

BMWED

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

JOURNAL



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Fallen BMWED Members Honored on Workers Memorial Day

On April 26, 2013 six fallen members of the BMWED were among the 20 deceased workers honored in a solemn Workers' Memorial Day ceremony held at the National Workers Memorial located in Silver Spring, Maryland.

The National Workers Memorial is comprised of thousands of simple bricks each engraved with the name of a worker who lost their life on the job. By action of the 2010 BMWED Convention, it is the policy of the National Division to honor the memory of fallen members killed in FRA-reportable accidents by purchasing a memorial brick for interment in the National Workers Memorial.

The six BMWED members whose lives were honored at the memorial ceremony are Alejandro V. Baroni (Lodge 2905, CRS), Jose Cano (Lodge 295, BURNOR System Federation), Loren Daswood (Lodge 1020, USD), William G. Fidler, Jr. (Lodge 598, ASF), Jack Gronewood (Lodge 783, Burlington System Division), and Jason L. Lacy (Lodge 2417, ATSF).

Several members from the BMWED and other rail unions joined with about 100 other supporters and sympathizers to pay their respects to those who lost their lives at work over the past year. For those in attendance, it was a very moving ceremony where the name of each worker was solemnly read aloud and a bell rung in their honor.



Each Workers' Memorial Day, bricks purchased during the previous year are added to the memorial. President Simpson said, "Each engraved brick serves as a lasting tribute to the life of a fallen member and the honored place they hold within our union and among their loved ones, coworkers, and friends. Each brick is also a stark reminder of how dangerous and unforgiving the railroad work environment is and how much more work needs to be done to assure our members return home to their families and loved ones safe and secure."

Every year in the U.S., approximately 5,000 workers are killed at work, 50,000 die from occupational illnesses, and millions more are injured. During calendar year 2012,

16 U.S. railroad workers were killed on duty, including 7 fatalities in maintenance of way and structures. Another 3,856 rail workers suffered reportable injuries, including 1,050 employed in maintenance of way and structures.

"Unfortunately, these tragic statistics do not tell the full story," said BMWED Director of Safety Rick Inclima. "The data on railroad employee fatalities and injuries does not include an undetermined number of employees who suffered or have succumbed to railroad-related occupational illnesses and disease. These are our friends and coworkers," Inclima said. Additionally, numerous studies conducted by both government and private researchers show that under-reporting or non-reporting of

injuries and illnesses is rampant with as many as two out of every three U.S. workplace injuries not recorded.

In 2009, BMWED purchased a granite marker to help finance the building of the National Workers Memorial. The inscription reads, "Dedicated to the memory and honor of BMWED members who lost their lives in the line of duty building and maintaining our nation's railroads."

In 2011, the Rail Workers HazMat Training Program, through voluntary contributions from railroad workers, purchased a slate paver for the Memorial "In honor of all workers whose lives were lost during the building of the Transcontinental Railroad, 1863-1869."

Fallen Members, Continued on Page 2

Seaboard Federation and Southwestern Federation Join Allied Federation

The Seaboard Federation affiliated with the Allied Federation in March and they will now operate as a single System. General Chairman Jim Knight stepped down from his position as General Chairman in order to affect the merger. He will continue to work full-time for the combined membership as a Vice Chairman.

"This affiliation has been a long time coming," said General Chairman Albers. "Jim and I have worked to try and put this together

for a long time, and finally the time was right and our two memberships will be better served."

The Seaboard Federation and the Allied Federation members employed by CSX Transportation work under the same local contracts and are on the same seniority rosters. They work side by side, and now they will be able to attend union meetings together and operate as one unit.

Following the Seaboard affiliation, the Southwestern Federation



Dennis Albers and Jim Knight in the General Chairman's office.

also joined with the Allied Federation in June. General Chairman Larry Foster joins the Allied Federation staff as a full-time officer in the position of Vice Chairman.

"The affiliation with the Southwestern Federation makes sense for many of the same reasons as our Seaboard affiliation," said General Chairman Albers. "Working together and using both of our strengths, Brother Foster and I can do a better job of representing our

Seaboard, Continued on Page 2



Larry L. Wright Retires

On May 31, 2013, Larry W. Wright retired from his position as Vice Chairman for the Allied Federation. He leaves with 32 years of service.

Brother Wright began his railroad career as a Truck Driver with the Cotton Belt Railroad in Pratt, Kansas, on March 30, 1981. He also worked a variety of positions in both the Track and B&B Departments, and worked for a time as an Equipment Mechanic.

His first position with the BMWED came quickly in 1984, when he was elected District Chairman for Local Lodge 1254, located in Liberal, Kansas. He served in that capacity until 1996. He was also elected to serve as the Secretary-Treasurer in 1990 and held that position until his retirement. In 1995 he was elected to serve as President of Local Lodge 1254 and held that position for a full term.

Brother Wright was elected to his first full-time position in 1993, and served as Vice Chairman for the Southern Pacific Atlantic Federation until 2001. He was elected to the same position again in 2007, and reelected when the Southern Pacific Atlantic Federation merged with the Allied Federation in 2009, and served in that capacity until his retirement.

Brother Wright and wife Helen will continue to live in their home in Indianola, Oklahoma. Larry and Helen plan to spend more time with their 3 children, 11 grandchildren and 4 great grandchildren. Larry will continue his hobby of wood working and plans to do more traveling, fishing and gardening.



The BMWED wishes both Larry and Helen a long and happy retirement.

Seaboard, Continued from Page 1

combined membership."

BMWED President Freddie Simpson offered, "Brother Albers should be congratulated again for his role in building and consolidating our union." He added, "Both Brother Knight and Brother Foster have also shown great leadership

and sacrifice, and should be recognized for their choice to step back in order to do what was best for their members."

General Chairman Dennis Albers will continue to lead the Allied Federation as General Chairman.

Fallen Members, Continued from Page 1

"Unfortunately, railroad workers are disproportionately represented in the National Workers' Memorial," said President Simpson. "Our work shall not be complete until we no longer have a need for memorial bricks. We cannot and will not rest until every member of BMWED is able to return home to family and loved ones in the same condition as when they left. That is both our commitment and our

obligation to BMWED members and their families."

The Workers Memorial is temporarily located at the National Labor College, 10,000 New Hampshire Avenue, Silver Spring, Maryland. Due to the recent sale of the National Labor College campus, a committee has been formed to find a permanent and prominent location for the National Workers Memorial in Washington, D.C.

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Change of Address Request

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

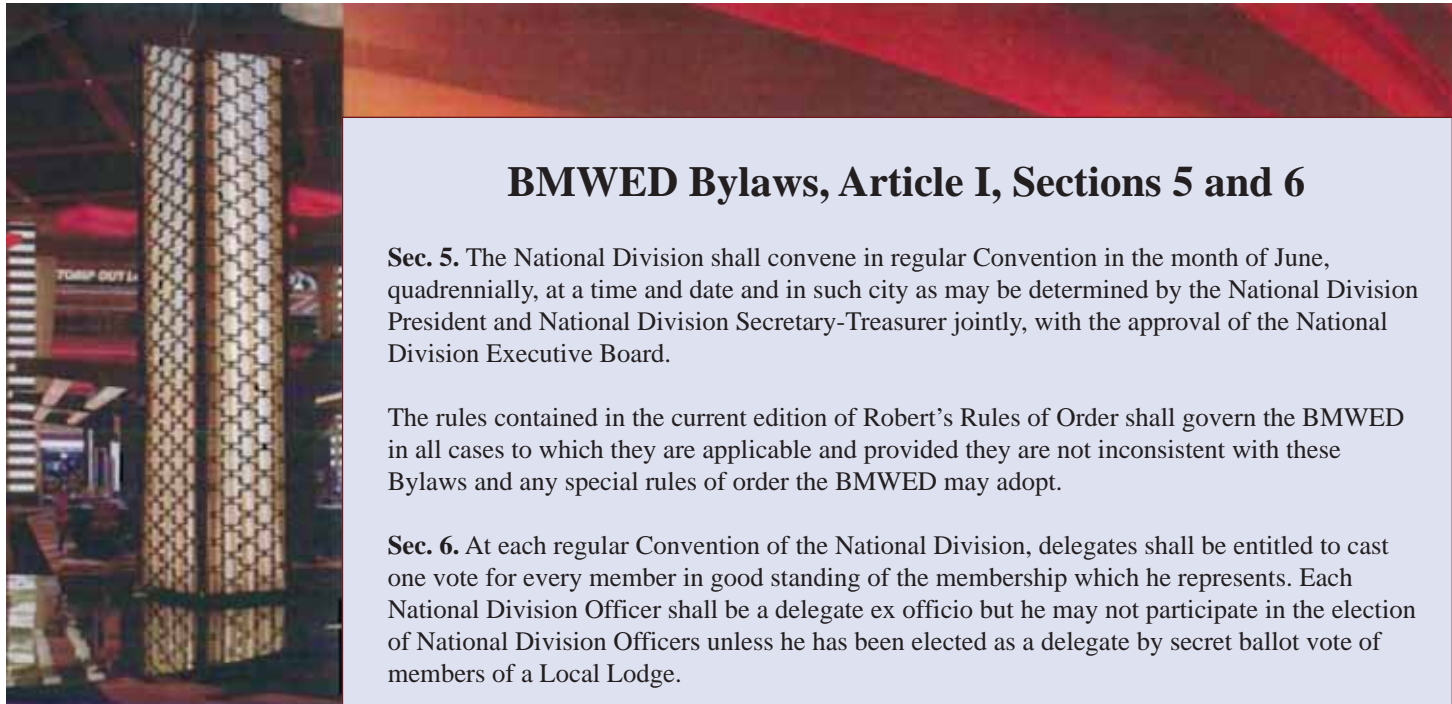
Centenarians

"Happy Birthday" wishes to the following BMWED Retiree who recently celebrated his 100th birthday:

Owen M. Tarrant

A Covington, Texas resident, Brother Tarrant celebrated his 100th birthday on May 30, 2013. Brother Tarrant retired from his position as a Trackman with the St. Louis Southwestern Railway Company in July, 1972.

The BMWED extends its sincere best wishes. Happy Birthday!

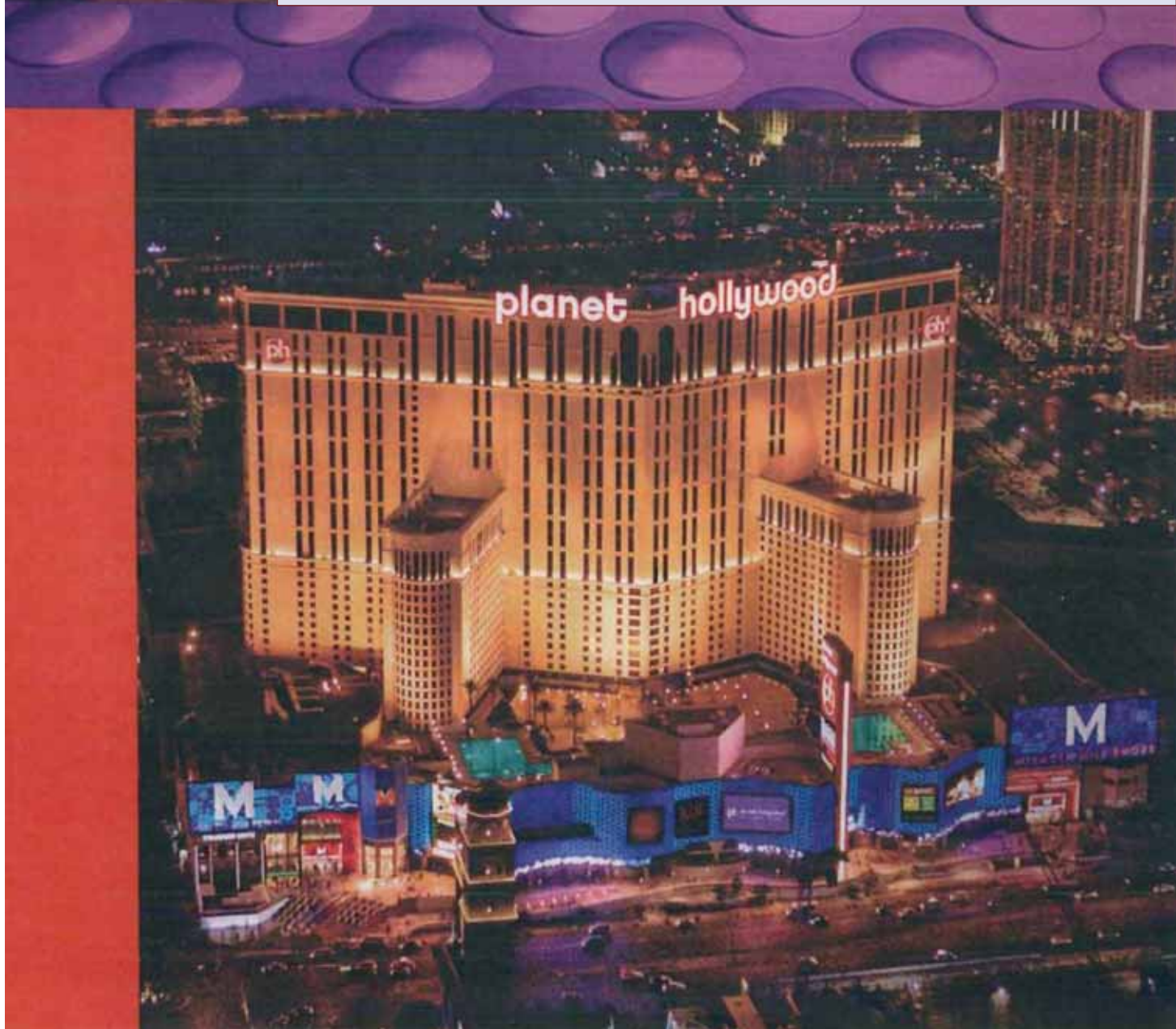


BMWED Bylaws, Article I, Sections 5 and 6

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

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

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



OSHA Announces Intent to Extend Compliance Date for Crane Operator Certification Requirements

On May 22, 2013, the Occupational Safety and Health Administration (OSHA) announced its intent to extend the compliance date for the crane operator certification requirement by three years to November 10, 2017. The proposal would also extend to the same date the existing phase-in requirement that employers ensure that their operators are qualified to operate the equipment.

OSHA issued a final standard on requirements for cranes and derricks in construction work on August 9, 2010 (see 29 CFR, Part 1926-Subpart CC). The standard requires crane operators on construction sites to meet one of four qualification/certification options by November 10, 2014. After OSHA issued the standard, a number of parties, including BMWED, raised concerns about the qualification/certification requirements. OSHA is considering addressing these concerns through a later separate rulemaking. The agency will propose to extend the compliance date, so that the qualification/certification requirements do not take effect during potential rulemaking or cause disruption to the construction industry.

OSHA held three stakeholder meetings on operator certification/qualification issues in April 2013 and posted detailed notes of the meetings at <http://www.osha.gov/cranes-derricks/stakeholders.html>, a Web page devoted to the stakeholder meeting. The agency also plans to post a list of frequently asked questions on its Cranes and Derricks in Construction Web page to provide additional clarification and address some comments and concerns raised by stakeholders.

BMWED has held several meetings with officials from both OSHA and the Federal Railroad Administration to discuss jurisdiction, application, enforcement, and training/certification issues related to the revised OSHA crane standard. BMWED Director of Safety Rick Inclima said, "BMWED supports OSHA's extension of the compliance date to 2017. This rule is very complex, and we welcome the additional time to address various aspects of the rule and its application to maintenance of way operations. Our discussions with the regulatory agencies are ongoing and productive, and I am hopeful we will be able to resolve issues related to this rule and its impact on the safety and training of BMWED members who operate cranes and other boomed equipment in the rail industry."



BMWED - 127 Years of Progress and Still...



2014 Las Vegas

Third Regular Convention of the Brotherhood of Maintenance of Way Employees Division Announced

The Third Regular Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters will be held June 23 - 25, 2014, at the Planet Hollywood Resort and Casino in Las Vegas, Nevada. More information will be provided as the Convention dates approach.





Perry K. Geller, Sr.

SECRETARY-TREASURER'S REPORT

On June 5, 2013, the Federal Railroad Administration published a notice in the Federal Register delaying (again) the effective date of the Railway Worker Adjacent Track rule until July 1, 2014. I am appalled by this unnecessary

delay in the promulgation of improved rules to protect roadway workers from trains passing on adjacent tracks. In my view, this delay is unconscionable and it flies in the face of roadway work safety.

Who is to blame for this unnecessary and unsafe delay? Well, we can start with the Association of American Railroads (AAR), the American Shortline and Regional Railroad Association (ASLRRRA), and the American Public Transit Association (APTA). And, we can finish with the Federal Railroad Administration (FRA).

BMWED, along with our sister union, the Brotherhood of Railroad Signalmen (BRS) petitioned the FRA for Emergency Orders numerous times to require mandatory adjacent track protection following fatalities occurring on adjacent tracks in 1999, 2003, 2004, 2005, and 2008. Each Petition for Emergency Orders was denied by FRA.

Since promulgation of the Roadway Worker Protection (RWP) regulations in 1997, 25 percent (11 of 45) of roadway worker fatalities occurred on a track adjacent to the track where work was being performed. All 11 of the adjacent track fatalities occurred on controlled main line track where track centers were 19 feet or less. And, in ten of

the 11 adjacent track fatalities (90%), Roadway Maintenance Machines were present and in use on the track where work was being performed. This data shows unequivocally that the current provisions for adjacent track protection are insufficient to protect the lives of roadway workers.

In 2005, FRA's Rail Safety Advisory Committee formed a RWP Working Group to address the issue of adjacent track protection. In February 2006, after nearly 14 months of intense deliberation and debate, the RWP Working Group—made up of representatives from BMWED, BRS, AAR, ASLRRRA, APTA and FRA—reached consensus on Labor's proposal to require mandatory adjacent track protection on controlled tracks where track centers are 19 feet or less and RMMs are present.

In July 2008, the FRA published a Notice of Proposed Rulemaking (NPRM) purportedly in line with the consensus framework reached between Labor and the industry two years prior. BMWED and BRS were shocked by the proposed rule text that grossly and dangerously deviated from the consensus language reached in 2006. After a loud and public protest, FRA withdrew the NPRM and went back

to the "drawing board."

In November 2009, FRA published a second NPRM on adjacent track. However, this second NPRM contained many of the same deficiencies that existed in the original NPRM. Again, BMWED and BRS filed joint comments to FRA outlining our safety concerns and we again offered proposed language to resolve these concerns.

Two years later (November 2011), FRA published a "watered down" Final Rule on adjacent track protection with an effective date of July 2013. AAR, ASLRRRA, and APTA immediately filed Petitions for Reconsideration protesting to FRA that the rule was "too costly" and "too restrictive," even though the rule was already substantially weakened by FRA's Office of Chief Counsel.

So here we are, June 2013, with yet another delay on an already weakened rule due to the industry's requests for reconsideration and lack of action by FRA. The new "effective date" is now delayed until July 2014, and there is no telling what the Final Rule will look like when it finally becomes law.

This delay is unconscionable and it is an affront to those who lost their lives in adjacent track accidents and the families they left

behind. This delay means at least eight years will have passed since we reached consensus on this issue in 2006. This delay means that roadway workers will continue to be at risk due to the stall tactics of the railroads, and the FRA's, unwillingness to return to and adopt the consensus-based language negotiated in 2006. This delay is also a sad and frightening example of the dysfunction in Washington, DC and the callous greed of those who put the profits of industry ahead of the lives of those who make those profits possible.

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

A Reminder on Holiday Rules

If you are a furloughed employee of a railroad covered by the U.S. National Agreement with at least 60 days of seniority or 60 calendar days of continuous service preceding a covered holiday, and if you had compensation paid by the carrier credited to 11 or more of the 30 calendar days immediately preceding the holiday, you may be entitled to pay for that holiday even though you are furloughed.

For detailed information contact your General Chairperson.

The complete list of holidays are:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve (the day before Christmas is observed)
- Christmas Day
- New Year's Eve (the day before New Year's Day is observed)





Freddie N. Simpson

PRESIDENT'S PERSPECTIVE



We in the railroad industry are fortunate that our livelihood can't be offshored to China or some third world country. It is also unlikely that in our specialized industry, we would be competing with undocumented workers.

While other forces have been in play that have had an impact on employment in our industry, we have, in fact, been somewhat insulated from these issues. As I see it, these two issues are just two prongs of the same problem—corporations looking for the cheapest labor available and higher profits.

There will always be someone who is willing to exploit those who have no choice but to work for what amounts to slave wages. We see it every day in our own towns and neighborhoods. As long as those conditions exist, it will have an impact on the wages and benefits of everyone, including those of us in the railroad industry.

There is a debate in this country that has been going on for years and never seems to go anywhere. A resolution on the immigration debate is one on which many of our own members would probably never reach. It is a hard issue to tackle, but one that must be resolved, not only for humanitarian reasons, but also for the sake of our own economy.

There may always be people exploited in other countries willing to work for pennies, but we can do something about the conditions for men and women placed in that circumstance here in the United States. A step in that direction would be to find a way to fix the problem of undocumented workers and bring those in the shadows out into the open, so that they will have a right to demand fair wages for whatever work they provide. These workers want the same thing the rest of us want, and that is to do our jobs, collect a paycheck, and be left alone to provide for our families. Employers shouldn't be able to drive down wages by exploiting workers who have no other choice but to work for low wages, or by threatening their other employees with the prospect of replacing them with those who would work for much less.

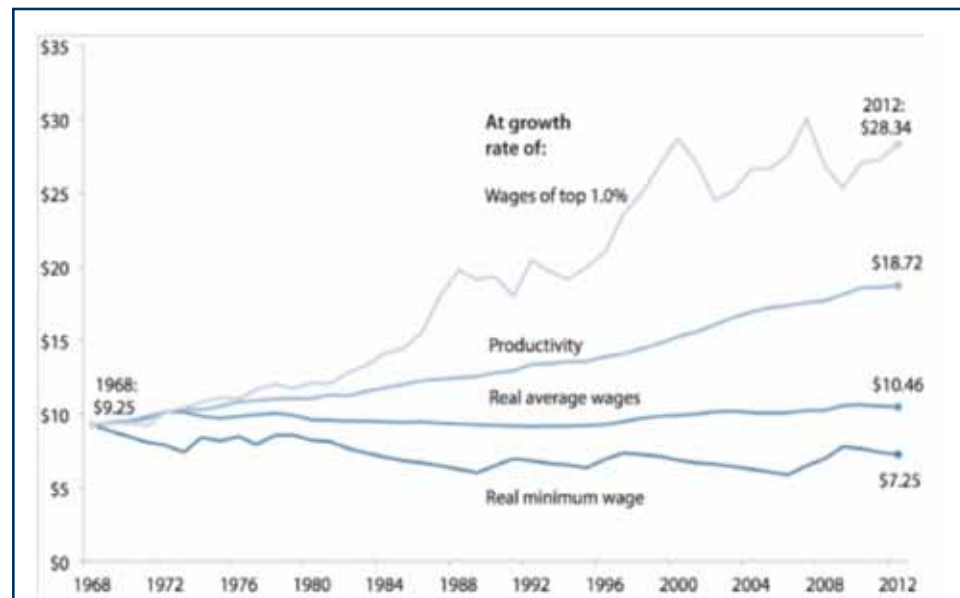
There are more than 11 million undocumented workers toiling in this country today, the vast majority of which are working at below poverty level wages. Undocumented workers make up about 5% of the workforce, with as many as 9% in California. They fill positions in almost every aspect of our society. While we usually associate them with lawn care, house-keeping or restaurant work, they also hold jobs in factories, and all areas of the construction trades, driving down those wages.

Whether undocumented or not, those working in the restaurant industry are three times more likely to live below the poverty level. Most work at the federal hourly rate of \$2.13 per hour rely on their employer to make up the difference between tips and the minimum wage. Many restaurant owners refuse to comply because they can bully their immigrant workers.

Some states even have a different minimum wage for restaurant workers. For instance, Illinois' minimum wage for restaurant workers is \$4.95 per hour. If the Congress would act on President Obama's pledge to raise the minimum wage to \$9.50 per hour, apply that across the board and to restaurant workers, it would have a huge impact. A raise is certainly in order and many economist think at least \$10.10 should be the standard. The federal minimum wage has been stuck at \$7.25 for the past five years, and had it kept up with the rate of inflation, it would already be at \$10.59.

Legal residents who work in the same careers as undocumented workers have no leverage to demand better pay, because employers have no incentive to pay better. If the minimum wage was raised it would make most of the positions traditionally filled by undocumented workers more attractive to U.S. citizens. If a rising tide lifts all boats, just the opposite must also apply. Those of us in the labor market all sink or swim together.

While the chart below illustrates a variety of scenarios, the most evident is that if the minimum wage had been increased in line with the wealthiest (top 1.0%), the minimum wage would be nearly \$30.00 per hour. This is just another example of the favorable shift in the economy toward the rich and away from the middle class and the poor. Compare the gap between the top 1.0% and undocumented workers, and the gap is even greater. It is clear that the wealthy are increasing their income on the backs of working men and women.



Real value of the minimum wage, actual versus hypothetical at various growth rates, 1968–2012 (2012 dollars)

Source: Analysis of data from Kopczuk, Saez, and Song (2010); Social Security Administration wage statistics; Total Economy Productivity Data from the Bureau of Labor Statistics Labor Productivity and Costs program; Bureau of Labor Statistics Current Employment Statistics; and U.S. Department of Labor Wage and Hour Division (2012)

Source: Economic Policy Institute, March 13, 2013 – David Cooper and Doug Hall

There is no doubt that this is a human rights issue, but it is also a jobs issue, one that we can't afford. A solid economy depends on jobs, and railroads depend on a solid economy to move goods, and to continue their level of employment. We are all affected by this issue whether we like it or not.

Washington seems to be finally giving the immigration issue the attention it deserves. With more politicians signing onto the fact that the problem needs to be fixed, it may actually happen. Whether the current plan being considered fixes the problem or not, it is a step in the right direction. There has to be a reasonable fix that will eliminate the exploitation of millions already working and raising families in the U.S., and one that will protect our borders and create a realistic immigration policy for those longing for a better life.

The next step for Congress should be to finally raise the minimum wage.





2012 DRIVE Award Recipients

Highest Contributing Officer: Gregory S. Kreie, Vice Chairman Atchison, Topeka & Sante Fe Frisco System.

Brother Kreie will receive a DRIVE wrist watch and a certificate of achievement.

Highest Contributing Members: Garry Purkey Local Lodge #1402 and Isaiah Jones Local Lodge #450. (picture not available for Isaiah Jones) Brothers Purkey and Jones will each receive a DRIVE wrist watch and a certificate of achievement.



Garry Purkey

Highest Contributing System Federation or Division: Unified System Division.

General Chairman Louis Below will receive a certificate of achievement on behalf of the Unified System Division.

Highest Contributing System Federation or Division Per Capita: Burlington System Division. General Chairwoman Staci Moody-Gilbert will receive a certificate of achievement on behalf of the Burlington System Division.



Greg Kreie, Louis Below, and Staci Moody-Gilbert receive certificates during the National Association meeting in Nashville, Tennessee (Louis Below not pictured).

Highest Contributing State: Illinois. State Legislative Director Eric Dismuke will receive a certificate of achievement on behalf of our contributing members in Illinois.

Highest Contributing State Per Capita: Iowa. State Legislative Director Ronald Hoffman will receive a certificate of achievement on behalf of our contributing members in Iowa.

Highest Contributing Local Lodge: Local Lodge (Atchison, Topeka & Sante Fe Frisco System). Local Lodge Chairman Carlos Zamora will receive a certificate of achievement on behalf of our contributing members in Local Lodge 2417.

Highest Contributing Local Lodge Per Capita: Local Lodge, (Affiliated System Federation). Local Lodge Chairman Robert Odle Jr. will receive a certificate of achievement on behalf of our contributing members in Local Lodge 1101.

NATIONAL AGREEMENT FLEXIBLE SPENDING ACCOUNT

There have been many questions about Flexible Spending Accounts and what they can do for our members. A Flexible Spending Account (FSA) works like a savings account where you put in a specific amount of pre-tax dollars to pay for certain medical expenses that satisfy the requirements established by the IRS. These amounts you can put into the FSA cover your health plan year from January 1st through December 31st. You can put as little as \$120 or as much as \$2500 in the FSA per year.

The amount you put into your FSA is determined by you. By looking at your previous year's medical expenses you can determine what you should put in your FSA, which is important, to ensure that you don't have left over funds at the end of the year. You will not be reimbursed back these funds if you don't use them by the end of the year. While it may seem a bit difficult to estimate your expenses, there are a variety of sites that can help you make an accurate estimate of what you should put in, such as <https://fsacalc.ceridian.com/fsacalc/fsacalculator.aspx#>.

So why is a FSA a good idea? There are two main reasons:

1) you can save money on your taxable income, which means you keep more of your paycheck and,

2) there are a wide variety of medical expenses that your FSA may be used.

An FSA allows you to put aside pre-tax dollars, which decreases the amount of money that you are taxed out of your paycheck. For example, if you are a family of 4 and you want to cover your deductible and your copays for the year only, that cost would come out to \$800. If your taxable earnings equal \$50,000 a year, and you take out \$800 for your FSA, your taxable income drops down to \$49,200. This new income saves you a yearly amount of \$120. By using your FSA you now have a savings of \$120 for the year, which is almost like getting money back.

You can use your FSA for a variety of medical expenses. Some examples of approved medical expenses are copays, deductibles, crutches and dental work. While a FSA can no longer be used for doctor-prescribed OTC medications, where you have a written prescription. However, there are sources available to tell you what medical expenses are approved for reimbursement and can be found at: https://www.rrinfo depot.com/PDF_Files_FSA/FSA%20Eligible%20Expense%20List.pdf and <http://www.irs.gov/publications/p502/index.html>. If you look at the list, you'll find that there are several medical expenses you can use your FSA, so you won't be saving money into a FSA account that you can't use. Getting reimbursed is easy. Once you incur the expense you can file a claim, which you can find online at https://www.rrinfo depot.com/PDF_Files_FSA/FSAHCCClaimForm_JAN2013.pdf. You can get your reimbursement by check or direct deposit.

So if an FSA Plan seems right for you and your family, remember to sign up during Open Enrollment coming this Fall. It's your benefit, use it.



Joseph W. "Joe" Pugh Sr. Deceased

Brother Joe Pugh passed away on May 3, 2013 at Lewis Gale Hospital in Salem, Virginia. He was a lifetime member of the Brotherhood and spent most of his career protecting the rights of BMWED members.

Brother Pugh was born July 31, 1933, and joined the BMWED January 30, 1956 after beginning work for the Norfolk & Western Railway. He served as Secretary-Treasurer for Local Lodge 599 from 1973 until his retirement at the end of 1996. He also served on the Joint Protective Board for the former Norfolk & Western System Federation, and later served for many years as General Chairman. He also served as an Executive Board Member for the International Union for a number of years.

BMWED President Freddie Simpson offered, "Enough cannot be said about my friend Joe. No one was more dedicated to their obligation to our Union and its members. He was the same honest and good-natured man, whether dealing with his adversaries or with those he represented. He was genuinely a good man, and will be missed by many."

Brother Pugh always attended his own local lodge union meetings, and was always asked to conduct elections and swear in the new officers, even after his retirement in 1996. Never missing the opportunity, Joe was on hand during the last elections to lend a hand.

Brother Pugh is survived by his wife Janice of 51 years, their children, and numerous grandchildren.



Richard L. "Dick" Taylor Deceased

Brother Dick Taylor passed away April 11, 2013 at his home in Jacksonville, Missouri. Brother Taylor spent most of his career aggressively representing the rights of former Wabash Federation members of the BMWED.

He began working as a telegraph operator for the former Wabash Railroad and later the Norfolk Southern Railroad, quickly rising through the ranks of the maintenance of way department. Among his many accomplishments as a life-time member of the BMWED, he served as BMWED State Legislative Director for the state of Missouri for eight years, and held a number of positions within the BMWED. Brother Taylor served as General Chairman of the former Wabash Federation from 1986 until his retirement in February, 2001.

"Brother Taylor made a big contribution to our Union throughout his career," offered BMWED National Division President Freddie Simpson. "He will be sorely missed by his many friends in the BMWED."

Brother Taylor is survived by his wife Maxine, sons Rick and Travis Taylor, daughter Teresa Taylor, step-son Randy Peterson, and a number of grandchildren and great-grandchildren.



A Vice President Speaks



Randy Cook
BMWED Vice President

An article in the *BMW Journal*, 50 years ago warned of the challenges unions were facing from anti-labor forces that sought to weaken unions. Sound familiar? As I read the article, "Union Theory Challenged," it sounded like a prelude to the downward trend in membership unions have witnessed over past decades.

The *Journal* article I reference was responding to a paper issued by the National Association of Manufacturers (NAM), attacking unions and asserting that an unfair amount of the labor dollar was going to union labor, and that unions were continuing to exert too much political power. It was an absurd argument then and even more so today.

It is true that union membership was much greater at that time, and that Labor may have held more influence than today. The best way to compete for political influence against big money interest is with a large membership. In 1963, union membership in the private sector was around 35% as compared to 6.6% in 2012. However, as was pointed out by the author, even with the greater influence and power, unions had been unable to stop the passing of the Taft-Hartley Act in 1947 (lobbied hard for by NAM), which at the time destroyed closed shop nationally and union shop in 19 states. Nor could unions exert enough influence to stop the Landrum-Griffin Act in 1959 that has had a huge negative impact on unions. There are going to be wins and losses but with a diminished membership, working men and women can only lose.

It is ironic that today NAM still spends a lot of resources decrying union power while at the same time complaining about unfair trade practices in favor of foreign manufacturers. It was U.S. manufacturers who moved manufacturing from the more industrial states to the South to escape paying union wages in favor of lower wages and less benefits. And, they are the same folks who moved to third world countries for even lower wages, effectively destroying the manufacturing base in the United States.

Textile mills, for example, paid notoriously low wages in the South, yet the mill owners now off-shore almost all of that work. And, the story is the same with most U.S. manufacturing. It was not unions that sent manufacturing off shore, it was greed.

The only difference 50 years later is that these same anti-worker forces have changed their tactics, or I should say become more sophisticated. Organizations like the National Association of Manufacturers, and big business in general, really have no need to work all that hard at attacking unions. With unions weakened, and the shift of wealth in this country all going to the top, they have the money to have others do much of the dirty work. They own television conglomerates like Fox, newspapers, a huge network of conservative talk radio, and have the money to buy all the right wing politicians they need.

Unfortunately, those outlets wouldn't exist if working men and women boycotted those venues that are clearly anti-labor. We all know who and what they are—we just have to tune them out.

Our biggest challenge is how working men and women will continue the battle against those forces that would prefer to pay third world wages and provide no benefits. We must protect and rebuild the middle-class.

Sadly, much of our future depends on our politicians. Everything from railroad safety to national negotiations depend on our ability to sway politicians to do the right thing. We should try to elect those who would protect the right of working men and women to make a living wage and be able to provide a comfortable life for our families. We should also apply pressure on those in power now to legislate fairly. Our political department does a very good job at those very things but their success is limited by their resources. Many of us contribute to our DRIVE fund but many do not. Contributing to DRIVE, (Democrat, Republican, Independent Voter Education), would be a good place to start. But that is not enough, we also have to be active.

We have 1.4 million Teamster brothers and sisters in our Union, and an active and effective leadership. Working together we will win this battle. Become involved. Attend your local lodge meetings, and take advantage of every opportunity to learn more about your Union and how you can participate.

To Contribute to DRIVE through payroll deduction, contact the BMWED National Legislative Department in Washington, DC at (202) 508-6445.

Secretary LaHood Appoints National Freight Advisory Committee *General President James P. Hoffa and Director of Safety Rick Inclima Selected*

On May, 30, 2013, Secretary of Transportation Ray LaHood announced his appointments to the National Freight Advisory Committee (NFAC). Among the 47 voting members appointed by the Secretary were Teamster General President James P. Hoffa and BMWED Director of Safety Rick Inclima.

Brothers Hoffa and Inclima will serve two year terms on the Advisory Committee which is tasked with providing advice and recommendations to the Secretary on freight transportation policy, including implementation of the freight transportation provisions in the Moving Ahead for Progress in the 21st Century Act (MAP-21).

The NFAC was established under the authority of the U.S. Department of Transportation (DOT) under the provisions of the Federal Advisory Committee Act (FACA).

The Advisory Committee is comprised of 47 voting members from outside the Department of Transportation. The Deputy Secretary and Under Secretary of Transportation for Policy, as well as

representatives from other federal agencies with freight-related responsibilities will serve as ex-officio members.

In announcing the appointments Secretary LaHood said, "The strength of our economy and the strength of our national freight system go hand and hand. The members of this committee understand firsthand the critical importance of freight movement, and their valuable insight will help ensure that our system is more secure and better connected."

The NFAC will meet at least three times per year, with the first meeting of the Committee scheduled for June 25, in Washington, D.C. MAP-21 called for the creation of a National Freight Strategic Plan. The Advisory Committee will provide recommendations to the Secretary on how the DOT can improve its freight transportation policies and programs.

Over the last four years, the Obama Administration has made considerable investments in our national freight network. Through four rounds of the TIGER Grant



Teamster General President
James P. Hoffa

program, DOT has directed \$1 billion towards projects that primarily address freight. These include more than \$650 million to projects that strengthen freight rail infrastructure, reduce freight bottlenecks, and alleviate congestion issues. The grant program has also invested over \$350 million in our nation's port system.

"Our Director of Safety, Rick Inclima, has earned this appointment through his extensive



BMWED Director of Safety
Rick Inclima

experience in collaborative rulemaking under the Federal Advisory Committee Act and his continued hard work on issues of transportation and workplace safety," said BMWED President Freddie Simpson. "We can rest assured that Brother Inclima and General President Hoffa will represent all of our Teamster Brothers and Sisters well and will add a very valuable Labor perspective to the Committee."



Around the Brotherhood

Allied Federation Conducts Regular Quarterly Meetings

Allied Federation Local Lodge 1162 held their regular quarterly meeting on March 23, 2013, in Salem, Illinois. General Chairman Dennis Albers was on hand to discuss issues with the attending members and guests. During the meeting General Chairman Albers presented twins, Don and Ron Hustedde, with plaques commemorating their retirement after 42 years of membership in the BMWED.



Ron and Don Hustedde with General Chairman Albers, display plaques.

Allied Federation Local Lodge 1021 held their regular quarterly meeting on April 6, 2013, in Corpus Christi, Texas. BMWED Vice President Roger Sanchez, General Chairman Dennis Albers, and Vice Chairman Pete Amaro were on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 1021.

Allied Federation Local Lodge 1058 held their regular quarterly meeting on April 13, 2013, in Houston, Texas. Vice President Roger Sanchez and Vice Chairman Jeff Finch were on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 1058.

Allied Federation Local Lodge 1012 held their regular quarterly meeting on April 20, 2013, in Houston, Texas. All of the members present are employed by the Port Terminal Railroad. General Chairman Dennis Albers and Vice Chairman Jeff Finch were on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 1012.

Allied Federation Local Lodge 2912 held their regular quarterly meeting on May 1, 2013, in Pembroke Pines, Florida. General Chairman Dennis Albers and Vice Chairman Nate Trawick were on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 2912.

Allied Federation Local Lodge 1715 held their regular quarterly meeting on May 11, 2013 in Dequincy, Louisiana. Vice Chairman Scott Niswonger was on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 1715.

Burlington System Division Conducts Regular Quarterly Meetings

Burlington System Division Local Lodge 1481 held their regular quarterly meeting on April 16, 2013, at Minot, North Dakota. General Chairwoman Staci Gilbert and Vice Chairman Terry Barrett were on hand to discuss issues with the members and guests.



Members and guests Local Lodge 1481.

See Around the Brotherhood, Page 11





Around the Brotherhood, Continued from Page 10

Burlington System Division Local Lodge 2643 held their regular quarterly meeting on February 23, 2013, in Portage, Wisconsin. General Chairwoman Staci Gilbert and Vice Chairman Terry Barrett were on hand to discuss issues with the members and guests.



Members and guests Local Lodge 2643.

Consolidated Rail System Federation Local Lodge 166 Conducts Regular Quarterly Meeting

Consolidated Rail System Federation Local Lodge 166 recently held their regular quarterly meeting in Battle Creek, Michigan. The members of Local Lodge 166 are employed on the Grand Trunk & Western (CN) Railroad. Vice Chairman Jeff Bainter was on hand to discuss issues with the members and guests.



Members and guests Local Lodge 166.

Pennsylvania Federation Local Lodge 3094 Makes Donation to Cancer Society

On March 26, 2013, Pennsylvania Federation Local Lodge 3094 made a \$500.00 donation to the Beaver County Cancer Society in Beaver Falls, Pennsylvania.



Pictured far right Local Vice President Terry Johnson, second from right Local President Heath Rezza. Present but not pictured Secretary-Treasurer Tony Pharr.

Allied Federation Conducts System Officer Educational

May 14 - 15, 2013, Allied Federation System Officers attended advance computer training at their headquarters in Hendersonville, Tennessee. The informal two day seminar covered a number of computer skills in order to improve the Federation's utilization of their current computer systems.



Allied Federation System Officers.

Chicago & Eastern Illinois System Division Local Lodge 63 Conducts Regular Quarterly Meeting

Chicago & Eastern Illinois System Division Local Lodge 63 held their regular quarterly meeting on April 27, 2013. General Chairman Tom Cartwright was on hand to discuss issues with the attending members and guests.



Members and guests Local Lodge 63.

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



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

LOCAL LODGES

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

Call (248) 662-2660 extension 636.



Let's Keep America's Railways Strong



James P. Hoffa, General President, International Brotherhood of Teamsters

America's railroads have united east and west, stimulated commerce between the states and propelled our great nation into a global economic power.

Today, certain members of Congress are threatening the future of Amtrak, the nation's only inter-city passenger carrier. These

elected officials want to reduce the subsidy Amtrak is receiving or even completely privatize the railway. Such a move would be a big mistake.

America's ability to compete in the global economy will depend increasingly on our ability to move our citizens safely and efficiently around the country. We can do that best with high-speed rail.

Its biggest success is in the Northeast, where high-speed Acela service has led to Amtrak carrying 75 percent of intercity travelers between New York and Washington. Additional investment in the Northeast corridor would improve performance even further.

But that is not the only region that stands to benefit from increased resources. Countless studies have shown the gains that come from investing in rail. A July 2012 American Public Transportation Association report, for instance, showed that discontinuing high-speed rail investments in the Midwest, California, the Pacific Northwest and the Northeast

Corridor could cause \$24.6 billion in lost economic benefits over the next 40 years.

We believe that reauthorization of the Passenger Rail Investment and Improvement Act (PRIIA) would allow Amtrak to finally attain the stable long-term funding it needs to keep the railroad in a state of good repair. It would enable Amtrak to support the jobs and rights of their skilled and hard-working employees. Without them, the traveling public would not have the safe, reliable transportation it has come to depend on.

Amtrak is already moving in the right direction. Further investment would let Amtrak build on the great work it's already doing. But political will is necessary to keep Amtrak strong.

Let Congress know we need to continue our investment in Amtrak.

WE WANT TO HEAR FROM YOU

If you have a special hobby or talent, hold public office, or have a story you would like to share, we would like to hear from you. Share your story with our BMWED Brothers and Sisters in the *BMWED Journal*.

Please send us your pictures and brief details along with a name, address and telephone number.

You may email, or send by U.S. Mail to:

Rbrassell1@aol.com

Or,

BMWED Journal
c/o Randall Brassell
242 West Main Street #394
Hendersonville, TN 37075

Preparing for Retirement, Continued from Page 12

- There is some, but limited, coverage for routine and/or preventive benefits. For example:
 - Pap smears and mammograms services are covered at 100%, and not subject to the deductible.
 - However, an office visit charge for the preventive service is not payable under Plan E.

When Coverage Ends

Your coverage, including the coverage of your dependents, ends under GA-46000 and GA-23111 Plan E when you, the early retiree, become eligible for Medicare. All coverage for your dependents would also end under GA-46000 and GA-23111 Plan E, when you become eligible for Medicare. If your dependents are not yet eligible for Medicare when you become eligible, there are two options available to obtain dependent health care benefits.

1. Continuation of their coverage under GA-46000 coverage is available for up to 36 months through COBRA until they become Medicare eligible, or

2. If the COBRA cost is prohibitive, you can purchase coverage under GA-23111 Plans A, B, or C, which are medical plans sponsored by all of the unions and administered by UnitedHealthcare. For more information on Plans A, B, or C visit www.rrinfodepot.com and click on the Retirement Center tab.

Summary

Although planning for your retirement can be stressful, you have many resources available to help make the process easier for you and your family. Begin by calling UnitedHealthcare at 1-800-842-5252 and ask to speak to a Retirement Specialist. They will be happy to assist you with any questions you may have, and ensure that a Retirement Made Easy Kit is mailed to you. And remember, you can also visit www.rrinfodepot.com and click on the Retirement Center for additional information regarding your medical coverage options as you plan to make the retirement decisions that are best for you and your family.

Happy Retirement!

Unions Picket Amtrak Board Chairman Anthony Coscia

On June 3, 2013, the PRLBC set up a picket line in front of the law offices of Amtrak Board Chairman Anthony Coscia. Undaunted by morning rain showers, 150 BMWED and BRS rail workers staged a sidewalk picket and leaflet campaign against Amtrak's top executive. Mr. Coscia has illustrated bad-faith bargaining and has ignored requests to meet and resolve the contract dispute.

To answer Amtrak's bad-faith, the PRLBC handed out 20,000 "Union Buster" leaflets to New Brunswick's morning rail commuters while other rail workers protested in front of the law offices of Coscia, who is a partner with Windels, Marx, Lane and Mittendorf.

The PRLBC's message was simple and insisted that the Amtrak Board under Anthony Coscia's direction urge the National Mediation Board release the parties from mediation and allow the collective bargaining process to develop as was intended. In this connection, the PRLBC wrote to Coscia over a month ago and he has yet to offer any type of response.

Touted as a liberal democrat, Coscia demonstrates that he is but another boss engaging in attacks on the collective bargaining rights of American workers.

The PRLBC was supported by members of the BMWED Commuter Rail System Division, the New Jersey State Industrial Union



Council, USLaborAgainstWar, CATA, the Philadelphia Federation of Teachers, Philadelphia Jobs with Justice, Philadelphia Hospital Workers Union, the Labor Campaign for Single Payer, the American Association of University Professionals, the New Jersey Teachers Union, and Communication Workers of America.

Additionally, representatives of all 5 Amtrak BMWED Systems, Divisions, or Federations including General Chairman Dale Bogart of the Northeastern Federation, and Vice-Chairman Darrell McGuire of the Illinois Central Gulf Federation, who both offered words of encouragement to Amtrak's Rail Workers and spoke to Amtrak's bad-faith bargaining and attack on worker's rights.

Information is currently being delivered to PRLBC committees detailing the specifics of the next Amtrak protest event.

2013 BMWED SCHOLARSHIP ANNOUNCEMENT; ENROLLMENT NOW OPEN

BMWED members and their dependents encouraged to apply

Pursuant to BMWED Resolution # 41, reaffirmed by the 2010 BMWED Convention, two annual scholarships in the amount of \$2,000.00 each will be awarded in November 2013 to BMWED members or eligible dependents, with preference given to applicants enrolled or scheduled to enroll in an accredited college or university in the pursuit of labor-related studies. The annual scholarship award is designed to encourage and recognize the achievements of BMWED members and their dependents, and to assist them in obtaining a college education.

President Simpson stated, "This is an especially important benefit to BMWED families in light of the still-sluggish economy and the escalating cost of higher education. For many working families, the cost of a college education has become largely unaffordable. The BMWED scholarship is intended to help educate the future leaders of our nation and our unions, and will serve to strengthen Organized Labor's efforts to protect workers' rights and preserve the middle class."

ELIGIBILITY:

Applicant must be: (1) a dependent of a BMWED member in good

standing who is a high school senior enrolled or planning to enroll in an accredited college or university, or a full-time undergraduate or graduate student enrolled at an accredited college or university; or, (2) a BMWED member in good standing enrolled as an undergraduate or graduate student at an accredited college or university.

Preference will be given to applicants pursuing the study of labor-related subjects or pursuing a degree in labor-related subjects.

APPLICATION PROCEDURE:

To apply for the BMWED scholarship, an applicant must meet all the eligibility requirements and submit via mail the following: (1) A completed application form (available on line at www.bmw.org); (2) Most recent academic transcript (if applicable); (3) College entrance examination, i.e., ACT and/or SAT scores (if applicable); (4) A list of extra-curricular, community service and/or union activities; (5) A statement of 300 words or less written by the applicant outlining his or her employment history and career goals; and, (6) A statement of 300 words or less written by the applicant explaining how the BMWED

has impacted his or her life.

SELECTION CRITERIA:

Three (3) applications verified to meet all necessary criteria will be selected by random draw from the pool of applications received by the close of business on October 31, 2013. The selected applications will be copied and distributed to the BMWED Vice Presidents who will independently review and rank each application on a scale of 1 - 3, with 3 being the highest ranking and 1 being the lowest ranking. The two applicants garnering the highest aggregate rankings will receive notice of the scholarship award in November. Any tie in ranking score will be decided by the National Division President based upon his final review of the tied applications.

The BMWED Scholarship award check will be made out directly to the college or university where the award recipients are enrolled or accepted for enrollment. Upon notification of the award, it will be necessary for the recipients to furnish the National Division President with information to facilitate the issuance of the award check payable to the accredited college or university where the applicant is accepted or enrolled.

Application materials must be submitted by mail (USPS or UPS only) and be received by BMWED at the address below no later than the close of business **October 31th**. Faxed or emailed applications will not be accepted. Please submit to:

BMWED Scholarship
Attn: Rick Inclima
International Brotherhood of Teamsters
25 Louisiana Ave., NW,
7th Floor
Washington, DC 20001

Application forms and a complete description of application procedures and eligibility requirements can be downloaded from the Brotherhood's website at www.bmw.org. Any questions regarding the BMWED Scholarship or application procedures may be forwarded via e-mail to BMWED Director of Safety Rick Inclima at Ricki@bmw.org or by calling 202-508-6449.

Note: Pursuant to Teamster policy, delivery of any package or mail by non-union carriers will not be accepted by the Teamster's shipping/receiving department. Therefore, to assure delivery please mail through the United States Postal Service [USPS] or United Parcel Service [UPS] only.

RRB Issuing Statements of Service

Each year, the U.S. Railroad Retirement Board (RRB) prepares a "Certificate of Service Months and Compensation" (Form BA-6) for every railroad employee who received creditable railroad compensation in the previous calendar year. The RRB will mail the forms to employees in mid-June. While every effort has been made to maintain current addresses for all active railroad employees, anyone with compensation reported in 2012 who has not received Form BA-6 by July 1, or needs a replacement, should contact the nearest RRB field office by calling the agency's toll-free number, 1-877-772-5772.

Form BA-6 provides employees with a record of their railroad retirement service and compensation, and the information shown is used to determine whether an employee qualifies for benefits and the amount of those benefits. It is important that employees review

their Form BA-6 to see whether their own records of service months and creditable compensation agree with the figures shown on the form.

In checking the 2012 compensation total, employees should be aware that only annual earnings up to \$110,100 were creditable for railroad retirement purposes in that year, and that \$110,100 is the maximum amount shown on the form. To assist employees in reviewing their service credits, the form also shows service credited on a month-by-month basis for 2011, 2010, and 2009, when the creditable compensation maximum was \$106,800 for all three years. The form also identifies the employer(s) reporting the employee's 2012 service and compensation.

Besides the months of service reported by employers, Form BA-6 shows the number of any additional service months deemed by

the RRB. Deemed service months may be credited under certain conditions for an employee who did not work in all 12 months of the year, but had creditable tier II earnings exceeding monthly prorations of the creditable tier II earnings maximum for the year. However, the total of reported and deemed service months may never exceed 12 in a calendar year; and no service months, reported or deemed, can be credited after retirement, severance, resignation, discharge, or death.

Form BA-6 shows the number of months of verified military service creditable as service under the Railroad Retirement Act, if the service was previously reported to the RRB. Employees are encouraged to submit proofs of age and/or military service in advance of their actual retirement. Filing these proofs with the RRB in advance will streamline the benefit application process and prevent payment

delays.

For employees who received separation or severance payments, the section of the form designated "Taxable Amount" shows the amounts reported by employers of any separation allowance or severance payments that were subject to railroad retirement tier II taxes. This information is shown on the form because a lump sum, approximating part or all of the tier II taxes deducted from such payments made after 1984 which did not provide additional tier II credits, may be payable by the RRB upon retirement to qualified employees or to survivors if the employee dies before retirement. The amount of an allowance included in an employee's regular compensation is shown under "Compensation Amount."

Form BA-6 also shows, in the section designated "Employee Contributions," the cumulative

See RRB, Page 16



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DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING MARCH AND APRIL, 2013

NAME	CITY/STATE	LODGE/SYSTEM/RR	D.O.D.
EARL J. BALLEW	MARSHALL, MO	1365 AF/LIFE	09/11/11
CLEMENS A. BOEHM	MANDAN, ND	0306 BURNOR/LIFE	04/13/13
NORMAN D. CLARK	OAKFIELD, ME	0633 N E/LIFE	03/31/13
RAYMOND E. CRIST	ALDEN, NY	1664 CRSF/LIFE	02/14/13
ROBERT T. DAVIS	MADISON TWP., PA	1350 CRSF/LIFE	12/23/13
JOSEPH T. DROPP	SUSQUEHANNA, PA	1350 CRSF/LIFE	02/03/13
REGINALD FAULKENHAM	STARK, NH	0032 CRSF/LIFE	09/30/12
ALVIN C. JOHNSON	PLUMMER, MN	1490 BURL/LIFE	02/26/13
ROBERT L. KIMSEY	ROCKY FORD, CO	2414 ATSFF/LIFE	04/14/13
DE WAYNE OLSON	SPOONER, WI	0298 USD/LIFE	02/23/13
ALBERT SCHEPERS	MC BAIN, MI	1664 CRSF/LIFE	02/10/13
WILLIAM D. SURRATT	DENTON, NC	1993 AF/LIFE	02/15/13
PIERINO TROIA	MONACA, PA	2775 CRSF/LIFE	03/17/13
OTTO UNTERSEHER	FARGO, ND	0249 BURNOR/LIFE	10/05/12

PAID MARCH 1, 2013 TO APRIL 30, 2013	\$ 6,750.00
AMOUNT PREVIOUSLY PAID	\$45,434,557.75
TOTAL AMOUNT PAID TO DATE	\$45,441,307.75
NUMBER OF CLAIMS PAID - 14	

REPORT OF DEATH NOTICES RECEIVED DURING MARCH AND APRIL, 2013

MICHAEL BRAITHWAIT	MORRILL, NE	1071 USD/UP	02/21/13
RONALD D'AMATO	MADISON, CT	1718 N E/NRPC	04/10/13
TIMOTHY A. HENSLEY	BELLE CENTER, OH	1562 CRSF/CSXT	03/18/13
LEONARD E. SANFORD	SUPERIOR, WI	0320 BURNOR/BNSF	04/23/13
ROBERT A. SHERRILL	JACKSONVILLE, AR	0601 AF/UP	03/02/13
HARDY L. TAYLOR SR.	MEMPHIS, TN	0654 ICGF/IC	04/28/13
WILLIAM M. TUNKS	BOWLING GREEN, KY	2388 AF/CSXT	NO DATE
RONNIE L. WARREN	WICHITA, KS	2405 ATSFF/WTA	07/10/12

RRB, Continued from Page 14

amount of tier II railroad retirement payroll taxes paid by the employee over and above tier I social security equivalent payroll taxes. While the RRB does not collect or maintain payroll tax information, the agency computes this amount from its compensation records in order to advise retired employees of their payroll tax contributions for Federal income tax purposes.

Employees should check their name, address, birth date and sex shown at the top of the form. If the form shows the birth date as 99-9999 and the gender code is "U" (for unknown), it means the RRB is verifying his or her social security number with the Social Security Administration. Otherwise, if the personal identifying information is incorrect or incomplete (generally a case where the employee's surname has more than 10 letters and the form shows only the first 10 letters) or the address is not correct, the employee should contact an RRB field office. The field office can then correct the RRB's records. This is important in order to prevent identity or security-related problems that could arise if the employee wants to use certain

Internet services available on the RRB's website at www.rrb.gov.

Employees may view their railroad retirement service and compensation records; get annuity estimates; apply for or claim railroad unemployment benefits; claim sickness benefits; and access their railroad unemployment insurance account statements through the RRB's website. To use these online services, an employee must set up an RRB Internet Services account. For security purposes, first-time users must apply for a Password Request Code, which they will receive by mail in about 10 business days. To do this, employees should click on "Request Password Request Code (PRC)" be mailed to your home address" in the "Benefit Online Services Login" section on the home page.

Employees can also request that printouts of their individual railroad retirement records of service months and compensation be mailed to them. A PIN/Password is not required to use this service. It can be accessed by visiting www.rrb.gov, moving the cursor over the "Beneficiaries & RR Employees" category and then clicking on "Request Service &

Compensation History."

If the employee's name was incomplete on Form BA-6, and he or she has not yet contacted an RRB field office to correct it, the employee should enter his or her first and middle initials and his or her surname just as it appears on the Form BA-6 or a previously furnished printout of service and compensation, along with the other requested information, in order to submit an online request.

Any other discrepancies in Form BA-6 should be reported promptly in writing to: Protest Unit-CESC, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. The employee must include his or her social security number in the letter. Form BA-6 also explains what other documentation and information should be provided. The law limits up to four years for the period during which corrections to service and compensation amounts can be made.

For most employees, the address of the RRB office serving their area is provided on the form along with the RRB's nationwide toll-free number (1-877-772-5772). Most RRB offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday, except on Federal holidays.

FINANCIAL ASSISTANCE AVAILABLE FOR FAMILIES OF DECEASED RAILWAY EMPLOYEES

The John Edgar Thomson Foundation, established in 1882 and endowed by the will of Mr. Thomson, third President of the Pennsylvania Railroad, offers limited financial assistance to daughters of a deceased parent.

The parent, regardless of gender, must have been in the employ of any railroad in the United States at the time of death, although the cause need not be work related. Also, the employee must have been considered actively employed by the railroad even though on disability or sick leave at the time of death.

Whatever grant is awarded usually serves to benefit all members of the family. Eligibility is dependent upon the daughter and the surviving parent remaining unmarried and meeting certain other criteria.

The monthly allowance made under the grant may cover the period from infancy to age 18; under certain circumstances to age 22, to assist grantees who are pursuing higher educational goals. The Foundation also offers special health care benefits.

The funding of the work of the Foundation is completely independent of any railroad. It neither solicits nor receives funds from the public. Further information and applications may be obtained by writing to:

Sheila Cohen, Director
The John Edgar Thomson Foundation
201 South Eighteenth Street,
Suite 318
Philadelphia, Pennsylvania 19103
Telephone (215) 545-6083
(800) 888-1278
Fax (215) 545-5102
E-mail: sjthomson@aol.com

Wade D. Birnbaum To Retire

On July 31, 2013, Wade Birnbaum will retire from his position as Director of the BMWED Arbitration Department after a career that has spanned more than four decades.

Brother Birnbaum began his railroad career with the former Soo Line Railroad Company as a Track Repairman in Hankinson, North Dakota, on August 31, 1971. During his railroad career he also worked as a Machine Operator, Assistant Foreman, and Section Foreman. His work required him to travel across a number of states.

He held his first position with the BMWED in 1976 when he was elected to serve as Secretary-Treasurer for Local Lodge 1552, located in Hankinson, North Dakota. He was later elected to serve as both the Secretary-Treasurer and the Local Chairman. He served on the Executive Board for the former Soo Line System Division, and later served as the Chairman of the Executive Board. He served in that capacity until 1989 when he took his first full-time union position as the System's Assistant General Chairman. Later that same year he became the General Chairman for the Soo Line System Federation.

Recognizing his knowledge and ability, Brother Birnbaum was offered a position with the BMWED Arbitration Department in Chicago. In 1998, he left his position as General Chairman and began work for the International Union. He was eventually promoted to the position of Director and will hold that position until retirement.

"Brother Wade has been a valuable asset to this Brotherhood," offered BMWED President Freddie Simpson. "He has always had a remarkable ability to tackle and resolve issues. Whether it was his work as a Local Officer, System Officer, or while working in our Chicago office, Wade has shown that same dedication to this Union and its members. He deserves our very best wishes."

Brother Birnbaum plans to spend part of his retirement traveling around the United States and abroad, and says he plans to try his hand at fishing again.

The BMWED wishes Brother Birnbaum a long and happy retirement.



Stay Healthy in the Heat BMWED members urged to take precautions

Hot weather is here. Extreme heat can be dangerous. Last year, thousands of workers in the United States got sick from exposure to excessive heat on the job, and more than 30 workers died. These illnesses and deaths can be prevented by taking some simple precautions.

BEAT THE HEAT: THREE SIMPLE STEPS

When working outside during hot weather, remember these three things:

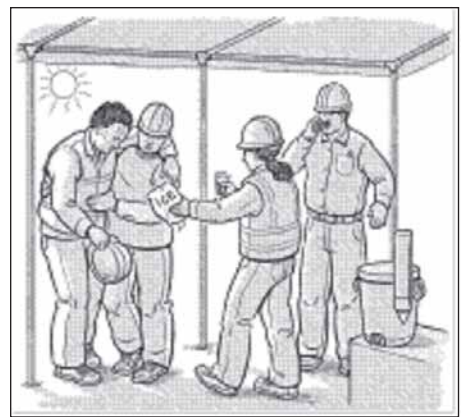
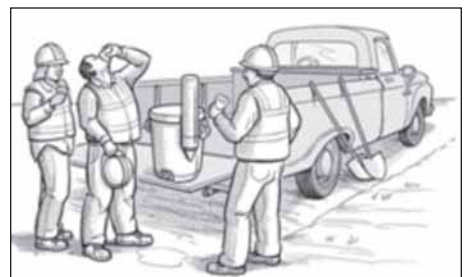
- **WATER:** You need plenty of water throughout the day—every 15 minutes. Don't wait until you feel thirsty.
- **REST:** Rest breaks help your body recover.
- **SHADE:** Resting in the shade or in air-conditioning helps you cool down.

HEAT-RELATED ILLNESS: KNOW THE SIGNS

It's important to know the signs of heat-related illness—acting quickly can prevent more serious medical conditions and may even save lives.

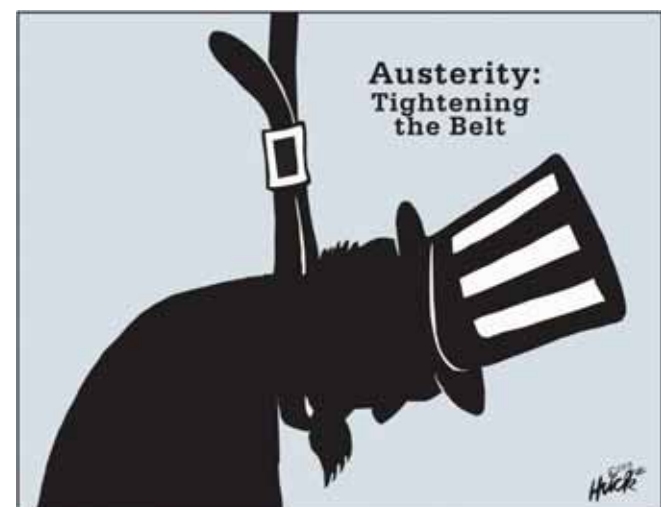
- Heat Stroke is the most serious heat-related illness and requires immediate medical attention. Symptoms include: confusion, fainting, seizures, very high body temperature and hot, dry skin or profuse sweating. CALL 911 if a coworker shows signs of heat stroke.
- Heat Exhaustion is also a serious illness. Symptoms include: headache, nausea, dizziness, weakness, thirst and heavy sweating. Heat fatigue, and heat rash are less serious, but they are still signs of too much heat exposure.

If you or a coworker has symptoms of heat-related illness, tell your foreman or supervisor right



away. If you can, move the person to a shaded area loosen his/her clothing, give him/her water (a little at a time), and cool him/her down with ice packs or cool water.

Visit www.osha.gov for worker fact sheets, worksite posters, and other resources on preventing heat-related illness, in both English and Spanish.



BMWED Members Participate In Workers' Memorial Day

On April 26, 2013, BMWED members joined others in remembering fallen workers at the Workers Memorial Day event in Philadelphia.

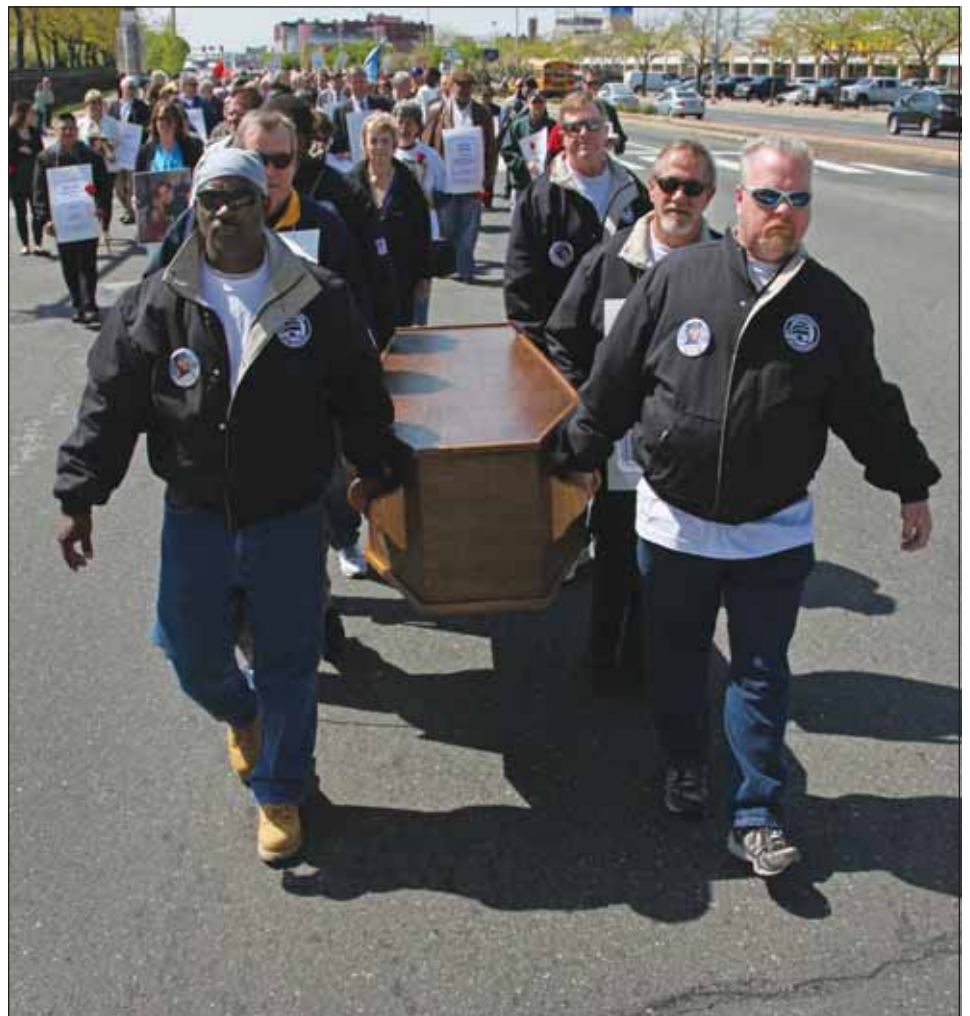
Fallen BMWED members were memorialized during the event when their names were carried on a sign during the procession. Each were eulogized during the ceremony, and a rose thrown in the river in their memory. Among those fallen BMWED brothers remembered during the ceremony were:

Neil "Tommy" Touvel, January 9, 2012
 Carter L. Perry, January 25, 2012
 Jason L. Lacy, July 27, 2012
 Loren Daswood, August 15, 2012

Alejandro V. Baroni, August 22, 2012
 Max Alvarez, October 15, 2012
 William G. Fidler, Jr., December 5, 2012



The names of those fallen are carried during the procession.



Commuter Railroad System Division General Chairman Sean D. Gerie (forward right) helps carry the symbolic coffin.

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



Pennsylvania Federation General Chairman Jed Dodd reads the name of fallen BMWED brother William G. Fidler, Jr.



Kevin Sparks' mother wearing his photo. Kevin Sparks, 34 years old, was struck by a train while on duty at SEPTA, November, 2009.

BMWED Requests Membership Assistance

Plans for expansion of existing commuter rail systems and for creation of new rail systems hold the possibility for an increase in railroad work after decades of decline. In particular, there should be additional maintenance of way and signal work, as more rights-of-way are double tracked, existing lines are improved to Class IV, new signal systems are installed and new grade crossings are created.

There should also be more

maintenance of equipment work after existing systems are expanded, once new systems are operational. But, it is not certain that this new work will be done by railroad workers covered by the Railway Labor Act and Railroad Retirement Act. In fact, in some situations, we have actually lost work that had been historically done by railroad workers.

In recent years, some commuter rail systems have had

upgrade work done by non-traditional non-railroad companies; and, there have also been some replacement of railroad operators with non-railroad operators. Some states have purchased railroad lines from railroads with the carriers continuing to provide freight service on those lines, but the states have engaged non-rail contractors to do the upgrade work and then the ongoing signal and maintenance of way work.

In other cases, commuter agencies have sought to replace railroad operators (Amtrak or other railroads) with non-rail operators, or with rail operators but with non-rail maintenance of way and signal contractors and non-rail maintenance of equipment contractors. These rail line sales usually do not come with employee protections. The changes in operators may or may not be subject to Federal Transit Act 13(c) protections, we may have to fight to ensure these

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The following article about Ronnie D'Amato, a member of the Northeastern System Federation-BMWED Local Lodge 1718 in New Haven, Connecticut was published in the Fall 2005 edition of the Rail Teamster magazine. Sadly, Brother D' Amato passed away April 10, 2013 after a long and courageous battle with cancer. We are reprinting this article in the Journal as a tribute to Brother D'Amato and his love of family, his personal warmth, his love of life, his considerable talents, and his incredible strength, perseverance, and dignity.

CLASSIC CRAFTSMAN

The members of the Teamster Rail Conference are a skilled and diverse bunch, and BMWED Lodge 1718 member Ronnie D'Amato is no exception. By day, Brother D'Amato operates a 50-ton crane in Amtrak's busy Northeast Corridor. In his spare time, Ronnie rebuilds and restores classic cars.

"These projects take a lot of time, but like anything else worth doing, its worth doing right," said D'Amato. "You never really know what you you've gotten yourself into until you break it down and figure out what's needed to complete the restoration and get it up and running. That's part of the challenge of working with cars and parts that are over 70 years old."

D'Amato began his career on the Penn Central Railroad as a trackman in September 1975 and transferred to Amtrak in 1976. Always a car enthusiast, he was a mechanic and a competitive driver on the drag racing circuit during the early 1970s. After marrying his high school sweetheart Diane in 1978, he opted to retire from the drag racing circuit in order to focus his energies on raising a family.

But the love of cars and all things mechanical stayed with Brother D'Amato. In 1986, almost on a whim, he bought a broken down hulk of a car, a 1935 Ford two-door sedan. Thus began his labor of love as a car restoration enthusiast.

His first restoration project proved to be challenging but also addictive. He did a complete tear down of the 1935 sedan to determine what parts were salvageable, what needed to be rebuilt and what parts needed to be replaced. He dismantled and completely rebuilt the motor and transmission himself, bought an original frame from another enthusiast in Missouri to replace his unsalvageable frame, and traveled to car shows and swap meets to find the rare replacement parts he needed to resurrect his antique.

Structural welding, sheet metal work, upholstery, fabrication, engine and transmission work, and paint and body work are all part of the mix. "One of the biggest challenges is finding the time to get out in the garage and get to work," explained Brother D'Amato. "Work responsibilities and family obligations naturally have to come first, and then the dog days of summer and the cold Connecticut winters also limit the amount of time that can be dedicated to the project. My first car took almost 5 years to



complete, but I learned a lot about the art of restoration during that time. I am now applying those lessons to my current project, a 1934 3-window Ford coupe."

Brother D'Amato is a member of the Connecticut Street Rod Association, a car club headquartered in Wallingford, CT. "I've met a lot of good people and made some great friends through the Connecticut Street Rod Association. Of course, it's very rewarding to get one of these classics back on the road, but the most rewarding experience is the charitable work we do for those less fortunate," Ronnie explained.

The Connecticut Street Rod Association holds a fund raiser each spring and fall, and the money raised is donated to charity. Each year, the Association raises thousands of dollars for breast cancer research and the Wishing Well Foundation, a charity for terminally ill children. The Association also makes donations to a local state technical school to promote vocational education and the associated trades. "It's a win-win for everybody," said Brother D'Amato. "We have fun, help preserve American automotive history, and help those less fortunate along the way. What can be better than that?"

Brother D'Amato is eager to get his current project, a 1934 3-window Ford coupe, completed. "The '35 sedan is a classic family car, but the '34 coupe is more my style, more of a race car," said Ronnie. "I'm really excited about this car and can't wait to get it on the road. After that, I think I might have to put an addition on the garage!"

Epilogue: Ronnie leaves behind his loving wife of 35 years, Diane, and two grown children, daughter Jennifer, and son Ronnie, Jr. He is sorely missed by his family and his many friends and co-workers from BMWED Local Lodge 1718 (New Haven CT), Amtrak, and the Connecticut Street Rod Association.

Apple Setup Instructions

From your Apple device, open the App Store, single click the Search button that is in the bottom, right corner. At the top of the screen, type "rss" in the search field and click Search. Scroll down the results until you get to XFeed RSS Reader and click it. You will be presented with more info on the application. Single click the Free button so it changes to say Install. Single click the Install button so the app is added to your phone. Once finished, click the icon to start the app. Single click the Plus button at the bottom of the screen and type <http://www.bmwe.org/rss.xml> in the feed URL box. Single click Search so the feed can be found.

Android Setup Instructions

Open the Market. Single click the Search button in the upper, right hand corner. At the top of the screen, type rss in the search field and click Search. Scroll down until you get to "gReader (Google Reader / RSS)" and click it. Single click the Download button. Single click the "Accept & download" button. Once downloaded click the "Open" button. Select your Google account and click "Allow." Single click the + in the upper right-hand corner and type <http://www.bmwe.org/rss.xml> in the feed URL box. Select Search. Once the feed is found click the + sign to add the feed.



Scan me for instructions to download the app for BMWED news





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protections are applied. Also, these sorts of programs are often highly political—involving expenditure or public funds, that require public decision-making processes.

In the current economic environment, a low bidder can have a significant advantage. One way to reduce costs is to avoid coverage of the federal railroad laws. In order to ensure that as much work as possible remains RLA/RRA covered, we need to be vigilant, knowledgeable about planned changes and involved in the decision-making process. If we know about possible changes when they are first being discussed, we are in a better position to protect our work. In instances where we have been aware, and involved in the decision-making process from the beginning, we have been more successful in saving existing workforce and gaining new work. When we have learned about proposed changes after final decisions have been announced, there has not been much we could do to protect the work.

Typically, a proposal to change an operator will require a Request for Proposals and competitive bidding. Lately, most of these contracts involve fixed-price bids. Once the RFP is issued, there is very little we can do to change it. After a bid is accepted, the payment to the successful bidder is

fixed, and part of the bid price is labor costs, so it is extremely hard to improve wages or benefits when labor costs are set in the bid. If we want to influence the RFP, the time to do so is before it is issued. In the past, we have reminded agency officials and legislators of their 13(c) obligations and urged them to include those obligations in the bid. We have also written to prospective bidders to tell them about 13(c) obligations and have tried to convince officials to attach significant weight to factors related to the quality of work. In some states, we have used existing relationships or the weight of certain elected representatives to be able to have input into the content of the RFP.

By early involvement in the process we can assure our members that we will assert their rights and prevent the use of rumors and threats to manipulate them. Often when there is a change in contractor, the new contractor will want to hire from the existing qualified workforce, but to do so by making unilateral offers without regard to seniority and prior qualifications. In those situations, member solidarity is as important as anything else we do, so, having an informed membership that sees what we are doing will help us protect their rights and our work.

Additionally, if we are going to have to fight about application of 13(c) protections, we will need to

gather information and collect old documents. We will also need to prepare to go to arbitration or to court to compel arbitration and to prevent any change pending arbitration. It is very helpful to start doing that at least when the RFP is issued. If we wait until after the new bidder is announced, it is likely that we will not have enough time to be successful.

Rail line sales to states usually involves a long plan and process, the need to pass authorizing legislation, applications for preliminary FTA grants and filings at the Surface Transportation Board. During that time we can try to have an impact in the state legislature, members of Congress; we can also potentially have an impact on the RFP. But again, the sooner we know about, the more we will be prepared to protect our work.

When there is a plan to acquire rail lines, to create or extend a commuter rail system, or to put an operating contract up for bid, there typically will be newspaper articles, request for qualifications (RFQ) of potential bidders, a draft RFP, initial requests for planning funds, public hearings, and/or new legislation. So, when you become aware of any of these initial first steps for changes in commuter rail operators, for substantial upgrades of existing systems, or creation of new systems, please contact the National Division Headquarters so

that we can assess the situation and begin to take action to protect our work.

Section 13(c) of the Federal Transit Act

This Federal statute requires that certain employee protections, commonly referred to as “protective arrangements” or “Section 13(c) arrangements” must be certified by the Department of Labor and in place, before Federal transit funds can be released to a mass transit provider.

Under Section 13(c) of the Federal Transit Act, an employer who receives federal mass transit funds must protect all covered mass transit employees affected by use of the federal money. The U.S. Department of Labor (DOL) must approve the arrangements made to protect these employees. For covered employees, these arrangements include:

- Preserving their rights and benefits;
- Continuing their collective bargaining rights;
- Protecting them against a worsening of their employment conditions;
- Assuring jobs for employees of acquired mass transit systems;
- Providing priority of reemployment if the employee is laid off or his job is eliminated; and
- Providing paid training.



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