

# THE BMWED Journal

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



**BMWED reaction to the  
Canadian Pacific/Kansas City  
Southern merger**

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**BMWED Provides a List of  
CISP Plans Per Rail Carrier**

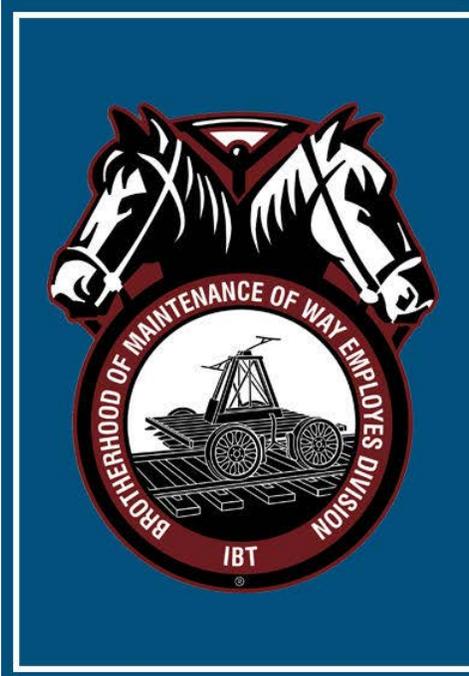
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**BRIGHTLINE WEST INKS COMMITMENT  
WITH HIGH-SPEED RAIL LABOR COALITION**

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**THE JOURNAL - NOW EXCLUSIVELY  
DIGITAL FOR YOUR CONVENIENCE**

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## BMWED Amtrak Members Ratify Contract



# BMWED AMTRAK MEMBERS RATIFY CONTRACT

**A**s noted on the BMWED United Passenger Rail Federation's website earlier this week, maintenance of way members on Amtrak ratified a collectively bargained agreement that calls for 28.5 percent general wage increases over seven years retroactive to 2022.

Balloting for the new agreement was counted by the American Arbitration Association in Philadelphia, Pennsylvania. Votes were returned via mail (400 votes), phone, and electronically (1089 votes). 54 percent of the UPRF membership sent in their ballots back with a result of 74 percent voting yay to approve the deal.

"Our federation experienced an extraordinary moment this week, as we witnessed the highest ballot return and approval rating for an agreement in history exceeding 70 percent," UPRF General Chairman Anthony Sessa said.

"I would like to thank Vice Chairpersons, who played a critical role in the negotiations. Their commitment was essential in reaching an agreement that benefits everyone. I would also like to express my gratitude to Brothers Jed Dodd and Steve Stearn, who selflessly delayed their retirement to lend their extensive experience to negotiations. Their dedication to the federation is an example for us all.

I am grateful for the unwavering support of President Cardwell, Vice President Owen, and the National Division. Their support has been instrumental in achieving this historic milestone.

A special thanks to the UPRF Women's Caucus and Susan Reardon, whose visionary advocacy and activism ensured that Paid Parental Leave was included in the agreement. Their relentless advocacy for this crucial issue has positively impacted countless families and set a new standard for our organization.

Lastly, I am sincerely thankful to the rank-and-file members of our federation. Your unity and solidarity have been the backbone of our success. Your collective strength and unwavering dedication to the labor movement are exemplified by this agreement," Brother Sessa said.

Details of the new agreement on Amtrak for BMWED members can be found here: [rb.gy/yg3cz](https://rb.gy/yg3cz)



**...we witnessed the highest ballot return and approval rating for an agreement in history exceeding 70 %...**



**RRB.gov/PRS  
to register**

## **Pre-Retirement Seminars April-June 2023**

April 28, 2023: Courtyard by Marriott, 14635 Baldwin Park Towne Center,  
Baldwin Park, California

May 05, 2023: AJC Federal Building, 1240 E 9th Street, 31st Floor Auditorium,  
Cleveland, Ohio

May 12, 2023: Eugene T. Mahoney State Park, 28500 West Park Hwy., Ashland,  
Nebraska

May 19, 2023: US Customs House, 721 19th Street, First Floor Room 181,  
Denver, Colorado

June 09, 2023: Richard Boling Federal Building, 601 E. 12th Street, Room G-64  
(Cafe Conference Room), Kansas City, Missouri

June 23, 2023: Tinley Park Convention Center, 18451 Convention Center Drive,  
Tinley Park, Illinois

## ***UPCOMING RRB PRE-RETIREMENT SEMINARS***

On behalf of John Bragg, Labor Member of the Board, the railroad retirement board is pleased to share the attached schedule of Pre-Retirement Seminars being held this spring (April - June 2023).

Union officials, auxiliary members, and their spouses are welcome to attend, as well as rail employees and spouses within 5 years of retirement.

While most of the program focuses on various aspects of railroad retirement benefits, each seminar closes with a brief presentation on railroad unemployment and sickness benefits to help prepare union officers for sharing reliable information with their members.

Union representatives have been very helpful in sharing local event details with their peers, and we welcome any additional assistance in publicizing our Pre-Retirement Seminars more broadly within the rail community.

Visit <https://www.rrb.gov/.../LaborMember/Pre-RetirementSeminars> to register.

# BRIGHTLINE WEST INKS COMMITMENT WITH HIGH-SPEED RAIL LABOR COALITION

## ***THE AGREEMENT DEMONSTRATES SUPPORT OF UNION LABOR TO OPERATE AND MAINTAIN BRIGHTLINE WEST'S FUTURE SYSTEM***

**LAS VEGAS** — Brightline West, America's first true high-speed rail system connecting Las Vegas and Southern California announced a landmark agreement, establishing a commitment with several craft rail unions for the use of highly skilled union labor in critical jobs required to operate and maintain this historic project. The memorandum of understanding (MOU) with the High-Speed Rail Labor Coalition (Coalition) is comprised of 13 rail unions representing more than 160,000 freight, regional, commuter, and passenger railroad workers in the United States.

The MOU demonstrates the support of union labor in the development of the Brightline West system, and Brightline West's commitment to providing the safest possible rail operations and high-quality working conditions for its employees.

"The High-Speed Rail Labor Coalition is proud to be in partnership with Brightline West in this historic project. Americans want high-speed rail, and Brightline West and the High-Speed Rail Labor Coalition will deliver. Brightline West will be the most elegant travel by rail experience you can have in America, and it will be the catalyst for America's renaissance of travel by high-speed rail. The High-Speed Rail Labor Coalition is ready to bring this transformative transportation project to Americans. Let's

get to work," shared the High-Speed Rail Labor Coalition in a statement.

Brightline West is a 218-mile system connecting Las Vegas and Southern California within the Interstate 15 right-of-way with train capable of speeds of 200 miles per hour. The \$10 billion investment has widespread economic benefits, including the creation of nearly 35,000 jobs during construction and more than \$10 billion in economic impact. The fully electric, emission-free system will be one of the greenest forms of transportation in the U.S., removing 3 million cars and 400,000 tons of CO2 each year.

“Our nation’s first high-speed rail system will be operated and maintained by union labor, a statement of the strength of the American workforce... As the most shovel-ready high-speed rail project in the United States, we are one step closer to leveling the playing field against transit and infrastructure projects around the world, and we are proud to be using America’s most skilled workers to get there.”

“Our nation’s first high-speed rail system will be operated and maintained by union labor, a statement of the strength of the American workforce,” said Mike Reininger, CEO of Brightline Holdings. “As the most shovel-ready high-speed rail project in the United States, we are one step closer to leveling the playing field against transit and infrastructure projects around the world, and we are proud to be using America’s most skilled workers to get there.”

Brightline West includes stations near the iconic Las Vegas Strip and in Rancho Cucamonga, Apple Valley, and Hesperia, California. The system is expected to create over 1,000 permanent jobs once operational.

“As the nation’s largest transportation labor union federation, we are proud to support monumental projects like Brightline West, which will deliver a modern, efficient, and green transit system while putting skilled union members to work,” said Greg Regan, President of the Transportation Trades Department of the AFL-CIO.

The High-Speed Rail Labor Coalition members include the Brotherhood of Maintenance of Way Employees Division, Brotherhood of Railroad Signalmen, International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical and Engineering Department, National Conference of Firemen and Oilers 32BJ/SEIU, Transportation Communications Union, International Association of Machinists



**BRIGHTLINE WEST INKS COMMITMENT WITH HIGH-SPEED RAIL LABOR COALITION**

*The Agreement Demonstrates Support of Union Labor to Operate and Maintain Brightline West’s Future System*



High-Speed Rail Labor Coalition

and Aerospace Workers, Brotherhood of Railway Carmen, International Brotherhood of Boilermakers, Transport Workers Union of America, American Train Dispatchers Association, International Association of Sheet Metal, Air, Rail and Transportation Workers-Transportation Department, Brotherhood of Locomotive Engineers and Trainmen, and International Brotherhood of Electrical Workers.

**ABOUT BRIGHTLINE**

Brightline is the only private provider of modern, eco-friendly, intercity passenger rail service in America. The company currently serves Miami, Aventura, Fort Lauderdale, Boca Raton, and West Palm Beach in Florida, with its Orlando station beginning service in 2023. Recognized by Fast Company as one of the Most Innovative Companies in travel, Brightline offers a guest-first experience designed to reinvent train travel and take cars off the road by connecting city pairs and congested corridors that are too close to fly and too long to drive. Brightline West will build on this award-winning service by connecting Las Vegas and Southern California, with stations in Las Vegas, Victor Valley, Hesperia, and Rancho Cucamonga, and connectivity to Metrolink’s regional rail network.



## BMWED Presses BNSF on paid sick leave

On April 19 at Kansas City's Argentine Yard, BNSF CEO Katie Farmer held a town hall meeting and the BMWED was there!

Starting at 5:30 a.m., we held an informational rally ahead of Ms. Farmer's arrival, where we demanded BNSF follow the lead of several other Class I freight railroads and provide members with paid sick days and other quality of life improvements to improve morale and build trust between management and labor.

The night prior to the town hall and our action, a train derailed in the yard and all of the MOW headquartered force worked from 10 p.m. until about 8 a.m. restoring service and repairing the track.

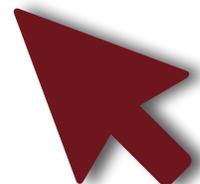
All three BMWED general chairmen on the BNSF were in attendance and had a lengthy discussion with CEO Farmer and VP of Engineering John Cech, where the thoughts and concerns of BMWED BNSF members were reiterated. The Brotherhood stands ready to bargain in good faith with BNSF on paid sick leave -- including today following the town hall -- if management will genuinely listen to our concerns.

Considering that we were able to obtain paid sick leave from three other Class I freights, our expectation is that BNSF will follow suit or suffer from distrust and waning morale on the property. Our position is that paid sick leave is important from a quality-of-life perspective that has already been adjudicated in our favor in the court of public opinion. If BNSF continues to insist that we make other quality of life concessions in regard to away-from-home policies or the docking of attendance "points" then we are simply spinning wheels. We've already demonstrated that sentiment is with us, that the railroads are antiquated in their thinking and operating strategy on this topic, and we are prepared to continue our campaign to right this wrong for our members.



**CHECK OUT OUR VIDEO  
ON THE SICK LEAVE RALLY**

[www.youtube.com/  
watch?v=JHsxFkiZHal](https://www.youtube.com/watch?v=JHsxFkiZHal)





## **BMWED Statement**

### **Canadian Pacific & Kansas City Southern Merger**

# ***BMWED REACTION***

## ***CANADIAN PACIFIC/KANSAS CITY SOUTHERN MERGER***

**BMWED** anticipated the Board's approval of the CP/KCS Merger, so we are not surprised by the STB's decision. BMWED agrees with the Board's determination requiring Labor Protections and Cramdown, and we expect CP to abide to those terms as they stated they would in their filings before the Board. Cramdown applies when the carrier wants to consolidate or coordinate formerly separate territories (CP vs. KCS territories), and two or more existing collective bargaining agreements are involved, the union(s) can pick the agreement that will apply to the consolidated/coordinated locations. CP also stated in their filings that this merger would create improvements in carrier services, and create over 750 jobs in the railroad industry. We anticipate the increase in employment in the freight rail industry and the related improvement in services.

Forty years ago, there were many more freight rail carriers than there are today, and many of the railroads at that time were experiencing significant financial difficulties. Those circumstances do not remain today. The Class I freight railroads have been on a decades-plus run of record profits, and with the approval of this merger, the U.S class I railroad carriers are now certainly consolidated into effective duopolies and they all remain positioned to be extremely profitable for the years to come. But there remains a serious concern in the industry regarding the level of quality of service the carriers provide, and the long-term viability of attracting and retaining talent in the industry. In other words, we need a regulatory regime for the industry that exists today not the one that existed in the 1980s. We need a regime that encourages the STB to ensure that the service commitments that were made in connection with the carrier mergers are adhered to, that the railroads live up to their common carrier obligations and that they act consistent with the 49 U.S.C. 10109 - National Rail Transportation Policy, Sections (9) and (11), which are "to encourage honest and efficient management of railroads" and "to encourage fair wages and safe and suitable working conditions in the railroad industry."

<https://www.bmwe.org/secondary.aspx?id=775>



## BMWED DESIGNATED FELA LAW FIRMS KNOW YOUR RIGHTS!



**T**he Federal Employers Liability Act, also known as FELA, is a federal law enacted in 1908 that protects and compensates railroad workers – including BMWED members – that are injured on the job. FELA is essentially the form of Workers' Compensation in the railroad industry. If an injured railroad employee can establish that the railroad employer was at least partially negligent in causing the injury, whether it be through unsafe work conditions, a faulty piece of equipment or machinery, etc., the injured employee is entitled to compensation. FELA covers job-related injury, death, and occupational illness and disease.

All BMWED-designated law firms are approved to handle FELA cases for BMWED members and have an established record of successful litigation experience. Additionally, all BMWED designated law firms provide services on a contingency basis that is subject to a reduced fee structure, as approved by the BMWED National Division. Below is a list of law firms approved to handle cases for BMWED members under the FELA.

Blunt & Slocomb, Ltd  
P.O. Box 373  
Edwardsville, IL 62025  
TELEPHONE: 618-656-7744  
TOLL FREE: (800) 323-5538  
FAX: 618-656-7849  
www.bluntlaw.com  
dlb@bluntlaw.com  
nicoleb@bluntlaw.com

Brent Coon & Associates  
3801 E. Florida Ave., Suite 905  
Denver, CO 80210-2500  
TELEPHONE: 303-756-3243  
TOLL FREE: (888) 756-3243  
FAX: 303-756-3595  
Brent@bcoonlaw.com  
www.bcoonlaw.com

Casey Jones Law  
729 N. Washington Ave., Suite 600  
Minneapolis, MN 55401  
TELEPHONE: 612-293-5249  
TELEPHONE: 612-293-5249  
info@caseyjones.law  
nthompson@caseyjones.law  
www.caseyjones.law

Cavanagh Law Group &  
Daniel J. Downes, P.C.  
161 North Clark Street, Suite 2070  
Chicago, IL 60601  
OFFICE: 312-425-1900  
CELL: 312-953-5839  
FAX: 312-425-1904  
dan@cavanaghlawgroup.com  
upsdwns11@gmail.com

Christy & Ferguson  
201 West Broadway, Suite G12  
North Little Rock, AR 72114  
OFFICE: 501-58-0278  
CELL: 501-707-5257  
FAX: 501-758-0480  
jferguson.raillaw@gmail.com  
www.chrischristylaw.com

Hubbell Law Firm  
1100 Main Street, Suite 2930  
Kansas City, MO 64105.  
OFFICE: 816-221-5666  
TOLL FREE: (800) 821-5257  
FAX: 816-221-5259  
cleach@hubbellfirm.com  
jdavis@hubbellfirm.com

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

James A. Ebert, LLC  
1720 Mars Hill Road  
Suite 120-118  
Acworth, GA 30101  
OFFICE: 404-872-7759  
CELL: 770-842-4775  
FAX: 404-872-9430  
www.jamesebert.com  
jebert@jamesebert.com

Jones, Granger Law Firm  
P. O. Box 4340  
Houston, TX 77210-4340  
OFFICE: 713-668-0230  
TOLL FREE: (800) 231-3359  
FAX: 713-956-7139  
www.JonesGranger.com

Naumes Law Group LLC  
2 Granite Avenue, Suite 425  
Milton, MA 02186  
OFFICE: 617-227-8444  
TOLL FREE: (844) 826-8445  
CELL: 617-699-4541  
www.naumeslaw.com  
robert@naumeslaw.com  
christopher@naumeslaw.com

Pratt & Tobin, P.C.  
150 S. Bellwood Drive  
P.O. Box 179  
East Alton, IL 62024  
TELEPHONE: 618-259-8011  
TOLL FREE: (800) 851-5562  
FAX: 618-259-6793  
www.prattandtobin.com  
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btobin@prattandtobin.com

Rossi Vucinovich P.C..  
1000 Second Avenue, Suite 1420  
Seattle, WA 98104  
TELEPHONE: 425-646-8003  
TOLL FREE: (866) 357-7245  
FAX: 425-646-8004  
railroad-injuries.com  
jvucinovich@rvflegal.com

The Moody Law Firm, Inc. .  
500 Crawford Street, Suite 200  
P. O. Box 1138  
Portsmouth, VA 23705  
TELEPHONE: 757-393-4093  
TOLL FREE: (800) 368-1033  
FAX: 757-397-7257  
www.moodyrllaw.com  
will@moodyrllaw.com

“ a federal law  
enacted in  
1908 that protects  
and compensates  
railroad workers...  
that are injured on  
the job.”



# President's PERSPECTIVE

## BMWED ON SAFETY REGULATIONS AND NORFOLK SOUTHERN HEARING

**T**here is a sickness within the freight rail industry pervasive enough that it has took hold of all seven Class I rail carriers and rotted them from the inside out. Sadly, East Palestine, Ohio has taken the brunt of this cancerous business model, the unfortunate victim of a tragedy that was bound to happen. The deliberate mismanagement of Norfolk Southern – a steady drip of cost-cutting, safety-skirting, maximization of operation ratio at the behest of activist investors – has now threatened the ruination of an American town. It was all preventable but for the addiction of greed.

There are a lot of people who scream about free market solutions and the onerous stranglehold of regulation as if it were inherently as patriotic as apple pie. It's easy to be a Libertarian until a toxic vinyl chloride bomb wrecks a couple miles from your child's elementary school. It is then you quickly realize that laissez-fair economics offers no assurances that the water from your kitchen sink will continue to be potable.

Safety regulations are written in blood. They don't materialize magically and without reason. They are instituted most typically in response to tragedy. And assuredly as the sun rises in the east, management eventually will attempt to erode them, because when the edict from Wall Street is annual profit growth, anything that impedes the speed and efficiency of your service must go. East Palestine be damned.



*Tony Cardwell, BMWED President*

The BMWED has two full-time regulatory watchdogs in Washington, D.C. – both former railroaders who work diligently to ensure that someone holds the carriers to account. Both Director of Safety Roy Morrison and Director of Government Affairs Jeff Joines perform great work on our behalf, often in thankless, unheralded ways. They work tirelessly to add teeth to regulatory measures both at the federal and state level meant to provide balance to an industry that is drunk on gluttony. We are immensely proud of their collective efforts.

But despite our work, we remain disadvantaged. The Class I freight railroads are doing whatever the hell they want to maximize their profits with little to no accountability. And unless you're completely disengaged you already know exactly why. Money talks. Railroad lobbying is big business and has resulted in a tremendous boon for carrier shareholders. They outnumber us on the Hill and have a tremendously larger bankroll. But this doesn't have to be the case. We could have a government that works on behalf of us, if only we demanded it.

Politicians can continue to go to places like East Palestine. They can stand on a dais in a shiny white hard hat with an "I DIG COAL" bannered backdrop, holding a sledgehammer in lieu of their traditional seven-iron and pretend to care about you. But they don't. Already in Washington there are some that are

whispering about “a rush to judgement” that is taking place in the wake of this derailment.

“We’ll take a look at what’s being proposed, but an immediate quick response heavy on regulation needs to be thoughtful and targeted,” Sen. John Thune (S.D.), the No. 2 Senate Republican, told The Hill.

“Let’s define the problem. Let’s figure out what the solutions are and if there are things we need to fix, we’ll fix them,” Thune continued.

“If there are things we need to fix.” If. The man said “if.”

Eventually the media spotlight will fade on East Palestine and the pressure on Norfolk Southern will subside. Trains will roll again and the drudgery of regulatory accountability will return to its traditional backseat. Rest assured, the BMWED and all of Rail Labor will continue to press for accountability and oversight, as we have done for over a century. But we will also need you to keep the drum beat going – to convey on your friends and neighbors the importance of this issue. To ensure those imparted with our safety and well-being live up to that assurance. To prioritize the safe operation of trains over the whims and desires of Wall Steet.

The repudiation and eventual elimination of Precision Scheduled Railroading in each and every iteration is the end goal.

## BMWED DIVISION THE JOURNAL

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**Dale Bogart**  
*Secretary-Treasurer*

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## Secretary Treasurer Awards

### First Quarter '23

Service Pin Letters sent

DATE	NAME	LODGE	YEARS
1/30/2023	Aaron Amick	0130	10
3/07/2023	Sheldon Swain	0887	10
4/18/2023	Joseph Walker	2427	10
4/18/2023	Timothy Sterner	0612	10
12/08/2022	Troy Wagoner	2932	10
12/08/2022	John Deissler	3068	10



# Critical Incident Stress Plans

In 2008, legislation was passed requiring each Class I railroad carrier, each intercity passenger railroad carrier, and each commuter railroad carrier to provide employees debriefing, counseling, guidance, and other appropriate support services if they are affected by a critical incident.

Tragedy is unfortunately a part of our jobs at times and while we strive to avoid fatalities or serious injuries, they do occur. Many times, there are witnesses to these tragedies. Often, the victim was a friend.

**“ ...it is important that you are aware of them and that you can seek out the assistance needed...”**

This type of trauma can stick with a person and weigh heavily on their mental health.

Every major rail carrier in the United States has Critical Incident Stress Plans required by federal law. They provide rights to you if you are involved or witness a critical accident while in the line of work duty.

The BMWED has provided a list of those CISP plans by rail carrier for convenient access. Although we hope that you will never need them, it is important that you are aware of them and that you can seek out the assistance needed in the event you are ever involved in or witness a critical incident. You have the right to support services should you ever require them.

You can find the list within the Safety section of the BMWED website or at this link:

<https://www.bmwe.org/secondary.aspx?id=770>

# Secretary-Treasurer's **REPORT**

Dale Bogart



## THE STATE OF THE BROTHERHOOD'S SECRETARY-TREASURER DEPARTMENT AND FINANCES

I assumed the office of Secretary-Treasurer about eight months ago, but this is the first opportunity I have had to address the membership and provide a report on the BMWED National Division Secretary-Treasurer's Department..

Basically, the Secretary-Treasurer's Department is responsible for collecting and maintaining data and information systems, and collecting, disbursing, and investing union funds. Accordingly, one of the biggest goals of the Secretary-Treasurer's Department is to continuously improve our technology systems with the aim of creating efficiencies to meet our obligations and provide a full-service National Division to the members, and their System Federations and Local Lodges.

Admittedly, numbers and figures are boring, but here, more than motivational words are required to be transparent and inform the membership. That said, I would like to provide a relatively short Secretary-Treasurers report outlining some of our finances and basic information on our accounts.

Income for use by the National Division is derived from union dues and investment income from our financial accounts (funds). As of 2023, BMWED National Division Dues



are \$40.25 for BMWED's Class I Railroad members. From that \$40.25, \$0.13 is provided to the Rail Conference, \$0.30 to the TDD, and \$2.60 to the IBT - leaving \$37.22 to the National Division. Income from investments varies greatly depending on the shape of the economy and markets.

When income exceeds expenditures, a surplus is created, and BMWED reserve funds grow. When expenditures exceed income, reserve funds shrink.

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## Secretary-Treasurer Report

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At this point, I want to give a snapshot of our fund balances and a brief synopsis of what each fund is used for.

### Fund Allotment

- BMWED General Fund - \$25,090,003 (\$5,920,629 belongs to the System Divisions/Federations)
- The BMWED Pension Fund - \$25,299,455
- The BMWED Strike Fund - \$13,503,415.
- The BMWED Healthcare Fund - \$2,564,485

### The BMWED General Fund

The General Fund is the account that is the foundation of the BMWED’s financial sustainability and serves as a reserve for additional expenditures not budgeted (subject to Executive Board Approval) and/or for other unforeseen expenditures that exceed projected income.

Each year the Secretary-Treasurer works with the BMWED President to formulate a budget that balances expenditures with projected income from dues and investments. On February 7, 2023, a budget was presented to the National Division Executive Board that nearly

balanced the budget. It did not eliminate the deficit spending, but the approved budget reduces deficit spending by 95% for the Fiscal Year Ending March 31, 2024.

Since the budget, additional expenditures have been approved by the Executive Board for disaster relief and a derailment investigation team. With that said, we have also engaged in a rebid process for Officer and Staff benefits so we expect to pay for those overages with the savings from the rebid process.

### The BMWED Strike Fund

Pursuant to Article XV, Section 3 of the BMWED Bylaws, the Strike Fund must be at a minimum of \$15 Million, with any overages transferred to the General Fund. However, our funds are subject to market performance, which is why the strike fund’s current balance is \$13,504,415.

Currently, no dues monies contribute to the Strike Fund. This fund was established years ago through a dues assessment and has endured without dues monies but grows off the investments of the fund monies.

### The Health Fund

The Health Fund's purpose is to administer healthcare benefits (Major medical and Prescription) provided to all full-time BMWED Officers and Staff at the National Division and System levels. This fund collects healthcare and prescription premiums from the National Division and Systems, and then the National Division pays the premiums from this fund. This reserve fund has not changed in value much since the inception of the fund. The monies in this fund can only be used for H&W benefits.

## The BMWED Pension Fund

The BMWED pension account funds a supplementary pension plan created decades ago for Officers and Staff of the National Division. Soon after taking office in November of 2022, the National Division froze this pension plan effective January 1, 2023. This means that any Officer or employe that did not have five years vested into the pension as of January 1, 2023, will be unable to participate. Because of federal law, the pension could not be eliminated and the funds in this account cannot be used for anything but the pension benefits.

There were several reasons the pension plan had to be frozen. One being that this was an additional benefit that BMWED Members are not provided through their employers. Additionally, the fund remained underfunded in terms of IRS requirements. This required the National Division to supplement the plan with more monies from the General Fund above and beyond the planned contribution rate. The additional contributions to the plan will eventually phase out over time, and begin to generate significant savings to the National Division as early as the end of the Fiscal Year Ending March 31, 2024.

## A Reflection of Six Months

From September 1, 2022, through March 21, 2023, the Union has taken in a total of \$18,998,207 in total membership dues/fees (including regular dues at \$17,800,700, retiree dues at \$3,557 AND seniority retention fees at \$1,183,950). Of that \$18,998,207 of total dues and fees \$6,784,106 was distributed to National Division, \$11,681,038 was distributed to the Systems, and \$523,062 was distributed to the Local Lodges.

During the same period, the National Division processed and issued a total of \$208,252 in dues refunds to the membership. This represents an average of 469 refunds issued per month and averages about \$63.00 per refund. The reasons these refunds are issued vary per member, but this shows that the Union does not keep more of the members' money other than the required monthly obligation.

## Union Dues do not Fund Political Candidates

Importantly, not one penny of membership dues is used for Political Action (i.e., lobbying/campaign support for candidates). Money used for that purpose comes from Teamster DRIVE Political Action Committee. DRIVE is financially supported only by voluntary contributions from the membership.

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***If you are interested in contributing to the Teamsters DRIVE Political Action Committee, I encourage you to visit the BMWED website for an application, contact your System Officers or BMWED Legislative Director Jeff Joines at [jjoines@bmwe.org](mailto:jjoines@bmwe.org) or by calling (615) 337-9643.***

**- Dale Bogart**  
*Secretary-Treasurer*



# ***IMPORTANT BENEFIT CHANGES AS THE COVID-19 PUBLIC HEALTH EMERGENCY AND NATIONAL EMERGENCY DECLARATIONS COME TO AN END***

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During the last three years, you were entitled to certain benefits as the result of the Public Health Emergency (PHE) and National Emergency declarations for COVID-19. The PHE will end on May 11, 2023 and legislation ended the National Emergency on April 10. As a result, certain benefits that you have had access to during the COVID-19 PHE and National Emergency periods will change. Please review this information carefully to see how your benefits will be impacted.

## **COVID-19 Vaccines**

During the PHE, your benefit plan waived cost share and medical management (including prior-notification) requirements for authorized COVID-19 vaccines and boosters. This means that you received these free-of-charge, regardless of whether you received them from an in-network or out-of-network provider.

### Effective on May 12, 2023:

- If your benefit plan covers Affordable Care Act (“ACA”) preventive health care services, you will continue to be eligible to receive COVID-19 vaccines and boosters free-of-charge from an in-network provider.
- COVID-19 vaccines or boosters obtained from an out-of-network provider will only be covered if there are no in-network providers available in your area. Medical management, (including prior notification) requirements, may apply. Check with your medical benefits administrator to learn more.
- If your benefit plan does not cover ACA preventive health care services, the COVID-19 vaccine and boosters will not be covered.

If you are unsure if your benefit plan covers ACA preventive health care services, please call your medical benefits administrator at the phone number listed at the end of this article.

## **COVID-19 Over-the-Counter (“OTC”) Diagnostic Tests**

Since January 15, 2022, you were able to obtain up to eight free FDA-authorized COVID-19 OTC diagnostic test kits each month from a participating retail pharmacy or online through the Express Scripts® Pharmacy.

### Effective on May 12, 2023:

- COVID-19 OTC test kits will no longer be available to you free-of-charge. You will be responsible for the full cost of any OTC test kit that you purchase. However, if you have a Health Care FSA, you may generally use your FSA funds to cover the cost of the OTC test kits.

## **COVID-19 Lab-Based Diagnostic Testing**

During the PHE, your benefit plan waived cost share and medical management (including prior notification) requirements for certain COVID-19 lab-based diagnostic testing and the related medical visit. This means that you were able to be tested for COVID-19 free-of-charge, regardless of where the test was performed (e.g., physician’s office, urgent care center or emergency room) or whether you received the test from an in-network or out-of-network provider.

### Effective on May 12, 2023:

- FDA-approved or authorized COVID-19 lab-based tests (and related services) that are ordered and rendered by a physician or health care provider will still be covered under your benefit plan, subject to any applicable copayment, deductible or coinsurance amount and medical management (including prior notification) requirements.

## **COVID-19 Medical TeleHealth Visits**

During the PHE, you were able to access certain medical services from a covered provider via online video, chat or telephone, rather than a physical office visit. Fixed-dollar copayments were not waived for these digital/telephonic visits, so your applicable payment was required just the same as if you had seen your provider in person.

Effective on May 12, 2023:

- Medical telehealth visits will no longer be covered under your benefit plan. Any claims for virtual medical telehealth visits occurring after May 11 will not be paid by the benefit plan.
- Note that the PHE did not affect your benefits available through Teladoc. You may continue to access virtual medical telehealth visit benefits through Teladoc.

**COVID-19 Mental Health and Substance Use Disorder TeleHealth Visits**

During the PHE, you were able to access mental health and substance use disorder care from a covered provider via online video, chat or telephone, rather than a physical office visit. Fixed-dollar copayments were not waived for these digital/ telephonic visits, so your applicable payment was required just the same as if you had seen your provider in person.

Effective on May 12, 2023:

- Mental health and substance use disorder telehealth visits with a covered provider will continue to be covered under your benefit plan, subject to any applicable copayment, deductible or coinsurance amounts.
- Virtual counseling for mental health will also be available through Teladoc. Additional details will be provided. Please check <https://yourtracktohealth.com> for further information.

**Administrative Deadlines**

During the National Emergency, certain administrative timeframes and deadlines were delayed until the earlier of (1) one year from the date of the applicable deadline (determined on an individual basis), or (2) 60 days after the end of the National Emergency. This period during which the deadline is delayed is referred to as the “Outbreak Period.” The Outbreak Period extended the following administrative deadlines:

- 60-day election period for COBRA continuation coverage.
- Special enrollment period under HIPAA (which includes special enrollment rights due to loss of eligibility for Medicaid or CHIP coverage).
- COBRA continuation coverage premium payment due date.
- Deadline for COBRA continuation coverage qualified beneficiaries to notify the applicable plan(s) of a qualifying event or determination of disability.

- Deadline for a plan to provide COBRA continuation coverage election notices.
- Claims and appeals filing deadlines (including a request for an external review of claims).

Effective on June 10, 2023 (or as of a later date declared by the regulatory agencies):

- The delay of administrative deadlines will no longer apply and the applicable timeframes and deadlines specified in the applicable plan’s summary plan description will resume.

If you have any questions regarding these changes, please contact:

**For Medical Benefit Questions:**

- Your Track to Health 24/7 Nurses & Health Specialists: 1-866-735-5685 (toll free) 24 hours a day, 7 days a week
- Aetna: 1-833-327-2386 (toll free) 24 hours a day, 7 days a week
- Highmark/Blue Cross Blue Shield: 1-866-267-3320 (toll free) Mon-Fri 8 a.m.-8 p.m. ET
- UnitedHealthcare: 1-800-842-5252 (toll free) Mon-Fri 8 a.m.-8 p.m. ET

For Behavioral Health and Mental Health and Substance Use Questions:

- United Behavioral Health: 1-866-850-6212 (toll free) 24 hours a day, 7 days a week

**For Prescription Drug Benefit Questions:**

- Express Scripts: 1-800-842-0070 (toll free) 24 hours a day, 7 days a week

For Teladoc Questions:

- Teladoc: 1-800-Teladoc (835-2362)





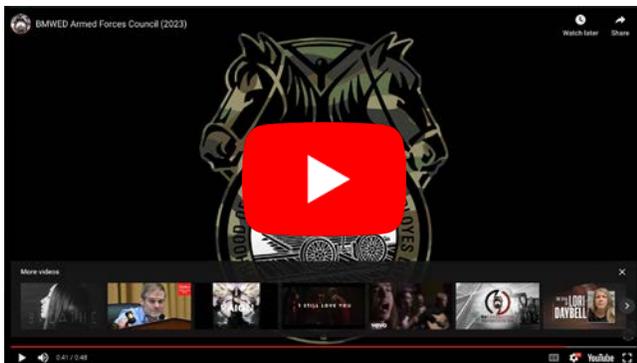
**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION  
IBT**

# **ARMED FORCES COUNCIL**

## Mission Statement:

The BMWED Armed Forces Council promotes the values, skills, knowledge, and sacrifices that BMWED service members contribute to the United States of America and the railroad industry. We strive to enhance and highlight service members' contributions in the workplace and the added value BMWED service members bring to their railroad employers. We seek to enhance the lives and provide support for BMWED members and their families who serve or have served in the armed forces.

**CHECK OUT OUR VIDEOS ON  
ARMED FORCES COUNCIL**



**[HTTPS://WWW.YOUTUBE.COM/  
WATCH?V=BWZJRSQQRUW](https://www.youtube.com/watch?v=BWZJRSQQRUW)**



**[HTTPS://WWW.YOUTUBE.COM/  
WATCH?V=ITCB3I2JLZE](https://www.youtube.com/watch?v=ITCB3I2JLZE)**

# Promises Made, Promises Kept

## A quick list of improvements made under the new BMWED leadership team

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**B**elow is but a few of the improvements promised and delivered by President Cardwell and his administration. The plan, naturally, is to build off the momentum and continue to move the Brotherhood forward in all facets. This is not the end but only the start of strengthening and improving the BMWED.

### 1. Technology

- The creation and implementation of a program that requests updated contact information from members every six months using text and email.
- Moving the entire national division to Microsoft Office 365 for better integration.
- Implementing an internal electronic voting system for contract ratification and strike authorization.
- Creating a claim tracking system so Members can log in and check the status of their claim.
- National Division will use web-based services to provide live educational programs to members looking to learn more about the union.

### 2. Reduced Expenses to Balance the Budget

- Expenditures have exceeded income from dues almost annually over the past seven years. The next fiscal year has reduced deficit spending dramatically to a nearly balanced budget. We fully expect to run a balanced budget in the next 3 fiscal years and replenish reserves.
- Froze the BMWED Pension that provided National Division Officers and Staff an additional pension on top of RRB. This eliminated the pension for anyone taking a

position at National Division after 2018 and froze the pension for those that vested and entered service before that date. Estimated savings of \$700,000 a year.

- Froze the top salaries of appointed positions and eliminated the upcoming 4.5% and 4% general wage increases for the BMWED President and Secretary-Treasurer.
- Currently in the rebid process for certain Health and Welfare benefits that should save the National Division approximately \$500,000 annually.
- Still a long way to go to build reserves to the point they were just eight years ago, but we are indisputably on the right path.

### 3. Education

- Because of the reduced expenses, the National Division hired a full-time Director of Education, Brother Ash Anderson.
- Director Anderson organized recent training for new System Officers and will roll out web-based education seminars over the next few months on many topics.
- He will also create a curriculum and strategy for more in-person educational sessions for 2024.
- This in-person training will help empower local lodge officers and take place after local lodge officer elections are complete at the end of 2023.

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#### 4. Transparency

- All National Division officers and Staff are available for any member to contact and make inquiries or offer suggestions.
- The National Division made significant use of web-based platforms during the bargaining process to conduct interactive video town halls so that the membership could challenge the National Division and System Officers on these important issues. Thousands of members participated.
- National Division plans to continue to take advantage of the web-based video platforms to communicate directly with members.



#### 5. Focus on bargaining!

- National Division officers and staff were hyper-focused on Bargaining since September. Especially when the membership failed to ratify the National Agreement, BMWED Members, National Division Officers, and staff took to the streets to fight for a better agreement.
- The hard work of the members, officers, and staff has resulted in paid sick leave for thousands of BMWED members in several agreements.
- National Division will begin the initial steps for creating a strategy for the next round of bargaining and make every effort to engage the Carriers sooner, more often, and make every reasonable attempt to reach an agreement without a substantial time lapse.
- Bargaining takes precedence over everything else we do. Unfortunately, the bargaining process affords the Carriers paths to obstruct and delay. That said, National Division will remain committed to making every effort to continually move the bargaining process forward.

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These are but just a sampling of implementations, strategies and policies that the new administration has accomplished. We look forward to improving upon our Union and – as always – welcome your input. Please reach out to us at any time. Our contact information is listed here:

<https://www.bmwe.org/secondary.aspx?id=293>

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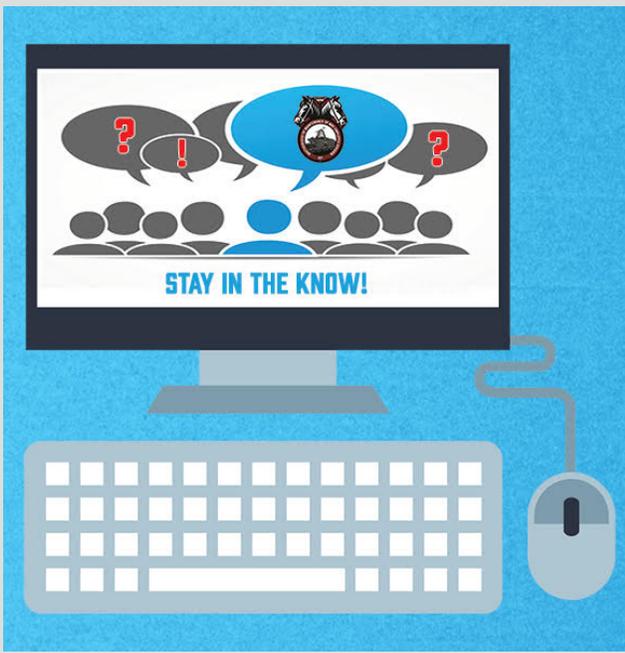


## LM-3 LM-4 REPORTS

# ***(LM-3)(LM-4) ANNUAL U.S. LABOR DEPARTMENT***

## ***ALL BMWED SYSTEM DIVISION/FEDERATION AND LOCAL LODGE OFFICERS REPORTS 2023***

**This is just a reminder that all BMWED local lodges are required by federal law to file US Department of Labor Form LM-3 or LM-4 by June 29, 2023. Every local lodge should submit their lodge Quarterly Audit ending March 31, 2023 as soon as the bank statement is available, so your LM-3 or LM-4 can be completed by National Division. If you have any questions, contact National Division Auditors Joe Corley (586) 942-0547 or Eric Rose (734) 731-6055 for assistance. Failure to file this report could result in either civil enforcement, or for willful violations, criminal penalties against the Lodge Secretary-Treasurer and Lodge President who are responsible for signing the report. **The National Division Headquarters in Novi, Michigan has personnel ready to assist your lodge in any way necessary to get the LM report filed on time.****



## FOLLOW THE BMWED ON SOCIAL MEDIA



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Brotherhood of Maintenance of  
Way Employes IBT



## OBJECTION PROCEDURES FOR EXPENDITURES NOT GERMANE TO COLLECTIVE BARGAINING

Sec. 1. An individual residing in the United States who is represented by the Brotherhood, and who has elected to become an agency fee payer may become an objector to expenditures not related to collective bargaining, contract administration, or other chargeable expenditures. An agency fee payer, who elects to become an objector through these procedures, shall pay a fee calculated in accordance with Section 5 of this Policy.

Sec. 2. To become an objector, an employee represented by the Brotherhood, shall notify the National Division Secretary-Treasurer of his or her objection in a separate envelope by certified mail postmarked during the month of March each year. An employee who desires to object but is unable to make a timely objection because he or she is not subject to a Union Shop Agreement in March must make an objection within thirty (30) days after becoming subject to Union Shop obligations and receiving notice of these procedures. The objection shall be signed and shall contain the objector's current home address and the Subordinate Lodge number, if known. The objector shall keep the Brotherhood informed of any change in address. Objections may only be made by individual employes; no petition objections will be honored.

Sec. 3. The following categories are examples of chargeable expenditures to the extent permitted by law:

- 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 employes in the bargaining unit or employer representatives regarding working conditions, benefits and contract rights;
- c. Convention expenses and other normal 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 closely related to the negotiation of administration of contracts and working conditions;
- h. All expenses for the education and training of members, Officers and staff intended to prepare the participants to better perform chargeable activities;
- i. All strike fund expenditures and other costs of group cohesion and economic action, e.g., demonstrations, general strike activity, informational picketing and the like;
- j. A proportional portion of all overhead and administrative expenses.

Sec. 4. In the first quarter of each year, the Brotherhood shall publish these policies and procedures in the Journal to provide notice to employes represented by the Brotherhood of their right to object and the procedures for objecting. The Brotherhood shall also send a copy of these policies and procedures to each person who objected the previous year to inform the person of his or her right to renew the objection for the current year.

Sec. 5. The Brotherhood shall retain a neutral auditor to perform an independent audit of the records of the Brotherhood and to submit an annual report for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures during the previous fiscal year that fall within Section 3 shall be the basis for calculating the reduced dues or fees and assessments that must be paid by the objector for the current fiscal year.

Sec. 6. The neutral auditor shall complete the report for each fiscal year. This report shall include an analysis of the major categories of union expenses attributable to chargeable and non-chargeable activities. A copy of the neutral auditor's report shall be sent to each person who made an objection in the current previous year.

Sec. 7. Each person entitled to receive the audit report may challenge the legal and arithmetic bases of the calculations in the neutral auditor's report by filing an appeal with the National Division Secretary-Treasurer. Such appeal must be made by sending a signed letter to the Secretary-Treasurer postmarked no later than thirty (30) days after the date that the audit report was mailed.

Sec. 8. All appeals received by the union within the time limits specified above shall be determined by expeditious referral to an impartial arbitrator chosen through the rules of the American Arbitration Association (AAA) for the impartial determination of union fees. The Brotherhood shall notify the AAA that challenges to the calculation of its fees and assessments have been received from one or more persons and include the names and addresses of the persons who filed the appeals and who must be notified of the proceedings. Thereupon, in accordance with its rules, the AAA will appoint an arbitrator and notify the Brotherhood and the challenger. In addition, the following rules shall apply:

- a. All appeals shall be consolidated and heard as soon as the AAA can schedule the arbitration and shall be at a location selected by the AAA to be the most convenient for those involved in the proceeding.
- b. Each party to the arbitration shall bear its, or their own, costs. The challengers 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 the Brotherhood.
- c. Challengers may, at their expense, be represented by counsel or another representative of their choice. Challengers need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statements shall be filed no later than the beginning of the hearing before the arbitrator. Post-hearing statements may be filed in accordance with the provisions of Section 8(g).

d. Fourteen (14) days prior to the start of the arbitration, challengers shall be provided with copies of all exhibits or a list of all such exhibits intended to be introduced at the arbitration by the Brotherhood and a list of all witnesses the Brotherhood intends to call, except for exhibits and witnesses the Brotherhood may introduce for rebuttal. When a list of exhibits has been provided, any challenger shall have a right to receive copies of such exhibits by making a written request for them to the National Division Secretary-Treasurer. Additionally, copies of all exhibits shall be available for inspection and copying at the hearing.

e. 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 challengers. If challengers do not purchase a copy of the transcript, a copy shall be available for inspection by challengers at the National Division during normal business hours.

f. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the dual needs of an informed and expeditious arbitration. The arbitrator shall set forth in the decision the legal and arithmetic bases for the decision, giving full consideration to the legal requirements limiting the amount that objectors may be charged.

g. The parties to the arbitration shall have the right to file a post-hearing statement within fifteen (15) days after both parties have completed submission of their cases at the hearing. Such statements may not introduce new evidence or discuss evidence not introduced in the arbitration. The arbitrator shall issue a decision within forty-five (45) days after the final date for submission of post-hearing statements or within such other reasonable period as is consistent with the AAA rules and the requirements of law.

h. The decision of the arbitrator shall be final and binding on all findings of fact supported by substantial evidence on the record considered as a whole and on other findings legally permitted to be binding on all parties.

i. Upon receipt of the arbitrator's award, any adjustment in favor of the challenger will be made from the Union escrow account. Any adjustments in favor of the union shall be due and owing within thirty (30) days. An individual failing to pay any adjustments in full within the prescribed thirty-day period will be considered as being in non-compliance with provisions of the Union Shop Agreement.

Sec. 9. The National Division Officers will have the authority to amend this policy, as it deems appropriate.

Sec. 10. The provisions of this procedure shall be considered legally separable. Should any provision or portion be held contrary to law by a court of an arbitrator, the remaining provisions or portions thereof shall continue to be legally effective and binding.

# THE **BMWED** Journal

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

**Brotherhood of Maintenance of Way Employes Division  
41475 Gardenbrook Road  
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