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NEWS CLIPS

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If majority want union, let them have it

By Robert Bruno

Director, Labor Education Program, University of Illinois at Chicago | Saturday, July 04, 2009

The process of constructing good public policy should not be held hostage to intellectual dishonesty.

Opponents of the Employee Free Choice Act raise the specter of a loss of employee voice if workers are permitted to unionize their workplaces by choosing to express their majority will through signing membership cards or a petition. The U.S. Chamber of Commerce, among other anti-union groups, has fraudulently charged that the act would eliminate the "secret ballot" and expose employee to "union intimidation." But the proposed bill not only does not eliminate the ballot option or subject workers to abuse; it restores respect for the principle of a free, unfettered decision-making process.

Under current federal labor law a majority of workers can successfully elect a union by signing authorization cards only if the employer agrees to honor the workers' vote. Imagine a civic election where a Democratic poll watcher had the unilateral power to tell a Republican voter under what terms her vote could be cast.

Granting the employer the unilateral power to disregard the choice made by a majority of workers and to determine how workers must be unionized is no less an offensive act of disenfranchisement as our civic election example. The proposed law would rectify the inequity by obligating the employer to respect the majority will of the workers regardless of whether it is expressed though a ballot or petition process.

Business groups have also cynically claimed that without a ballot union organizers will force employees to choose against their will. Now putting aside for a moment that it is the employer and not the union representative who has the power to fire and discipline the employees, the data on employee interference is overwhelming. In at least 14 states, public sector employers have the legal obligation to recognize a union formed thorough a petition process.

A study that I directed covering Illinois, New York, New Jersey and Oregon revealed that from 2003-2009 about 35,000 public sector workers from teachers to plumbers have been extended democratic rights in the workplace through a state authorized "member interest petition" process. In Illinois alone, there have been about 1,200 majority petition cases, and there has been zero confirmed incidences of union "intimidation, fraud or coercion." Claims of union abuse are no more than scare tactics; they should not be the basis upon which public policy is built.

It is simply intellectually dishonest to portray this new workers' rights legislation as not promoting "free choice." Contrary to claims that the act would strip the right of workers to vote in a union election, this bill restores workers' choice to join a union and bargain with their employer.

Public policy honestly arrived at requires that if a majority of workers want a union, they should get a union.

Robert Bruno is Director of the Labor Education Program at the University of Illinois in Chicago. The opinion expressed in this column is the writer's and not necessarily that of The Times.

EFCA gives workers freedom to craft better lives

July 4, 2009

Jack McKay

This weekend most of us are taking a break from our busy lives to spend some well deserved time with family and friends. In Brewer, we are hosting the 9th annual Solidarity Celebration, hosted by the Eastern Maine Labor Council and Food AND Medicine.

We're proud of the principles that our country was founded on — the principles that working families have fought and died for since the Battle of Lexington to the present. In celebrating, we seek to honor those sacrifices.

Honoring our history isn't enough though. It's our duty to make sure that our principles are acted on and reflected in our society. The decline in working people's wages relative to their productivity during the last 30 years speaks to a part of our society that does not echo our principles: the American workplace.

Under the current system, too often management-labor cooperation has been interpreted as "do as you are told." The idea that a workplace should be democratic has been shunned by the notion that CEOs are entitled to do as they please. When you clock in, you leave your right to the freedom of speech, the freedom of association, even the freedom from search and seizure at the door. If you don't have the protection of a contract, you are an at-will employee, which means you can be fired for virtually any reason — or even for no reason at all.

Workplace democracy isn't revolutionary. It isn't anti-business. It is commonsense. Workers are entitled to have a say on the job, and the most common means of doing that is through unions.

Unfortunately the vast majority of working Americans are denied the right to choose a union through a combination of management intimidation and broken labor law. According to polling, 60 million people would choose to form a union today if they could. The Worker Center of Eastern Maine conducted two surveys of 200 people in April and May and found that approximately 50 percent of them wanted to organize a union. A study conducted by Dr. Kate Bronfenbrenner at Cornell University found that in one-third of private sector organizing campaigns a worker was fired. That's all it takes, firing one worker to stop any hope workers may have had for having a voice on the job.

That's why we need to pass the Employee Free Choice Act. The act allows workers to decide how they will form a union: through a majority sign up or a traditional election.

The act also provides real penalties for the violation of existing labor law, so corporations can't get away with harassing and firing workers when they try to form a union. It also creates an incentive for good faith bargaining during first contract negotiations by allowing any party to request independent arbitration after 90 days of contract negotiation.

The opposition is peddling the lie that the Employee Free Choice Act "takes away the secret ballot." It doesn't take away a worker's right to a secret ballot; it gives workers a choice in how they form a union.

Currently companies are allowed to demand an election even after a majority of workers have voted to form a union by signing cards. Companies are then able to terrorize workers with the aid of "union-avoidance" firms into voting against forming a union. It's so bad that Human Rights Watch issued a report in 2000 called "Unfair Advantage" that states, "Legal obstacles tilt the playing field so

steeply against workers' freedom of association that the United States is in violation of international human rights standards for workers.”

The idea of workplace democracy isn't just an abstract ideal founded on good feelings. It is common sense, because when workers can negotiate a decent wage society is better off. According to government statistics, workers with union representation are 52 percent more likely to receive health care at work, they are far more likely to have pensions and they earn 30 percent more on average than those without a union.

Our economy wouldn't be in the shape it is if people had the ability to make ends meet without borrowing. What's more, the only way we will rebuild this economy is through good paying jobs, so that workers can buy the goods they produce.

Let's invest in a stronger economy by protecting the rights of working people. Let's make sure that our society reflects our values and not Wall Street's. On this 4th of July, take a moment to call your senators and urge them to promote workplace democracy and support the Employee Free Choice Act.

Jack McKay is president of the Eastern Maine Labor Council. The community is invited to the Solidarity Celebration, which begins at 6 p.m. today at the council's headquarters at 20 Ivers St. in Brewer. For more information go to www.foodandmedicine.org or call 989-5860.

June carloads down 19.7%, intermodal off 18.2%

July 7, 2009

U.S. railroads moved 255,668 fewer carloads of freight in June than they did in June 2008. Total volume of 1,059,889 carloads was down 19.7%. Intermodal traffic in June was off 18.2% to 755,000 units--meaning that railroads hauled 168,031 fewer containers and trailers than in June last year.

The Association American Railroads reported that for the first six months of 2009, U. S. carloads were down 19.5 % (1,594,411 loads) to 6,579,2944. Intermodal traffic dropped 17.0% (950,147 units) to 4,647,068.

Of the 19 major commodity categories tracked by the AAR, 18 saw carload declines in June. The catch-all “all other” category was up slightly.

June's biggest carload declines were: coal, down 7.9%; motor vehicles and equipment (down 50.5%); metals and metal products, down 59.8%; and crushed stone and gravel, down 25.2%.

For the second quarter of 2009, total U.S. rail carloadings were down 22.4% (958,324 carloads).

Canadian rail carload traffic in June was down 25.7 % to 232,156 carloads. Canadian intermodal traffic was down 19.2% in June to 156,441 trailers and containers.

For the second quarter of 2009, Canadian rail carloadings were down 27.9%; Canadian intermodal traffic for the quarter was down 18.5%.

For the first six months of 2009, Canadian rail carloadings were down 24.1% and intermodal traffic was off 15.5%.

7/7/2009 Government Appointee

President Obama tabs Elliott to chair STB

Yesterday, President Obama announced his intention to nominate Daniel Elliott III as [Surface Transportation Board \(STB\)](#) chairman.

The United Transportation Union's (UTU) associate general counsel since 1993, Elliott would join Acting Chairman Frank Mulvey and Commissioner Charles Nottingham on the three-member board. He has represented the union in numerous proceedings before the STB, National Mediation Board, National Labor Relations Board and U.S. Department of Labor.

Prior to joining the UTU, Elliott was an attorney with a number of Cleveland and Washington, D.C., law firms.

The nomination will be considered soon at a Senate Commerce Committee confirmation hearing. If the committee votes in favor of Elliott, the nomination will move to the Senate floor.

Elliott is the second UTU official to be tabbed by the Obama Administration for a senior transportation post. Earlier this year, former UTU Illinois State Legislative Director Joe Szabo was nominated by Obama, and confirmed by the Senate, as federal railroad administrator.

Papal Encyclical: Workers' Rights to Form Unions Must Be Honored

Posted By [Seth Michaels](#) On July 8, 2009 @ 9:55 am In [Legislation & Politics](#) | [No Comments](#)

In a new [1] [encyclical](#) released yesterday by Pope Benedict XVI, the leader of the Catholic Church discusses the challenges of a global economy. He notes that workers' ability to form a union and bargain is at risk and makes it clear it's a matter of moral imperative to preserve that freedom.

Here's what the pope has to say on the need for workers to have the freedom to form unions:

Through the combination of social and economic change, *trade union organizations* experience greater difficulty in carrying out their task of representing the interests of workers, partly because Governments, for reasons of economic utility, often limit the freedom or the negotiating capacity of labor unions. Hence traditional networks of solidarity have more and more obstacles to overcome. The repeated calls issued within the Church's social doctrine, beginning with *Rerum Novarum*, for the promotion of workers' associations that can defend their rights must therefore be honored today even more than in the past, as a prompt and far-sighted response to the urgent need for new forms of cooperation at the international level, as well as the local level.

The [2] [Vatican](#) and a wide variety of Catholic leaders have continued to express support throughout the year for workers' freedom to form unions, and many Catholic [3] [scholars](#) and organizations like the [4] [Catholic Labor Network](#) and [5] [Catholics for Working Families](#) have come out in support of the [6] [Employee Free Choice Act](#).

Union Leaders to Meet With Obama Next Week

By STEVEN GREENHOUSE

July 8, 2009

A dozen union presidents will meet with President Obama in the White House next Monday to discuss health-care legislation as well as a bill that would make it easier to unionize, labor leaders and administration officials said on Tuesday.

Labor leaders said they hoped to talk with the president about the status of health-care legislation and what the nation's labor unions can do to advance the administration's efforts to assure passage of such legislation, including the enactment of a public option in which a government-run health insurance entity would compete with private insurers.

Union leaders also said they wanted to reiterate their opposition to enacting a tax on employee-provided health benefits to help finance health-care reform. Such a move that would hurt union members disproportionately because so many receive health benefits from their employers.

One top A.F.L.-C.I.O. official said the labor leaders also wanted to voice their hopes about enacting the Employee Free Choice Act, which would make it far easier for workers to unionize.

That bill has been stalled because supporters have had a hard time rounding up 60 votes in the Senate to overcome a filibuster. Several moderate

Democrats have voiced opposition to the bill because it would make it easy for workers to unionize without an election, making it easier for workers to win union representation as soon as a majority sign cards saying they want a union. Labor leaders are talking with several senators about various compromises that might help ensure 60 votes.

“We just want to have some give and take about how things are going, but clearly people want to know more about what the White House thinks on various issues,” said the A.F.L.-C.I.O. official, who insisted on anonymity because the meeting has not yet been officially announced.

Union officials said those who will meet with Mr. Obama include John J. Sweeney, the president of the A.F.L.-C.I.O., Andrew L. Stern, president of the Service Employees International Union and Dennis Van Roekel, president of the National Education Association, as well as the presidents of the steelworkers, communications workers, Teamsters, and food and commercial workers.

Union officials said they also expected to discuss trade, what should be done to revive manufacturing and whether the administration should push for a second stimulus package as the unemployment rate heads toward double digits.

A.F.L.-C.I.O. officials also said that Richard Trumka, the federation secretary-treasurer, who is running to succeed Mr. Sweeney as president plans to name Liz Shuler to be his running mate for secretary-treasurer. Ms. Shuler is executive assistant to the president of the International Brotherhood of Electrical Workers.

Mr. Trumka, the former president of the United Mine Workers, plans to officially announce his candidacy on Thursday. Labor leaders say that Mr. Trumka may run unopposed. Clarification: Ms. Shuler would be the second woman elected to the A.F.L.-C.I.O.'s No. 2 post. (The first was Barbara Easterling, who served for three months.)

An earlier version of this post indicated that Liz Shuler would become the first female secretary-treasurer of the A.F.L.-C.I.O. But Barbara Easterling served in an interim capacity in 1995.

Widespread Support for Employee Free Choice Act in Colorado

Posted By [admin](#) On July 8, 2009 @ 12:57 pm In [Legislation & Politics](#) | [No Comments](#)

Yesterday morning a group of clergy members delivered a letter in support of the Employee Free Choice Act to the offices of Sens. Mark Udall and Michael Bennet. They represent a coalition of more than 120 faith leaders from around Colorado who have come together to support the legislation, which they see as critical to restoring a fair and prosperous economy for all. The signers of the letter include Protestant ministers, Rabbis, Roman Catholic priests and sisters, an Imam, and a Zen Buddhist priest."

America's faith traditions are nearly unanimous in support of the right of workers to organize free from employer retaliation," said the Rev. Dr. Dana Wilbanks, Professor Emeritus of Christian Ethics, Iliff School of Theology. "By using sacred text and tradition, our faith compels us to support the Employee Free Choice Act and to support the freedom of workers to collectively bargain for a shot at a better life for themselves and their families."

Over the past 30 years, workers' living standards have declined in well-documented ways—stagnant or low pay, longer hours spent at work, unaffordable or no health care benefits, and unsafe working conditions. Increasing disparity of wealth seems to be the hallmark of our time, with the top 1 percent of wage earners in the United States now holding 23 percent of all income—the highest inequality in income since 1928.

"As religious leaders, we believe that the right of workers to freely organize their workplaces is required in a democracy, and communities are strengthened when workers can bargain for fair wages, adequate benefits and safe working conditions," said the Rev. Linda Gertenbach, the Peace and Justice Facilitator of the United Methodist Rocky Mountain Church and Society Network.

"This legislation would allow workers to form and join unions as certainly and as freely as they might join a church community or a civic organization. As a people of faith, we are committed to the health of our nation, its economy, and to the working men and women who provide us with indispensable goods and vitally necessary services. We make this appeal to the conscience of every member of the U.S. Congress to vote in favor of the Employee Free Choice Act," said Roman Catholic Bishop Gabino Zavala of the Archdiocese of Los Angeles.

July 10, 2009

Democrats Are at Odds on Financing Health Care

By [DAVID M. HERSZENHORN](#)

WASHINGTON — House and Senate Democrats appeared on Thursday to be on a collision course over how to pay for a sweeping overhaul of the nation's health care system, with the House planning to propose an income tax increase on the wealthiest Americans, an idea that Senate negotiators have all but dismissed as unworkable.

Paying for the roughly \$1 trillion, 10-year cost of the health care legislation is arguably the biggest hurdle confronting lawmakers and the White House as they pursue [President Obama](#)'s top policy goal of extending health coverage to all Americans and curtailing the steep rise in the cost of medical care.

Senate negotiators had been eyeing a tax on some employer-provided health benefits but shifted course this week after the Senate majority leader, [Harry Reid](#) of Nevada, and other top Democrats voiced opposition. The House speaker, [Nancy Pelosi](#) of California, said Thursday that the House bill would not tax those benefits.

Instead, the House Ways and Means Committee was said to be nearing agreement on an income tax surcharge of 2 percent or more on Americans with the highest incomes — those earning more than \$250,000. The surtax would rise for those earning \$500,000 and rise again for those earning more than \$1 million.

At the same time, aides said that the House was moving away from other ideas, including a proposed sales tax on sodas and other sugary drinks and a new payroll tax of 0.3 percent to be paid by employees and employers. The White House has not expressed a position on the surtax, but lawmakers said they had heard no objections so far.

The chief of staff, [Rahm Emanuel](#), who visited the Capitol twice this week to discuss health care proposals with House Democrats, has said Mr. Obama would prefer that money to pay for the legislation come from within the health care system. But unlike a tax on employer-provided benefits, which Mr. Obama opposed during the presidential campaign, a tax on the wealthy would be in keeping with his promise not to raise taxes on Americans earning less than \$250,000 a year.

Meanwhile, Senate negotiators went back to the drawing board and were looking at an array of options. And they seemed to be narrowing their focus on a plan that would tax only the most generous employer-provided health plans — those worth \$25,000 or more a year — as well as a modified limit on tax deductions proposed by Mr. Obama.

The president, in his initial budget, had called for capping certain deductions, including those for charitable contributions, at the 28 percent income tax bracket, an idea initially rejected by a number of Democrats in Congress

But some lawmakers who opposed Mr. Obama at that point said they were

willing to consider a higher limit — at the 35 percent bracket — that could still generate roughly \$90 billion in revenue over 10 years to help pay for the health care overhaul, presuming the highest tax bracket reverts to 39 percent if the Bush tax cuts are allowed to expire.

The tax on more generous [health insurance](#) plans was projected to generate another \$90 billion, and would bring Senate negotiators, led by [Max Baucus](#), Democrat of Montana and chairman of the Finance Committee, more than halfway to the \$320 billion in revenue that they had expected from a wider tax on employer-provided benefits.

Lawmakers taking part in the Senate negotiations said Republicans and several moderate Democrats would oppose an income tax surcharge on the wealthy.

Senator [Charles E. Grassley](#) of Iowa, the senior Republican on the Finance Committee, called the surtax “non-negotiable.” And Senator [Olympia J. Snowe](#), Republican of Maine, who is also on the Finance Committee, said it was among the “less viable” options under consideration.

Mr. Baucus said lawmakers had redoubled efforts to find additional savings to help pay for the bill. “Senators don’t like to raise revenues,” he said, using the favored euphemism for tax increases.

Senator [Kent Conrad](#), Democrat of North Dakota and a key player in the talks, said lawmakers were taking their time to go through a full range of options.

“Time spent on reconnaissance is never wasted,” Mr. Conrad said, quoting an old military friend.

Senators were also considering a plan to apply the [Medicare](#) payroll tax of 1.45 percent to non-wage income like dividends and capital gains.

And in yet another potential obstacle, 40 House Democrats in the fiscally conservative blue-dog coalition voiced opposition to the emerging legislation and [apprehension](#) over potential new taxes. House leaders swiftly called a meeting with the blue dogs to begin addressing their concerns.

In addition to the income surtax on the wealthy, House Democrats were considering an array of other ideas. One would bar prescription drug companies from deducting the cost of advertisements as a business expense on their corporate tax returns. Another would end a tax break for health care flexible spending accounts, which can now be used to cover out-of-pocket medical costs.

Traffic still follows the economy -- down

July 10, 2009

After a flurry of late-spring optimism, the national economy at midyear shows no strong signs of recovery--and, as the Association of American Railroads noted Thursday, freight traffic on U. S. railroads "continues to parallel the nation's overall economic condition."

In the holiday week ended July 4, rail carload traffic was down 15.6% from the corresponding week last year; intermodal volume was off 12.8%; and total volume, measured in ton-miles, was down 14.3%.

Carload volume was off 23.0% in the East and 11.1% in the West. Out of a total of 19 carload commodity groups, 18 were down in the most recent week; the declines ranged from 3.3% for coal to 72.4% for metallic ores.

Canadian railroads fared no better, with carload volume down 20.5% in the week ended July 4 and intermodal volume off 18.7%. In Mexico, carload traffic fell 40.2% and intermodal traffic was down 42.0%.

AAR noted that, effective with the week ended July 4, Canadian National now incorporates traffic of the Elgin, Joliet & Eastern Railway (EJ&E). All CN 2008 and 2009 data has been restated on a pro-forma basis to include EJ&E traffic as if it was part of CN since Jan. 1, 2008. The former EJ&E traffic is now included in the Canadian total, not the U.S. totals.

7/10/2009 Economic Indicator

TSI falls to 11-year low in May, BTS says

In May, the Transportation Services Index (TSI) declined 0.7 percent from April's level to 97.4 — the lowest May index since 1998, according to the U.S. Department of Transportation's Bureau of Transportation Statistics (BTS). The TSI also decreased 13 percent compared with May 2008's level.

May's Freight TSI of 94.0 dropped to its lowest monthly level since June 1997, when the index was 92.4. The Freight TSI fell 0.6 percent from April's level and 14.8 percent from May 2008's level — the largest May-over-May decline in 20 years, BTS said.

May's Passenger TSI of 109.4 declined 0.9 percent from April's level and 7.3 percent from May 2008's level, also the largest May-over-May drop in two decades.