

BMWED

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
Of The International Brotherhood Of Teamsters

JOURNAL



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BMWED and Bargaining Coalition Reach Tentative Agreement *Amtrak Settlement based upon PEB-242 Recommendations*

On January 18, 2008, representatives from the BMWED and Amtrak signed a tentative agreement for a 10 year deal covering the period January 1, 2000 through December 31, 2009. The tentative agreement adopts the recommendations of Presidential Emergency Board No. 242 and is subject to membership ratification by several of the involved BMWED System Divisions/Federations. The agreement will place Amtrak maintenance of way workers on the same pay and benefits footing as their brothers and sisters working for the Class I railroads in the United States. Significantly, the agreement contains no work rules changes, even though Amtrak pushed very hard for eliminating restrictions on contracting out, changing starting times at will, and establishment of a 12 hour straight time workday.

When the previous issue of the Journal went to press, the BMWED,

along with seven other unions, had been proffered arbitration by the National Mediation Board as a way to end their eight year bargaining impasse with Amtrak. The Unions rejected the proffer of arbitration and were "released" from mediation, meaning a strike was possible after completion of a 30 day "cooling off" period. However, on December 1, 2007, President George Bush, exercising his discretion under Section 10 of the Railway Labor Act, established an emergency board to investigate the dispute and make recommendations for a settlement. The Board's chair was Peter Tredick, a former management-side labor attorney in D.C. and the four members were Helen Witt, a former Reagan appointee to the NMB; Josh Javits, a former Bush appointee to the NMB; Annette Sandberg, former head of the Washington State Police; and Ira Jaffe, a professional arbitrator.

The Board held three days of hearings in Washington, D.C. on December 11 – 13, 2007. The BMWED appeared as part of the Passenger Rail Labor Bargaining

Coalition consisting of BMWED, BRS, ATDA and NCF&O. Another group, called the "Shopcraft Coalition" consisted of TCU-Carmen, IAM, IBEW
See **TENTATIVE** on Page 7

URGENT MESSAGE!

Action required or lose dependant insurance coverage

Aetna Insurance Company recently mailed a Dependant Eligibility Audit Form to participants in the Railroad Employees National Health and Welfare Plan. Thousands have not responded. This survey must be received by **February 29, 2008** or Medical, Prescription Drugs, Dental, and Vision coverage for dependants in question will be terminated on **March 15, 2008**.

Any member who has lost or not

received the audit materials must contact the **special audit hotline at 1-866-682-5619** to request duplicate copies. Members who have received the materials but have questions on how to respond, what documents are acceptable, etc., should call the same number to get answers to all their questions.

If you have already returned the survey and received a confirmation letter, you should disregard this notice.

Rail Conference Mexico Study Group Visits Mexico *BMWED Representative meets with Mexican Union*

BMWED Southwest Regional Vice President Roger Sanchez traveled to Mexico in early December to meet with representatives of the railroad union in Mexico. Vice President Sanchez was accompanied by a number of other members of the IBT Rail Conference Mexico Study Group. The purpose of the meeting was to reopen dialogue and to recommit to agreements made in a previous meeting held in 1998. That meeting was a result of both the Mexican and American rail union's recognition of the possible affects of the North American Free Trade Agreement (NAFTA).

While NAFTA actually became effective on January 1, 1994, its impact was not felt until the Mexican railroads completed the privatization of Mexican railroads a few years later. The government railroad, Ferrocarril Nacionales de Mexico (FNM), was

split into seven separate private railroads by 1999, most of which have ties to American railroad companies.

Mexican railroad workers are all represented by the same union, Sindicato De Trabajadores Ferrocarrileros De La Republica Mexicana (STFRM), which translates in English to "Union of Railroad Workers of the Mexican Republic." The union, which was founded in 1933, represents approximately 72,500 retired and active members throughout Mexico and maintains 29 separate bargaining agreements.

The group met in Mexico City on December 6, 2007, and while STFRM President Victor Flores was unable to attend, all 16 STFRM General Chairmen were in attendance. The group exchanged ideas concerning a number of initiatives and discussed rail agreements, including similarities and differences. The group also dis-

cussed initiating a bi-lateral letter of agreement between the parties regarding cooperation for the purpose of improving the working conditions

and benefits of both the STFRM and the IBT Rail Conference Unions. Both parties agreed to continue to meet

See **MEXICO** on Page 7



Mexico Rail Study Group visits border with Mexico. Pictured left to right, IBT International Vice President John Murphy (IBT Rail Conference Director), BMWED Vice President Randy Cook, BMWED President Freddie Simpson, BMWED Vice President Dave Tanner and BMWED Vice President Roger Sanchez.





Family and Medical Leave Act (FMLA) *Know Your Rights*

There are many frequently asked questions concerning the FMLA and how it might benefit BMWED members. The answer to many of these questions can be complex and are subject to a number of variables. Generally, the law was designed to grant eligible employees who work for a covered employer, or railroad, up to 12 work weeks of unpaid leave during any 12 month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate

family member (spouse, child, or parent) with a serious health condition; or

- to take medical leave when the employee is unable to work because of a serious health condition.

The FMLA, which was enacted in 1993, would apply to BMWED members who are employed by any railroad with at least 50 employees. For more information about the Family Medical Leave Act and how it works, you should visit the Department of Labor website, www.dol.gov/esa/whd/fmla. **Prior to taking leave you should contact your General Chairman, or local representative to find out how FMLA may affect your other benefits.**

Around the Brotherhood

FRISCO Federation Holds Quadrennial Convention

The Frisco Federation held its quadrennial convention November 15, 2007 in Catoosa, Oklahoma. Congratulations to General Chairman Rick Sandlin and his officers on a successful convention.



Left to right: E. G. Bennett, Travis Mikles, Richard Spears, Daniel Brewer, Malcolm Davison, Billy Young, Blair Stowers, Daril Rogers, Gary Burdick, Luther Massey, Dana Sconyers, Rick Sandlin, Charles Forbes, Kevin Wolmeldorf, Jay Elliott, Roger Sanchez, Michael Wilson, Freddie Simpson.

Southern System Division Federation Holds Quadrennial Convention

The Southern System Division Federation held its quadrennial convention November 6 – 8, 2007 at Pigeon Forge, Tennessee. Congratulations to General Chairman Gary Cox and his officers on a successful convention.



Front row left to right: Mike Tomkins, Bill Parks, Charles Bullen, James Stith, Gary Cox, Freddie Simpson, Sam Alexander, Mike Sellers, James Moxley, Johnny Fernander. Back row, left to right: James Dodson, Ben Crowe, Phillip Rose, Marcus Hood, Gene Cross, Raymond Ethridge, Dale Earnest, Cleve Day, Ricky Chambers, James Battle, Jerry Freeman, Sylvester Thirkill, Willie Allen, James Smith, Paul Segars, Henry Stroy.

BMWED Members Observe Dr. Martin Luther King Jr. Holiday

Members of the BMWED/IBT Committee on Diversity, met in Memphis, Tennessee, January 17 – 21, 2008 to attend a number of educational functions in observance of the Martin Luther King Jr. holiday and to commemorate the 40th anniversary of the Memphis sanitation worker's strike. Dr. Martin Luther King Jr. was assassinated in Memphis in 1968 while supporting these striking workers. Others in attendance included Committee Advisors Roger Sanchez and Tim McCall, Mississippi State Legislative Director Murphy Evans and South Carolina State Legislative Director Bryant Moses.



BMWED Diversity Committee from left to right: Frank Coleman, Kristina Del Gado, Timothy Hoffman, Ramiro Ramirez, Herman Dixon.

BMWED Division JOURNAL CONTENTS

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Freddie N. Simpson
President and Editor

Perry K. Geller, Sr.
Secretary-Treasurer

Randall Brassell
Associate Editor

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LEGAL AID PROGRAM LIST

Here is an updated list of the approved attorneys in the BMWED'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.

BMWED 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 BMWED member or his family has access to competent legal counsel in making claims under the FELA.

The BMWED-approved legal aid attorneys are well qualified to handle cases under the FELA.

Blunt & Associates, 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

The Crow Law Firm

700 "E" Street
Sacramento, CA 95814
TELEPHONE: (916) 441-2980
FAX: 916-441-3846
TOLL FREE
NATIONAL: (800) 345-2889
www.crowlaw.com

Daniel J. Downes, P.C.

111 W. Washington Street,
Suite 1100
Chicago, IL 60602-2705
TELEPHONE: (312) 781-1852
FAX: 312-781-1854
TOLL FREE
(800) 624-2121
dan@dandownes.com

Hubbell, Peak, O'Neal, Napier & Leach

Union Station
30 West Pershing Road,
Suite 350
Kansas City, MO 64108-2463
TELEPHONE: (816) 221-5666
FAX: 816-221-5259
TOLL FREE
NATIONAL: (800) 821-5257
www.hubbelfirm.com

Ingebritson & Associates, P.A.

Attorneys at Law
Suite 1025 Medical Arts Bldg.
825 Nicollet Mall
Minneapolis, MN 55402
TELEPHONE: (612) 340-8290
FAX: 612-342-2990
TOLL FREE
NATIONAL: (800) 282-6393

Johnson & Hatch

10 West Broadway,
Suite 400
Salt Lake City, UT 84101
TELEPHONE: (801) 363-6363
FAX: 801-363-6666

Jones & Granger

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

Moody, Strople, Kloeppel, Basilone & Higginbotham Attorneys at Law

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

Moody, Strople & Kloeppel, Basilone & Higginbotham Inc.

Jacksonville, Florida Office
7400 Baymeadow Way, Suite 105
Jacksonville, Florida 32256
TELEPHONE: 904-256-0018
FAX: 904-256-0019
www.moodyrllaw.com

R. Edward Pfiester, Jr.

A Law Corporation
2000 Riverside Drive, Suite 100
Los Angeles, CA 90039
TELEPHONE: (323) 662-6400
FAX: 323-669-8549
TOLL FREE
NATIONAL: (800) 344-3352
www.pfiesterlaw.com

Pratt & Tobin, P.C.

P. O. Box 179
Route 111 at Airline Drive
East Alton, IL 62024
TELEPHONE: (618) 259-8011
TOLL FREE
NATIONAL: (800) 851-5562

Rossi, Cox & Vucinovich, P.C.

3801 E. Florida Avenue, Suite 905
Denver, CO 80210-2500
TELEPHONE: (303) 366-3501
FAX: (303) 759-3180
TOLL FREE
(800) 325-4014
www.rcvpc.com

Rossi, Cox & Vucinovich, P.C.

1345 Corporate Center Curve
Suite 101
Eagan, MN 55121
TELEPHONE: (651) 688-7699
Fax: 651-688-7785
TOLL FREE
NATIONAL (866) 900-FELA (3352)
www.rcvpc.com

Rossi, Cox & Vucinovich, P.C.

5000 Central Park Drive, Suite 204
Lincoln, NE 68504
(402) 434-9288
www.rcvpc.com

Rossi, Cox & Vucinovich, P.C.

10900 NE 8th Street
Suite 1122
Bellevue, WA 98004-4456
(425) 646-8003
FAX: 425-646-8004
TOLL FREE
(866) 357-RAIL (7245)
www.rcvpc.com

Thornton & Naumes, LLP

100 Summer Street, 30th Floor
Boston, MA 02110
TELEPHONE: (617) 720-1333
FAX: 617-720-2445
TOLL FREE
NATIONAL: (800) 431-4600
www.tenlaw.com

FRA Equipment Accident Reporting Threshold Adjusted

On December 28, 2007 the Federal Railroad Administration (FRA) increased the rail equipment accident/incident reporting threshold from \$8,200 to \$8,500 for certain railroad accidents/incidents involving property damage that occur during calendar year 2008. This action was taken by FRA to ensure that FRA's reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed for calendar year 2007. The new rail equipment accident/incident reporting threshold became effective January 1, 2008.

Under the FRA accident/incident reporting requirements of 49 CFR, Part 225, a "rail equipment accident/incident" is a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that results in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material, greater than the reporting threshold for the year in which the event occurs.

Each rail equipment accident/incident above the property damage threshold must be reported by the railroad to FRA. Part 225.19 of the regulation provides that the dollar figure which constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted, if necessary, every year in accordance with the procedures outlined in appendix B to part 225 to reflect any cost increases or decreases.

Consequently, FRA has recalculated the threshold, as required by Sec. 225.19(c), based on increased costs for labor and increased costs for equipment. FRA has determined that the current reporting threshold of \$8,200, which applies to rail equipment accidents/incidents that occur during calendar year 2007, should increase by \$300 to \$8,500 for equipment accidents/incidents occurring during calendar year 2008, effective January 1, 2008.

Rail equipment accidents/incidents with property damage below the monetary reporting threshold are not required to be reported to FRA. The threshold applies to rail equipment accidents/incidents only and does not apply to the reporting of death, injury, occupational illness, or accidents at highway rail crossings.

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 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.

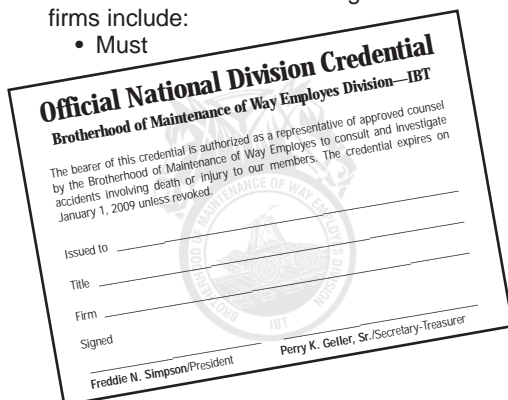
Choosing a BMWED-designated FELA attorney is important because, as one court case stated, "injured workers or their families often fall prey ... to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not competent to

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 BMWED has a long-standing policy of evaluating FELA law firms. Using established guidelines, the BMWED chooses the best to be on its approved or designated list which is printed twice yearly in the BMWED 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 of no more than 25 percent.

- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the BMWED 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 BMWED credentials each year. If an attorney contacts you, be sure to ask for his credential.



Freddie N. Simpson

PRESIDENT'S PERSPECTIVE

In my last Perspective, I wrote about the struggle of our Amtrak members who have been working without an updated contract for nearly eight years, and how President Bush would appoint a Presidential Emergency Board (PEB) to hear the dispute and make recommendations for a settlement. As the last *Journal* went to print, we did not yet know the make-up of the Board or the background of its members. But we fully understood what was at stake; the lives and livelihoods of 2,000 BMWED members and 18,000 other workers employed by Amtrak nationwide. For better or for worse, we recognized that the Amtrak saga would soon be coming to an end.

In my last column I talked about what *should* happen versus what *can* happen when the White House and politics get directly involved in collective bargaining under the final dispute resolution procedures of the Railway Labor Act. Those procedures allow the President to appoint a Board to hear the positions of Labor and management and issue recommendations for settlement within thirty days of the Board's appointment. While PEB reports to the president are not legally binding upon the parties in dispute, PEB reports have historically formed the basis and framework for settlement. Sometimes the parties reach voluntary settlement after a Board issues its report, and other times, such as what occurred in 1991 with PEB 219, the Congress can impose a settlement by simply passing a law. Thus, both sides have a lot at stake when collective bargaining is essentially put in the hands of a third party under the provisions of the Railway Labor Act.

The unknown's of how PEB-242 might rule has undoubtedly been a source of great anxiety for you and your family. While I cautioned in my last column that it would not be fair to prejudge the anticipated PEB and its recommendations, I can assure you that I and all of Rail Labor shared your concerns. Because of the high-stakes involved and the fact that an Amtrak PEB would undoubtedly have a major impact on the shape of any post-PEB settlement, we have literally spent years developing the record and preparing ourselves and our political allies for this final stand before a Presidential Emergency Board. For eight years, Amtrak's arrogance and its take it or leave it attitude precluded any progress at the bargaining table. Faced with this reality, it was essential that we do everything possible to prepare for the probable endgame of a Presidential Emergency Board.

Prior to our release from mediation in November 2007, BMWED formed a

bargaining coalition with the Brotherhood of Railroad Signalmen, the National Conference of Firemen and Oilers/SEIU, and the American Train Dispatchers Association. With the help and support of the Teamsters, this bargaining coalition, formally known as the Passenger Rail Labor Bargaining Coalition (PRLBC), jointly represented the four unions before PEB-242. The same top notch law firm and economic experts that headed the Rail Labor Bargaining Coalition's successful efforts to reach a voluntary settlement with the national freight carriers were employed by the National Division and the Teamsters to work along side our own team of negotiators representing the PRLBC before the PEB. The PRLBC also worked side by side with another coalition formed by the shopcraft unions to coordinate Rail Labor's presentations, message, and supporting documentation before PEB-242.

I wish you could have witnessed the coordinated and professional effort put forth on your behalf by the coalition representatives before the Board. The Board's report and recommendations reflect the hard work and preparation that went into this effort. Most importantly, the Board report recognized that Amtrak workers are not second class employees and that they should be treated at least on par with freight rail employees performing similar work. Amtrak tried to convince the Board that an "internal pattern" based upon agreements with three other unions which became amendable in 2004, and two tentative agreements with other unions that failed to ratify, set the appropriate "pattern" for all Amtrak workers. The Board concluded that Amtrak's internal pattern claim was not persuasive, and that the last two Freight Agreements were the appropriate "patterns" for this round of bargaining.

On January 18, 2008, BMWED and the Passenger Rail Labor Bargaining
See **Perspective** on Page 7

Message from Teamsters General President Jim Hoffa

Congratulations to all BMWED members at Amtrak on the recent tentative agreement. The Teamsters Rail Conference was proud to offer its support and assistance to all of the rail labor negotiators involved with the Passenger Rail Labor Bargaining Coalition.

You have waited and worked for eight very long years without a contract. Over the years we have lobbied Congress on your behalf for full funding for Amtrak, while President Bush, not to our surprise, effectively tried to eliminate it in his 2007 budget.

However, members of Congress on both sides of the aisle realized the value of a healthy public rail transportation system and ultimately voted to fund Amtrak and keep our national passenger rail system on track.

In December, we were elated when Bush's appointees on the Amtrak

Presidential Emergency Board decided in favor of most of rail labor's positions, including our requests for retroactive pay, wage scale improvements, and no work rule changes. It was clear from reading the Board's report that Labor presented a very strong case in support of your rights to a fair and equitable settlement, while Amtrak presented a very weak case for denying you such a settlement. The Board acted accordingly, and virtually all of Amtrak's requests were rejected by the Board.

We appreciate the support of Sen. Edward M. Kennedy (D-MA), who was present at the tentative contract signing and said, "It's a great day for the country, the workers and an extraordinary day for the passengers. This agreement gives respect to the workers."

Rep. James Oberstar (D-MN), was

also present at the signing meeting and said, "I think this resolution gives everybody the ability to start anew. And, the good news is the service is up, on-time performance is up and there is renewed interest in using inter-city passenger rail."

Congressman Oberstar and his staff have been very supportive of the Rail Conference's Safe Rails Secure America project and the Rail Safety Bill, so we knew they could be counted on for assistance in resolving the Amtrak dispute.

Let's work to elect a president this year who will respect workers' rights and value the hard work being performed day in and day out to keep this great country moving ahead.

Fraternally,
James P. Hoffa
Teamsters General President





SECRETARY-TREASURER'S REPORT



Perry K. Geller, Sr.

All too often we hear such defeatist phrases as “You can’t fight city hall,” or “What’s the use in fighting, it’s a lost cause.” All too often these defeatist phrases become self-fulfilling prophecies, paving the way for defeat and despair and causing noble causes to be abandoned before the battle is over.

If Organized Labor allowed itself to succumb to such defeatism in the face of each significant battle we have had to fight, Organized Labor as we know it may well have never existed. The history of Organized Labor is replete with stories of survival against the odds, the perseverance of right over might, and workers grasping victory from the jaws of near certain defeat.

I am proud of what BMWED and the rest of Organized Labor has accomplished since the movement’s birth in the mid-1800s. And I am proud to be part of this Labor movement and what it has accomplished, for over a century and against the odds, for working men and women in the United States and throughout the world. I’ll give you two recent examples, one you will recognize immediately and one that received far less publicity, but had a profound affect on the workers whose jobs were saved.

Very few of you may have heard of Watco; a holding company that operates short line railroads around the United States. In the summer of 2007 Watco and Norfolk Southern (NS) got together and created a “joint venture” which they called the Michigan Central Railroad. They cooked up a deal whereby NS would transfer its lines in Michigan to the Michigan Central, a railroad allegedly to be controlled by Watco. At first blush, this transaction looked like every other Section 10901 short line sale. No employee protective conditions, no chance of stopping it. In other words it was a “done deal,” no reason to get upset because there was nothing anyone could do.

Well, we thought the deal smelled fishy. It looked to us like NS was never really giving up control of the lines so there was no real “transaction” going on. We hired outside counsel, Rich Edelman of O’Donnell, Schwartz and Anderson in D.C. and partnered with the Signalmen in a full court legal press before the Surface Transportation Board (STB). Additionally, all of the other crafts involved worked together on the legislative front to press the Michigan statehouse, county governments, city governments, and anyone else who would listen that this deal was rotten. NS and Watco wouldn’t talk with us, in fact they tried to cut a sweetheart deal with one union, but that union told them “no.” So NS and Watco just waited, figuring that Labor “can’t fight

city hall,” and fully expecting to receive approval from the Surface Transportation Board.

Guess who got a surprise just before Christmas? NS and Watco. The Surface Transportation Board rejected the proposed transaction as a sham. Over one hundred good union jobs in Michigan were preserved because the Unions involved wouldn’t give up and stuck together.

The other example is better known – Amtrak. Using the successful model employed in the national freight negotiations, President Simpson and I, with the full support of the Teamsters, worked hard to establish the Passenger Rail Labor Bargaining Coalition to assist our Amtrak members and the affected BMWED System Federations/Divisions. The Passenger Rail Labor Bargaining Coalition included the BMWED, Brotherhood of Railroad Signalmen, American Train Dispatchers Association, and the National Conference of Firemen and Oilers/SEIU. However, Amtrak wouldn’t even sit down to talk with us; instead it sued us saying the coalition was illegal.

Again, outside observers jumped on the bandwagon and said it couldn’t be done, that forming an Amtrak coalition would not work, and that the wholesale defeat and decimation of Amtrak’s workforce was already predetermined by the politics of the day.

But our Amtrak members would have no part of that defeatist mentality. Again you rose up and rejected the defeatism that hovered over the Amtrak stalemate like a cloud of toxic fume. When you were told that you could not win, you did not fold; you just got angrier, stood your ground, and steeled yourselves to fight this battle to the very end. We marshaled our forces in the streets and along the right of way; we made our presence and our issues known on Capitol Hill; and we built support at State Houses across America. The National Division and the Teamsters engaged

and supported the Amtrak coalition with resources, research, and expert representation and testimony; and we helped build a strong solidarity among all of Amtrak’s unions. Again, outsiders said it could not be done, but again you proved them wrong and the results speak for themselves.

Now the destiny of Amtrak workers is in the hands of those who have kept our nation’s passenger rail system operating for eight long years without a contract. As this edition of the *Journal* goes to press, the Brotherhood is setting up meetings with our Amtrak Local Lodges to

answer questions about the tentative agreement in preparation for the upcoming membership ratification.

I am very proud of our union and its members. You have demonstrated a level of strength and resolve that the freight railroads and Amtrak thought you could not muster. You never bowed to defeatism; you stood strong together in the face of seemingly unbeatable odds, and you won.

History again reminds us all that Labor’s victories are not the result of one person, one idea, one issue, or one singular effort. The Union makes us strong!

PUBLIC LAW BOARD COORDINATOR RETIRES

After nearly 37 years combined railroad and Brotherhood service, BMWED Public Law Board Coordinator Don Bartholomay began enjoying retirement effective January 1, 2008.

Don began his railroad career on April 14, 1971 continuing a family tradition that was started by his father. His dad started working for the Northern Pacific in 1947 and retired from the Burlington Northern Railroad in 1983.

Don’s career began on the Burlington Northern Railroad in Fargo, North Dakota.

He worked on surfacing gangs, maintenance gangs and section crews, establishing seniority as a Foreman, Assistant Foreman, Track Repairman and Machine Operator.

In April of 1977, Don accepted a position with the Brotherhood’s Chicago office preparing cases for arbitration at the Third Division of the National Railroad Adjustment Board (NRAB). In 1981 Don began serving as the Union Member on Public Law Boards and later served as the union member on the Third and Fourth Divisions of the NRAB.

In 1996, Don was appointed coordinator for all Public Law Boards nationwide.

In addition, Don served a key role in educating our System and Local Lodge Officers on claim and grievance handling. Don conducted formal programs and informal assistance to many new Local and System Officers, as well as coordinating programs for many experienced Union Officers throughout his career.

Don’s retirement marks not only a milestone for him and his wife Terri; Don’s parents recently celebrated their 60th wedding anniversary. Terri and their children Ben, Molly, Carl and Shannon will be spending more time with him as he adjusts to new endeavors.

Don is considered one of the most knowledgeable and respected individuals to hold a position with the Brotherhood and will be sorely missed by all.



Don Bartholomay



BMWED Legislative Issues – 110th Congress

December 2007 Omnibus Appropriations

Before adjourning for 2007, Congress passed a \$556 billion Omnibus Appropriations bill which combined 11 of 12 appropriations bills that still needed to be passed for fiscal year 2008 into one package. The bill also included funding for the Iraq war. President Bush signed the spending measure on December 26.

The measure contains funding for Amtrak, the National Mediation Board, and the Federal Railroad Administration as follows:

Amtrak: The amended bill provides a total of \$1,325,000,000 for operations, capital improvements and debt service to Amtrak instead of \$1,400,000,000 as proposed by the House and \$1,370,000,000 as proposed by the Senate.

National Mediation Board: The

amended bill includes \$12,911,000 for the National Mediation Board instead of \$12,992,000 as proposed by both the House and Senate. Of this total, \$669,000 is included to supplement the budget request for arbitration. While the original amount requested for arbitration was cut back, this additional funding will help in alleviating the backlog of cases that are before the board.

Federal Railroad Administration:

The amended bill provides \$150,193,499 for safety and operations instead of \$148,472,000 as proposed by the House and \$151,186,000 as proposed by the Senate. The amended bill includes an increase of \$892,500 above the budget request for inspector travel, and also includes an increase of \$629,000 to expeditiously fill agency vacancies as proposed by the Senate.

BMWED Members Share Their Hunting and Fishing Photos



BMWED Member Tim Dockendorf took this 12 point whitetail buck just after sunrise on November 4, 2007, in tall grass about 100 feet from his stand on his property in Waite Park, Minnesota. 10 year old son Aaron helped drag the deer from the woods. Tim is a 1st Class Carpenter at the Northtown Diesel Shop in Minneapolis, MN and a member of Burlington Northern System Federation, Local Lodge 0144.



Darlene Wise, wife of BMWED Northeast Vice President Henry Wise, took this 7 point whitetail buck on November 27, 2007, two hours into the hunt on the family's property in Slatington, Pennsylvania. The deer's rack had a 20 inch spread and weighed 180 pounds. Darlene took this deer with her Remington Model 760 Gamemaster Caliber 30-06. Henry, where is your picture?



BMWED Member Andy Lano's 12 year old son Anthony caught this 67.8 pound Citation Black Drum in the Delaware Bay on May 25, 2007. Andy works as a welder for Amtrak in Perryville, MD, and is a member of Pennsylvania Federation Local Lodge 3041. Andy took his son on this fishing trip after working 42 days straight, without time off. He says they let the big one go!

DEATH BENEFITS

Report of Claims Paid during Nov. thru Dec., 2007

NAME	LODGE NUMBER	SYSTEM	NAME	LODGE NUMBER	SYSTEM
MARSHALL BATES JR.	0993	AF-SE	MANFORD C. PRICE	1009	AF-SW
JAMES B. CALDWELL	0369	USD-W	WESLEY SHELTON	0017	ICGF
JESUS R. CAMARENA	2405	AT&SF	ORLANDO C. SHIAVONE	3075	PENN
DE WILDON CAMPBELL	0540	SEAB	FRANK J. SMIDA	1997	NPW&LE
LEMUEL C. CAMPBELL	3012	PENN	AUSTIN L. ST. CLAIR	0355	FRISCO
BUD DAVIS	1547	FRISCO	LUTHER TENNIE	0305	CRSF
DENNY A. GOLMAN	0309	BURNOR	ROBERT L. THOMPSON	0706	BURNOR
FLOYD HARRELSON	0562	AF-SE	PRUDENCIA TRENADO	1193	AF-SW
LLOYD LINDBO	0297	BURNOR	WILSON A. VINES	2413	AT&SF
OSCAR E. MALONE	1664	NPW&LE	PAID NOV. 1, 2007 TO DEC. 31, 2007		\$ 11,000.00
BURTIS MC INTIRE	1509	AF-SE	AMOUNT PREVIOUSLY PAID		\$45,149,807.75
FORREST S. MORELAND	1028	AF-SE	TOTAL AMOUNT PAID TO DATE		\$45,160,807.75
RICHARD J. MORIO SR.	0275	PENN	NUMBER OF CLAIMS PAID - 22		

Centenarians

Belated "Happy Birthday" wishes to the following BMWED retirees who recently celebrated their 100th birthdays:

Warren E. Thomas

An Atwood, Indiana resident, Brother Thomas celebrated his 100th birthday on January 7, 2008. He last worked for the Penn Central Transportation Company as a trackman.

Louis Salato

A Cayuga, New York resident, Brother Salato celebrated his 100th birthday on January 19, 2008. He last worked for the Penn Central Transportation Company as a track foreman.

The BMWED extends sincere best wishes to all of our retired centenarians. Happy Birthday!

On a sadder note, we are sorry to report that Brother **Paulino Sosa Sr.**, one of last year's Centenarians, as noted in the May/June issue of the BMWED Journal, has passed away. Brother Sosa, 101 years old and a Marceline, Missouri resident, died Wednesday, December 26, 2007. Brother Sosa, a member of the AT&SF System Federation, worked as a trackman on the Atchison, Topeka & Sante Fe Railway for 44 years, retiring in 1972.

BMWED and Bargaining Coalition Reach Tentative

Continued from Page 1

and TWU. The TCU-ARASA supervisors cooperated with both coalition groups. Accordingly, the Unions involved presented their case in a coordinated and persuasive manner and presented the same proposals and argument to the Board. After all the testimony was in, the Board attempted to engage in "super mediation" between the parties on December 14, 2007, but talks broke down quickly.

The President issued the Board's report on January 3, 2008. The report largely sided with the position presented by the Unions. Specifically, the Board recommended full back-pay (about \$12,000 on average) paid to all employees working for Amtrak as of December 1, 2007. The Board recommended the same formula for health and welfare cost sharing as that in the freight railroad contracts. Additionally, the Board recommended increases in Supplemental Sickness and Off-Track Vehicle insurance benefits to bring them up to freight railroad standards. The Board also recommended a 20% increase in per diem payments to Amtrak employees.

Amtrak presented a wide ranging list of work rules changes to the Board. Those changes were rejected by the Board in very strong language. The changes proposed by Amtrak included the elimination of all restrictions on subcontracting work, the combination of classes and crafts of employees, the creation of a 12 hour straight time workday, and work schedules that could be changed at management's whim without any financial penalty. The Board was especially critical of Amtrak's bargaining strategy regarding work rules by stating:

There was no evidence, however, that even a single detailed proposal in term bargaining was provided by Amtrak to the Organizations prior to the eve of the hearings in this matter and even those proposals were sweeping generalized attempts to eliminate all restrictions, rather than to focus upon

particular proven problem areas. Further as discussed below, the evidence introduced by Amtrak in support of its claimed need for these sweeping reforms was weak, at best, and with respect to many of the proposals bordered on non-existent.

In fact, the Board characterized Amtrak's continued refusal to entertain the payment of backpay as a calculated attempt to obtain a no-interest loan from its employees to meet operating and capital needs. This despite testimony showing that at the same time Amtrak refused to bargain seriously about wage increases, it tried to implement a management bonus program; outsource reservation work to India and created a "golden parachute" for its former CEO that exceeded the annual salary of the President of the United States.

"Rail unions partnering and working together have once again illustrated that working as a coalition on behalf of all Rail Labor works," said BMWED President Freddie Simpson. "Coalition Bargaining worked on the freight side and has now proven successful for our Amtrak members, as well."

The agreement ratification materials were mailed on or about February 8, 2008 and ballots will be counted and results announced by all of the Unions involved on March 10, 2008. The agreement, if ratified, will become effective on May 1, 2008.



Rail Conference Mexico Study Group Visits Mexico

Continued from Page 1

and cooperate in the interest of protecting the rights and privileges of their respective memberships.

"I believe this was a very productive meeting and I was especially gratified that the STFRM is also committed to exchanging ideas and working in harmony with our unions. They indicated that since NAFTA has taken place it is even more important that we sit down and work together," said BMWED Vice President Roger Sanchez. "The STFRM also indicated that the U. S. and Mexican railroads are working together to minimize the rights of our members and that we should work together in order to protect those same rights and privileges."

President Freddie Simpson congrat-

ulated Vice President Sanchez and the other members of the Mexican/American delegation on a productive meeting. "We will continue to work with our union brothers south of the border as well as those in Canada in order to protect all of rail labor's right to fair and decent wages and working conditions."

The IBT Rail Conference Mexico Study Group is comprised of representatives from BMWED and BLET and was founded in order to work with the Mexican unions to protect the interest of our respective memberships and to take advantage of any benefits that might flow from the North American Free Trade Agreement by way of increased rail traffic via Mexico.

BMWED Northeast Regional Coordinator Named To Post

On November 16, 2007 BMWED member Jeff Bainter was elected to the Board of Directors of the Indiana High Speed Rail Association. Brother Bainter currently serves the Brotherhood as BMWED Northeast Regional Legislative Coordinator and holds the elected position of BMWED Indiana State Legislative Director. Brother Bainter has been a member of the Indiana High Speed Rail Association for 3 years and has been very active in that role. "To be recognized as a key player in promoting rail service is quite an honor for Jeff and the BMWED," said Danny Gates, BMWED Director of Government Affairs. "I am sure Jeff will bring the same professional work ethic to this post that he has always illustrated in his positions with the Brotherhood."

The purpose of the rail association is to promote high speed passenger rail service throughout Indiana and the region. The Association is currently pushing for rail service between Chicago and Cincinnati via Indianapolis, with a spur from Indianapolis to Louisville. In the future the Association would also like to see service provided between Indianapolis

and Detroit. According to Brother Bainter, "It is entirely possible that the rail service between the targeted cities could be accomplished by utilizing existing rail infrastructure. We have secured the funding for an economic and environmental study and hope to get that under way as soon as possible."

BMWED President Freddie Simpson congratulated Brother Bainter on his appointment. "The BMWED is proud of Jeff's accomplishments, he has been effective in everything he has been a part of, and I believe he will do a fine job in this capacity as well. More rail service means more jobs and that has to be good for working people everywhere."



Jeff Bainter

IMPORTANT ANNOUNCEMENT

BMWED Members Receive New Identification Numbers

To insure our members' privacy and comply with new federal and state privacy concerns we have eliminated the use of social security numbers to identify an individual member. We have assigned a new 9 digit membership identification number to every active member of the BMWED. Your individual number can be found on the mailing information of this journal above your name. Please use this number in all correspondence or when contacting a BMWED office to identify yourself.

PERSPECTIVE Continued from Page 4

Coalition signed a tentative agreement with Amtrak modeled upon the report and recommendations of PEB-242. While we did not get everything we asked for or deserve, all of Amtrak's draconian work rules demands have been dropped. As mentioned elsewhere in this Journal, the tentative agreement includes wage increases that average 35.2 percent over the life of the agreement (January 1, 2000 -December 31, 2009), full retroactive payments paid in two installments for employees on the payroll as of December 1, 2007, health and welfare modifications in line with the National Freight Agreement, an increase in certain daily meal allowances, and no work rule changes.

I want to thank you and all our members, Amtrak local and system officers, and our sister unions for standing strong and united during this

long and arduous fight. I want to thank our Brother Teamsters for their unwavering support throughout this entire process and their legislative, financial, and legal assistance in support of our Amtrak members. Once again, coalition bargaining and Rail Labor unity has succeeded. This is just another example of how your vote to join the Teamsters in 2004 has benefited the BMWED, its members, and all of Rail Labor.

Soon our Amtrak members will be voting on this tentative contract. I urge every eligible Amtrak member to vote in this ratification process so that each and every member is heard and every member's vote is counted. The process is now in your hands Brothers and Sisters, so please do not leave anything to chance. Read and discuss the tentative agreement, attend your union meetings, ask questions, and vote!

Important GA-23111 Plan F Supplemental Benefit Information

May 2008 is Open Enrollment Period for Medicare Recipients

Did you know that **UnitedHealthcare®** administers benefits that provide coverage in addition to Medicare for Railroad Employees, their Dependents, Parents & Parents-In-Laws?

WELCOME TO GA-23111 PLAN F

If you or your dependents are covered by Medicare and become confined in a hospital, Medicare Part A and Part B pay a large portion of your hospital and physician charges. However, you will still owe the hospital the Part A Medicare deductible. In addition, you will also be responsible for the Part B Medicare deductible and generally 20% of the amount Medicare approves as covered for physician charges. Depending on the nature of the medical/surgical treatment you receive, you or your dependents could be responsible for hundreds or even thousands of dollars. Through UnitedHealthcare, you can secure coverage for a substantial portion of these expenses by enrolling in **Group Policy GA-23111 Plan F** regardless of your current health status.

Take A Look At The Potential Savings!

Services - Medicare Part A	Medicare Pays	You Pay without Plan F	Plan F Pays	You Pay with Plan F
Hospitalization First 60 days 61 st to 90 th day 91 st to 150 th day Once reserve days are used	All but deductible All but coinsurance All but coinsurance Nothing	Deductible Coinsurance Coinsurance All costs	Deductible Coinsurance Coinsurance 100% of covered expenses for 365 days. Nothing over 365 days.	Nothing Nothing Nothing Only non-covered charges for 365 days. All costs after 365 days.
Skilled Nursing Facility Care First 20 days Next 80 days Beyond 100 days	100% All but coinsurance Nothing	Nothing Coinsurance All costs	Nothing Coinsurance Nothing	Nothing Nothing All costs
Blood - First three pints	Nothing	All costs	100%	Nothing
<small>Medicare Part A deductibles and coinsurance are set each year and may change. Plan F automatically changes to match Medicare.</small>				
Services - Medicare Part B	Medicare Pays	You Pay without Plan F	Plan F Pays	You Pay with Plan F
Part B Deductible	Nothing	100%	100%	Nothing
Charges after deductible	80% of approved charges	20% of approved charges	20% of approved charges	Nothing
Charges in excess of the approved charge by a physician or supplier who does not accept assignment.	Nothing	Up to maximum amount allowed by Medicare or state law	Up to maximum amount allowed by Medicare or state law	Nothing
Blood - First three pints	Nothing	All costs	100%	Nothing
Other Covered Services	Medicare Pays	Plan F Pays		
Emergency medical care in a foreign country	Nothing	80% covered expenses for medical emergency that occurs during first 60 days of a trip, after a \$250 calendar year deductible, up to \$50,000 lifetime maximum.		
Preventative Medical Care	Baseline mammogram with annual follow-ups; annual pap smear or when determined by doctor that it is necessary	100% of covered expenses up to \$120 each calendar year.		
At-home Recovery Care	Nothing	Up to \$40 per visit, for up to 7 visits per week and up to \$1,600 per calendar year, for home assistance with activities of daily living. Visits must occur while receiving Medicare Home Health benefits or during an additional 8 weeks that follow the last approved Medicare visit.		

Who May Enroll?

Railroad Employees & Dependents

GA-23111 Plan F is available to Railroad employees and their dependents (spouse and/or students and incapacitated children eligible for Medicare) formerly covered under one of the following Railroad health plans:

- Health and Welfare Plan;
- NRC/UTU Plan;
- GA-107300;
- GA-46000;
- Any other health and welfare plan established pursuant to an agreement between one or more railroads and one or more labor organizations.

Parents and Parents-in-Law of Railroad Employees

In addition, when a Railroad employee first becomes covered under GA-23111 Plan F, they can also offer coverage under Plan F to their parents and/or their parents-in-law if they enroll during the three month period of when they become covered. **GA-23111, Plan F is also available to any active employee's parents and/or parents-in-law who become eligible for Medicare.**

When Should You Enroll?

There are several opportunities to enroll once you become eligible for Medicare.

- Within three months from the date your active employee coverage ends, or
- Within three months of the month you first become eligible for Medicare, or
- If you do not enroll during either of these two periods, you may enroll during an Open Enrollment Period. Open Enrollment Periods are currently held in May of each even calendar year (2008, 2010, etc.). Enrollment in May provides coverage effective the following month, June 1st.

Want To Enroll?

Simply pick up the phone and call us! We would love to hear from you!

- Call UnitedHealthcare at our toll-free number, 1-800-809-0453, and request an enrollment form and a plan booklet for GA-23111 Plan F.
- This information will provide you with the monthly premium amounts as well as detailed information on the benefits provided under Plan F.
- Our Customer Care Professionals will be happy to answer any additional questions you may have.

How Much Does it Cost?

- The current price is \$150.00 per individual per month. Prices are subject to change annually on June 1 of any year.

The benefits under Plan F do not cover prescription drugs. To obtain prescription drug coverage, you can purchase a Medicare Part D plan separately. Plan F does not replace Medicare. All individuals enrolling in Plan F must also be enrolled in Original Medicare Coverage (Medicare Parts A and B).

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