What if I was called up for Active Duty for the military or National Guard, would those months count when I didn't pay dues?

ANSWER 7: Article II, Section 4(a) of the Teamster Constitution states:

"Members in a reserve component of the military or National Guard who are called to active service lasting more than thirty (30) days but not more than twenty-four (24) consecutive months, shall be considered to be on Union approved leave of absence without any further action by the Local Union Executive Board. During such leave, the member shall not be obligated to pay dues beginning with the month in which the member commences his active duty. The member shall notify the Local Union that he has been released from active service within thirty (30) days and will be responsible for paying his dues beginning with the month following the month of release. In the event the member remains in active service after twenty-four (24) months, the member must pay dues for the month following the expiration of the twenty four (24) month period in order to remain in good standing."

QUESTION 8: In looking at my dues payment record for the previous twenty four (24) months I see one month that shows "LF," is that OK? Am I eligible to run for office?

ANSWER 8: No. LF means Late Full Dues. A late payment of dues (LF) breaks your Continuous Good Standing. Therefore, a LF would not count in calculating the twenty four (24) months of Continuous Good Standing.

QUESTION 9: In looking at my dues record for the previous twenty four (24) months I see several months at the beginning that show "OF," is that OK? Am I eligible to run for office?

ANSWER 9: No. OF stands for Officials Fee (Seniority Retention Fees). This Fee is different than Full Dues even though it can be the same dollar amount. Persons paying seniority retention fees (OF) do not have full membership rights nor are they deemed to be "actively employed at the craft" as required under Article II, Section 4(a) (1) of the Teamster Constitution.

QUESTION 10: If "LF" and "OF" payments don't count toward the twenty four (24) months, what other codes don't count?

ANSWER 10: Other codes that don't count are:

Continued on Page 19





Legal Aid Program List, from page 4

family matters to be handled, you go to a lawyer who knows the laws about wills, estates, probate, divorce, etc. That is why, if you're injured on the railroad, you need to go to a lawyer who knows the Federal Employers' Liability Act (FELA).

FELA became law in 1908. Under FELA, an injured railroad employee or his/her family survivors have the right to recover damages in court (state or federal). They have the right to a jury trial which can award damages based upon the railroad's negligence that resulted in the employee's injury or death.

Choosing a Brotherhood of Maintenance of Way Employes Division-designated FELA attorney is important because, as one court case stated, "injured workers or their families often fall prey ... to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not competent to try these lawsuits against the able railroad counsel or too willing to settle a case for a quick dollar."

Since most people don't deal with lawyers except in a time of need, the Brotherhood of Maintenance of Way Employes Division has a

long-standing policy of evaluating FELA law firms. Using established guidelines, the Brotherhood of Maintenance of Way Employes Division chooses the best to be on its approved or designated list which is printed twice yearly in the Brotherhood of Maintenance of Way Employes Division Journal.

Criteria used for evaluating FELA law firms include:

- Must have an established record of successful litigation experience.
- Must furnish National Division with a summary of cases handled (insofar as such disclosure is consistent with "attorney-client" privilege).
- Must charge a contingency fee that has been established by BMWED Policy.
- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the Brotherhood of Maintenance of Way Employes Division recognizes the importance of competent and fair legal counsel for its members, it regularly monitors the activities of the law firms on its list and makes changes

when needed.

If you do not have a copy of the approved list of attorneys when you need it, just call your system division or federation office and they will give you names and other necessary information. In addition, all approved attorneys are issued official Brotherhood of Maintenance of Way Employes Division credentials each year. If an attorney contacts you, be sure to ask for his credential.

Retirement Changes, from page 6

*** October 2017 ***				
JORGE GARCIA	USD	0686	UP	10/01/2017
MICHAEL J MORGAN	USD	1847	UP	10/01/2017
M C NELSON	USD	1517	UP	10/01/2017
TIMOTHY J PADULA	USD	1196	UP	10/01/2017
MIKE PIMENTEL	USD	0377	UP	10/01/2017
WILLIAM G ROBIN	USD	0922	UP	10/01/2017
THOMAS H WHITE JR	USD	0686	UP	10/01/2017
ARDIS B STANLEY	AF	1058	UP	10/02/2017
RICKY A MILES	AF	0993	CSXT	10/03/2017
HAROLD E SHAFFER JR	PENN	3080	NS	10/03/2017
VERNON MEADE	AF	0112	CSXT	10/05/2017
LARRY IGNACIO	USD	1020	UP	10/09/2017
ROBERT L KNIGHT	AT&SFF	2417	BNSF	10/11/2017
MICKEY E LOMINACK	AF	2912	CSXT	10/29/2017
CHARLES L MANN	AF	0944	UP	10/31/2017

BMWED Northeastern System Federation elects officers *Dale Bogart re-elected General Chairman*



The BMWED's Northeastern System Federation gathered this fall in Portland, Maine for its convention and Federation elections. Brother Dale Bogart was re-elected General Chairman, along with Brother Renato Rufo as Secretary-Treasurer.





Around the Brotherhood

ASF Lodge 1700 Brother Tom Knopf retires after 47 years

Members of BMWED Affiliated System Federation Lodge 1700 met earlier this year in St. Louis, Missouri. Brother Tom Knopf (orange safety shirt, fourth from right) was celebrated for his retirement after 47 years on the railroad. Congrats, Brother Tom!



BSD Lodge 1214 holds meeting and election

BSD Local Lodge 1214 held its meeting and elections on November 18, 2017 in Hastings, Neb.

Pictured from the left is Vice President Josh Hall, grievance committee member Landy Walker, LC Mike Muirhead, Audit committee member Paul Dubas, and S/T Staci Moody-Gilbert.



BMWED BURNOR Local Lodge 1296 holds meeting

Burlington Northern System Federation brothers from Local Lodge 1296 gathered in St. Cloud, Minn. for a meeting. They are: Mat Scherbing, Ben Lock, Brian Henderson, Bruce Larson, Scott Mattson, Mike Birr, and Greg Kipka.



NESF members host joint-lodge picnic

BMWED NESF Local Lodge 1368 (Oneonta, N.Y.) held a Family Picnic/BBQ earlier this year in Oneonta, NY. All current and retired members and their families were welcome and a good time was had by all who attended, which also included BMWED members and families from BMWED Sister Local Lodge 1632 (Binghamton, N.Y.). Photo taken by Tammy Licata



Tie gang members gather for Brotherhood meeting

BMWED BURNOR members on the TTPX0043 mini tie gang met for a union meeting earlier this year. They are: Joseph Hinch, Randy Walter, Andrew Jukich, Jeffrey Hogan, Charles Foust, Kenneth Hill, Jim Walter, Peter Houle, Ismail Yusuf, Kelly Houle, Ted Newlander, and Vice General Chairman Rod Engleson.



BSD Local 1142 elects lodge officers

New officers elected for BMWED BSD Local 1142 - Guernsey, WY are (from left): Vice President Brad Rittel, President Tim Klutts, S/T Lori Teniente, LC Rick Teniente and Past President Bob Case. Their meeting was held on November 4, 2017





Freddie N. Simpson

PRESIDENT'S PERSPECTIVE

Collective bargaining with the freight railroads presses on



Note: Four other rail unions ratified an agreement with the railroads in early December. The details of their agreements can be found on their respective websites. Pres. Simpson and the officers of the BMWED could not support the health insurance concessions within their agreement and decided to press forward. We believe that our network redesign, as laid out below, is an equitable and fair plan that does not require railroaders to pay more out of our pockets.

The status of collective bargaining with the railroads continually changes, and it is difficult to stay current within the pages of the BMWED JOURNAL. Due to printing and mailing times, it is almost impossible to be completely up-to-date. The best way to monitor the collective bargaining process as it happens is to follow the BMWED on Facebook ([facebook.com/BMWEDIBT](https://www.facebook.com/BMWEDIBT)) and/or frequently check our website (bmwe.org).

On October 5, 2017, BLET President Dennis Pierce invited the BMWED to sign on to the tentative agreement initiated by the Coordinated Bargaining Group ("CBG"). I politely informed President Pierce, "no, thank you." Members of this great Union want to know why I decided not to sign on. The reasons for my decision are the following.

The BMWED believes that each union member is "his brother's keeper." In the area of health insurance that means that before the BMWED agrees to concessions in healthcare benefits, it must exhaust every avenue to maintain existing benefit levels.

Before this round of bargaining began, BMWED established an internal healthcare bargaining committee consisting of elected officers, appointees and our retained healthcare experts. Their task was to devise ways to save the healthcare plan substantial dollars without cutting benefits. The

committee succeeded in its task. The BMWED/SMART-Mechanical coalition proposed what is called the "357 Plan" which is simplicity itself. That plan simply looks at the existing medical network providers, United Healthcare, Aetna and Highmark, and puts employees in the lowest cost network operated by one of these existing vendors in each of the 357 standard metropolitan statistical areas in the country. No benefits are changed and the "disruption" - meaning the number of employees who might have to change primary care physicians - is about the same as the current rate that employees have to get new doctors because they leave existing networks under the Plan. The 357 Plan would save the National Health & Welfare Plan \$140 million each year.

Conversely, the CBG tentative agreement obtains its healthcare savings by having sick employees and their families pay more for medical treatment. You may have heard that called "cost shifting" or "consumer driven" medical plans. What all that fancy language means is that sick people pay more and the railroads pay less. That tentative agreement saves the Plan \$100.4 million a year - all of which comes from you, the rank and file members of the union - in 2018. By 2020, those cost-shifting savings are almost \$120 million - all of which comes from the pockets of sick railroaders'. The savings from the cost-shifting concessions actually are less than what the Plan would receive from the BMWED/SMART-Mechanical 357 Plan.

Those sick railroaders are in the most need of our aid and comfort. Today, the average BMWED member pays \$3983.00 per year for health insurance and medical treatment (cost-sharing, co-payments, deductibles and co-insurance). Under the terms of the CBG tentative agreement, by 2020, over half of the Plan participants (all crafts) will be paying \$5000.00 a

year. Worse yet, seven percent (± 7000 employees) will pay \$10,000.00 or more, while today only one percent suffers such a burden. That figure is about one-quarter of the take home pay of a Trackman working straight time. That would bankrupt good hard-working union families who experienced the misfortune of someone in their family suffering a serious injury or illness. The BMWED cannot voluntarily sign on to an agreement that puts its members at financial risk if they get sick.

This financial risk is compounded by very low wage increases in the CBG tentative agreement. You all know that the railroads are financially healthy; certainly they are much healthier than when I began my railroad career in 1974. The railroads are buying back stock (rewarding their shareholders), and they are paying huge salaries for CEO's (CSX is paying Hunter Harrison \$440 million). Yet, the railroads can't seem to find the money to pay adequate wages to their employees.

The CBG tentative agreement is a four year deal running from January 1, 2016 to December 31, 2019. (The 3% wage increase on January 1, 2015 was ratified in the last agreement and can't be considered as having been negotiated in this round.) That four year deal provides a compound increase of 9.8%, or 2.4% per year. However, once the additional costs for healthcare in the form of increased co-payments, deductibles and coinsurance is factored in, the actual increase is only 2% per year. The total increase over 4 years at straight time for the weighted average hourly rate for a BMWED member is \$8719.00. That rate of return does not keep up with inflation and for those who suffer serious health issues, the agreement actually provides a wage cut.

Finally, some have suggested that I sign on because of the "politi-

cal climate" in this country. I guess that means some folks are afraid of an Emergency Board appointed by President Trump. I would prefer to reach a voluntary deal rather than have one dictated by an Emergency Board. But I also won't sign a voluntary deal that doesn't improve the working conditions of the membership. I am confident in our case before an Emergency Board, but if it rules against us everyone in this great Union can at least know they fought to the end to get a good deal for the membership. You play the game until the final whistle. I haven't heard one yet. We will fight on.

QR Codes

A QR code (Quick Response Code) is a two-dimensional code that can be scanned with a mobile phone to gain access to specific information via the mobile web.



**Scan me to Visit
the BMWED
website!**





Roll of Honor, From Page 13

Table listing names, awards, years, and counts for the Roll of Honor section.

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Table listing names, awards, years, and counts for the 50th anniversary Roll of Honor.



Table listing names, awards, years, and counts for the 30th anniversary Roll of Honor.

Table listing names, awards, years, and counts for the 30th anniversary Roll of Honor.

Table listing names, awards, years, and counts for the 30th anniversary Roll of Honor.

Apple Setup Instructions: From your Apple device, open the App Store, single click the Search button that is in the bottom, right corner...



Table listing names, awards, years, and counts for the 40th anniversary Roll of Honor.

Table listing names, awards, years, and counts for the 40th anniversary Roll of Honor.

Table listing names, awards, years, and counts for the 40th anniversary Roll of Honor.

Android Setup Instructions: Open the Market. Single click the Search button in the upper, right hand corner. Includes a QR code and text: Scan me for instructions to download the app for BMWED news





Day of Action, from page 3



Continued on Page 18





Day of Action, from page 17



Job Opening

Director of Safety

The BMWED-IBT National Division Headquarters is seeking applicants for the position of Director of Safety. The position will be headquartered in the BMWED-IBT Washington, D.C. office. Candidates must excel in their attention to detail and accuracy, be driven, self-motivated, organized, and committed to the ideals and goals of organized labor and the BMWED.

Duties of the Director of Safety position will include addressing regulatory inquiries, safety concerns, and requests for assistance related to the BMWED Safety Department. The anticipated start date of the position is February 1, 2018.

The BMWED is presently accepting applicants for this position. If you are energetic, confident, motivated and well-organized, we would like to hear from you immediately. Benefit package includes health, dental and optical insurance. Salary is commensurate with duties. The BMWED is an Equal Opportunity Employer.

Please send resume to: *Note: please choose USPS or UPS*

BMWED/IBT
Attn: Freddie N. Simpson,
President
41475 Gardenbrook Road
Novi, MI 48375

Continued on Page 19





Day of Action, from page 18



Frequently Asked Questions, from page 10

F=Fee, RD=Retired Dues, LF=Late Full Dues, LU=Late Unemployed Dues, AS=Assessment, UC=Unemployment Card, AF=Agency Fee, LRA=Late Retired Dues & Assessment, WVA=Waived Dues & Assessment, AFA=Agency Fee & Assessment, LR=Late Retired Dues, WV=Waived Dues, DIS=Dispensation, OF=Officials Fee, OB=Objector Fee, RDA=Retired Dues & Assessment, EXA=Exempt Dues & Assessment, LFA=Late Full Dues & Assessment, LUA=Late Unemployed Dues & Assessment, OFA=Officials Fee & Assessment, OBA=Objector Fee & Assessment, = missing payment.

QUESTION 11: With all those codes not counting maybe it would be easier if you told me what codes do count toward the twenty four (24) month requirement?

ANSWER 11: The codes that would count toward eligibility are:

FDA=Full Dues & Assessment, FFA=Fee & Full Dues & Assessment, FD=Full Dues, FF=Fee & Full Dues and UD=Unemployed Dues, EX=Exempt Dues

QUESTION 12: Once elected, would I have to continue to pay timely dues to remain in office if I was furloughed?

ANSWER 12: It would depend on what office you were elected to. Under the Teamster's Constitution and the BMWED Bylaws you would not have to pay dues to hold office during furlough, but be mindful of the next election and the twenty four (24) month requirement.

The exception could be if you were elected to a System Division or Federation office. Many of the System Division and Federation Bylaws have provisions that you MUST remain in GOOD STANDING during the term of office. Under the BMWED Bylaws GOOD STANDING

is the payment of dues on or before the last day of the month in which they were due.



You can now visit the BMWED on Facebook at Brotherhood of Maintenance of Way Employees, and follow us on Twitter at BMWEDIBT.

LOCAL LODGES

Please notify the BMWED National Division of the passing of any retired BMWED member.

Call (248) 662-2660, Ext.636.



NEWS ALERT

Sign up for BMWED News Alerts and get the latest news sent directly to your email!

To be added visit www.bmwe.org and submit your name to E-Alert signup, or send your name and email address to Dinclima@bmwe.org, with a request to be added!





BMWED members help out victims of last year's hurricanes

The hurricanes this past year devastated certain regions of the country, including our members who lived in the storm's path. In an effort to help our Brothers and Sisters and their families in their time of greatest need, the BMWED National Division, several System Federations and members from across the brotherhood authorized disaster relief funding.

With the help of system and lodge officers, CAT team organizers, and Director of Organizing Tim McCall, the BMWED was able to locate displaced or temporarily displaced members and divvy out relief funds as needed.

In addition to BMWED National Division, the following Federations

have donated to the Hurricane Harvey/Irma BMWED relief effort:
Unified System Division
Allied Federation
Northeast System Federation
Atchinson Topeka & San Francisco Federation
Burlington System Division
Additionally, Unified System Division Local Lodge 0377 made a donation.

"I am proud of all our members who came to the assistance of our Brothers and Sisters at a very difficult time," President Freddie N. Simpson said. "This is being your brother's keeper. This is unity. This is what makes this Brotherhood special."



The Power of Education



James R. Hoffa
Memorial Scholarship Fund

Academic and Vocational/Training Scholarships for 2018

For the sons, daughters and financial dependents of Teamster members. Academic scholarship awards ranging from \$1,000 to \$10,000 for high school seniors planning to attend a four-year college or university and Training/Vocational Program awards of up to \$2,000 for use at community colleges and trade schools.

A new and improved on-line application process can be found on the James R. Hoffa Memorial Scholarship Fund's website: www.jrhmsf.org

Application deadline is March 31, 2018.
Apply today!



Brotherhood of Maintenance of Way Employees Division
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