NEWS CLIPS

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Clark Ballew, Assistant to the President
Telephone:  248-662-2605 (Fax) 248-662-2657
Email:  cballew@bmwe.org
Amazon May Get Its First Labor Union in the U.S.
By Brad Stone December 17, 2013

Employees work on the inbound line at the Amazon fulfillment center in Phoenix on Dec. 2

Amazon.com’s (AMZN) labor problems have mostly been confined to the online retailer’s warehouses in countries such as Germany—until now. For the first time, employees in a U.S. Amazon facility have successfully petitioned the National Labor Relations Board to hold union elections.

On Dec. 6, the International Association of Machinists and Aerospace Workers (IAMAW), a trade union of the AFL-CIO, filed a union election petition with the National Labor Relations Board on behalf of 30 equipment maintenance and repair technicians working at the year-old Amazon fulfillment center in Middletown, Del. The fact that the petition was filed suggests, according to the union, that it has interest from at least a majority of those 30 workers, who are seeking to vote on whether to hold elections to establish a union.
According to John Carr, a spokesman for the IAMAW, Amazon and the union have now reached an agreement to go forward with this election. It will be held on Jan. 15 in a conference room at the Delaware facility; only members of the group of 30 technicians will be allowed to vote. The vast majority of workers at the year-old facility—more than 1,500 pickers and packers who move products from shelves into boxes and trucks—will not vote, nor will they be covered by the union if the technicians vote to form a collective bargaining group.

Amazon has successfully fought such efforts in the U.S. for years. In 2000, workers at a customer service call center in Seattle lobbied to form a union and met with stiff resistance from the company. Amazon ultimately closed the facility during a broader retrenchment during the dot-com bust. In cases over the years where labor organizers passed out union literature outside Amazon facilities and tried to foment union activity, Amazon managers have reacted swiftly, meeting with workers and explaining the company’s strong opposition to organized labor.

“We respect the individual rights of our associates and have an open-door policy that allows and encourages associates to bring their comments, questions, and concerns directly to their management teams,” said Mary Osako, an Amazon spokesperson. “We firmly believe this direct connection is the most effective way to understand and respond to the needs of our workforce and do not believe there is a need for third-party representation. Amazon’s culture and business model are based on rapid innovation, flexibility, and open lines of direct communication between managers and associates.”

Amazon is facing a small but growing drumbeat of dissatisfaction in its sprawling network of 96 centers around the world. Workers in Germany have gone on strike several times this year, and this week organized demonstrations outside Amazon’s Seattle headquarters, though they have had more success garnering headlines than slowing down Amazon’s operations during the holiday season. Critical articles about the pace, pay, and quality of work in Amazon’s fulfillment centers have also appeared in outlets such as Mother Jones, the Guardian, and the BBC.

Over the next month, the battle in Middletown is likely to be hard-fought. Amazon has hired the services of law firm Morgan, Lewis & Bockius to aid it in the matter. Outside law firms typically help companies wage their election campaigns and make the case to employees why they are better off without union representation.

While the stakes appear small, the union says it’s a foot in the door at Amazon. “Can this turn into other locations, or more people in that location? That is certainly the interest for any labor organization,” Carr says. “I certainly imagine there’s an interest somewhere else in that particular facility, and if not, we hope to stimulate some.”

**Quest to restrict union fees targets 3 new states**

By DAVID A. LIEB

Associated Press
JEFFERSON CITY, Mo. (AP) -- Buoyed by recent successes in the Midwest, conservatives and business groups are targeting at least three additional states for new efforts that could weaken labor unions by ending their ability to collect mandatory bargaining fees.

The latest efforts are focused on Missouri, Ohio and Oregon and - in a new twist - could put the issue before voters in 2014 instead of relying on potentially reluctant governors to enact laws passed by state legislators.

The strategy of appealing to voters could avoid a redo of the massive union-led protests that clogged some Midwestern capitols where Republicans recently enacted other anti-labor proposals. It also could result in a multimillion-dollar advertising battle between businesses and labor unions waged on several fronts at the same time.

"There's national money to be had, and there are large donors in the state that definitely want to move forward," said Jill Gibson Odell, a Portland, Ore., attorney who is sponsoring an initiative to restrict union fees for public employees in her state.

With the addition of Indiana and Michigan in 2012, there now are 24 states with right-to-work laws that prohibit making union fees a condition of employment. If the newest efforts succeed, unions in a little more than half of the states could have fewer resources to resist pension cuts, health care cost increases or other management initiatives they don't like.

Organizers of the right-to-work movement have seized upon recent economic struggles to suggest that states could gain jobs by making their labor policies more favorable toward business.

A report by the Congressional Research Service last year noted that right-to-work states had stronger employment during the past decade but lower average wages. The report stopped short of attributing that to right-to-work policies, however.

Supporters of such laws contend employees shouldn't be forced to pay fees to a union to get or keep a job. But unions contend the fees are fair because federal law requires them to represent all employees in a bargaining unit regardless of whether they join the union.

Most state right-to-work laws were enacted in the 1940s and 1950s. But businesses and conservative lawmakers, working through groups such as the American Legislative Exchange Council, have mounted a new push as union membership has dwindled and the competition for jobs has intensified among states.

Indiana in 2012 became the first state in more than a decade to enact a right-to-work law. The movement's biggest victory came later that year, when Republicans in the traditional union stronghold of Michigan followed suit even though thousands of union protesters thronged the Capitol.

"What we're seeing is a lot of states are looking and saying, 'Hey, if Michigan can do it, why can't we?" said Vincent Vernuccio, director of labor policy at the Mackinac Center for Public Policy, a free-market think tank based in Midland, Mich.

Vernuccio has traveled to Missouri, Ohio, Oregon, Pennsylvania, Washington state and elsewhere encouraging conservatives to press the issue.

At a conference in Chicago last August that brought together hundreds of Republican officials and business leaders, Missouri Lt. Gov. Peter Kinder publicly predicted that his state's lawmakers would place right to work on the November 2014 ballot.

"We need to ignite a series of prairie fires in other states. It helps us pass it in Missouri if Wisconsin kicks over
the bee hive," Kinder told the audience.

There's no indication that Wisconsin Gov. Scott Walker plans to pursue right to work as a follow-up to his successful 2011 push to limit collective bargaining rights for public workers, which sparked noisy around-the-clock protests at the Capitol. But others are embracing Kinder's strategy.

"If a labor-related issue was on the ballot in multiple states at the same time, labor would have to diffuse their resources," said Chris Littleton, a consultant and former tea party leader who is backing the right-to-work initiative in Ohio.

Unions have been coordinating their efforts to fight the proposals. Officials from the Missouri AFL-CIO met recently with union leaders in Ohio. Some union leaders also have looked to Colorado, where a right-to-work measure was defeated by voters in 2008.

"We'll launch a very robust and aggressive campaign" against it, said Scott Moore, a spokesman for Keep Oregon Working, a coalition of groups opposing the Oregon initiative.

Right-to-work supporters in Ohio have begun collecting signatures for a ballot proposal. In Missouri, Republican House Speaker Tim Jones has declared right-to-work a priority for the session that starts Jan. 8. Unions are hoping to quietly derail the measure in the Senate.

"Do we want to storm the Capitol and create a nuclear war if we don't have to? I would say, `no.' But if that's what it takes, we certainly have the capabilities to do that," said Mike Louis, secretary-treasurer of the Missouri AFL-CIO.

National Labor College to close in 2014
By Nick Anderson, Published: December 18

The National Labor College, an education venture for working adults supported by the AFL-CIO, will close next year because of financial difficulties school officials attribute in part to the construction of a conference center several years ago on the Silver Spring campus.

The college, with 599 online students this fall, announced Wednesday that its board of trustees voted this week to accept a closure plan. Word of the impending shutdown had been circulating since at least mid-November.

"We're all very, very sad," said Paula E. Peinovich, the college's president. The college will offer courses through the spring semester and have its final commencement in April — 17 years after it became an independent, degree-granting institution.

Peinovich said the college was burdened by debt incurred in a major campus renovation that began in 2003, including the construction of a 72,000-square-foot conference center named for Lane Kirkland, the late AFL-CIO president. The center, dedicated in 2007, was unable to generate enough revenue to erase the debt, Peinovich said, and even failed to cover its own operating costs.

Peinovich said the college owed about $30 million when she took over as president in 2010.

"A lot of the challenges go back to the decision to build the Kirkland Center," said Bob Bruno, a trustee of the college who is a professor of labor and employment relations at the University of Illinois. "This overhang of debt that was carried forward just became something [the college] couldn't get out of." Alumni and students expressed distress. "I think it is a crying shame that the only specialized labor college in the United States of America cannot support itself to continue," one alumnus wrote on the college's Web site. "This institution represents a lot more than labor students represented by labor unions. It represents a way of life in America."

The college traces its history to a labor studies center that AFL-CIO leaders founded in 1969. In the early 1970s, the center moved to a 47-acre campus on New Hampshire Avenue. It grew into a larger academic enterprise, first in partnership with Antioch College and then as an accredited institution in its own right. The college specializes in labor studies, seeking to help union members and their relatives get bachelor's
degrees. In recent years, it launched a school of professional studies with bachelor’s programs in construction management, business administration, and emergency readiness and response management. All of its students, Peinovich said, study part time and online. Tuition is $297 per credit hour for members of AFL-CIO unions and their relatives.

The college employs 58 faculty and staff members and has an annual operating budget of $12 million, she said, with about $5 million funded by the AFL-CIO. Richard Trumka, president of the AFL-CIO, is chairman of the college’s board of trustees. Thea Lee, deputy chief of staff for the national labor organization, blamed the closure on “financial difficulties that became insurmountable at some point.”

The Kirkland Center was built while John J. Sweeney was head of the AFL-CIO. But Lee said Trumka did not want to “sit and point fingers” about a project that labor leaders once viewed with optimism. Peinovich said the board vote Monday to accept the closure plan was unanimous. Under the plan, the college’s final commencement will be April 26, with about 100 to 150 students expected to receive bachelor’s degrees. The college is seeking to help remaining students finish their degrees in partnership with other schools. Trustees have approved a letter of intent to sell the 47-acre campus to Monument Realty. A sale price has not been announced, but proceeds will help cover the college’s debts.

The venue for the last graduation will be the Kirkland Center.

**AMTRAK CEO: Train safety takes money, cooperation**

Joe Boardman 6 a.m. EST December 16, 2013

**Infrastructure improvements must continue to strengthen the nation**

We talk a lot about our national debt. But the largest debt we owe is to those who will come after us in this nation. Our fulfillment of that debt should underpin the actions we take right now.

Our national infrastructure forms the bedrock foundation upon which our economic future is built as America competes in the global marketplace. Railroads — both passenger and freight — are essential elements in the national transportation network that will help deliver future economic growth to communities across the country.

But for the rail network to function at its best, the rail industry must further improve safety.

As a former New York State Transportation Commissioner, a past Federal Railroad Administrator and current Amtrak President and CEO, I can state unequivocally that we need Positive Train Control technology on our nation's railroads. PTC is the most important rail safety advancement of our time.

PTC technology can control train movements to prevent train-to-train collisions, derailments caused by excessive speed and certain human-caused incidents such as misaligned track switches. It also can protect rail workers along the tracks by slowing or stopping trains from entering work zones.

Yes, PTC could have prevented the recent commuter train tragedy in New York that claimed four lives and altered the lives of many more. Yes, it could have prevented the crash in
Chatsworth, Calif., in 2008 that claimed 26 lives, cost hundreds of millions of dollars and led to the passage of new federal rail safety legislation. One key provision of the law: Congress mandated PTC be implemented by the end of 2015.

Amtrak already has PTC technology in operation on 530 track-miles along Amtrak-owned sections of the Northeast Corridor and on our Michigan Line. Amtrak began an aggressive program in 2010 to install PTC on an additional 1,200 track-miles of our railroad.

We're on target to meet the 2015 deadline to install PTC components along our trackside and in our locomotives, but before we can turn it on and realize the safety benefits in the new areas we must obtain the necessary radio spectrum to transmit data that is critical to make the system operational.

Many Amtrak and commuter trains also operate on track owned by other railroads whose primary business is moving freight, including toxic inhalation hazard shipments. The nation's railroads are working together to ensure there is interoperability of PTC systems so that safety is maintained as trains travel from one railroad to another. However, without additional resources and an increased level of commitment, the federal deadline may not be met.

If we as a society decide that we want to, we can begin to pay the debt we owe to the future by facing the challenges of implementing PTC. Congress, the Federal Railroad Administration, the rail industry and all other players involved need to re-double their commitment, provide funding, act with determination and eliminate roadblocks to achieve PTC implementation as soon as possible.

The upcoming debate on a new federal Surface Transportation bill is the perfect vehicle to demonstrate our nation's commitment to PTC not only as a vital safety measure, but also because PTC can support additional communication, train management and operational efficiency improvements that the passenger and freight railroads are only now beginning to envision.

Those who follow us must build their lives and raise their family on the foundation that we have left for them and that includes all parts of the National Infrastructure.

We need a new air traffic control system and a serious program to rebuild and repair our bridges and highways. We need funding for our local and regional transit systems and more capital investment to improve and expand the national network of intercity passenger rail. We need the same thing for our waterways, our electric grid, our water and sewage systems, and our communication systems.

There is a daily flow of discouraging and critical comments about nearly everything in America today. We have become expert in tearing down our institutions and our expectations for anything positive about our future. It is our duty to stop the negativity, find common cause and move forward together to build a future of which we can be proud to have others follow in our tracks.

*Joe Boardman is the CEO of Amtrak.*
Date: December 19, 2013

In reply refer to: R-13-39 and -40 (Urgent)

The Honorable Peter M. Rogoff
Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

The National Transportation Safety Board (NTSB) urges the Federal Transit Administration (FTA) to take action on the safety recommendations issued in this letter. These urgent recommendations address the need for improved roadway worker\(^1\) protection, including redundant protection such as positive train control (PTC), secondary warning devices or shunting, as well as the review and revision, as necessary, of roadway worker rules and procedures to eliminate any authorization that depends solely on the roadway worker to provide protection from trains and moving equipment. These recommendations are derived from the NTSB’s ongoing investigation of an accident involving the San Francisco Bay Area Rapid Transit District (BART) that occurred on October 19, 2013, in Walnut Creek, California, where two roadway workers died as a result of being struck by a BART train.

On Saturday, October 19, 2013, at 1:44 p.m. Pacific daylight time, BART train 963 struck two engineering department employees in the right-of-way near Walnut Creek, California. The employees died as a result of their injuries. Train 963 was traveling northbound on the C1 track, between the Walnut Creek station and the Pleasant Hill station. At the time of the accident, there were six BART employees on the train: an operator/trainer/supervisor, two student train operators, and three equipment maintenance employees. A student train operator was operating the train at the time of the accident. There were no injuries to those on board the train.

Union-represented BART employees were on strike at the time of the accident. There were two trains operating on the system, both of which were operating for maintenance and training purposes and transporting management employees only and were not transporting revenue passengers. These trains were operated by management employees.

On Friday, October 18, 2013, a minor defect was noted on the C1 track, and two engineering department employees planned to take measurements at the defect location. One of the employees was a BART manager and the other was a BART consultant; they were working as roadway workers due to the labor strike. They requested and received “simple approval”

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\(^1\) Roadway Worker means any employee of a railroad or rail transit agency, or of a contractor to a railroad or rail transit agency, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts. Roadway workers may also be referred to as wayside workers or maintenance-of-way work crews.
authority to enter the roadway\(^2\) in accordance with BART rules and regulations.\(^3\) Following this accident, BART discontinued the “simple approval” authorization process for granting access to the roadway. The investigation into the accident continues, and it has re-energized concerns about the need for improved roadway worker protection in the rail transit industry.

The BART train control and supervisory system is made up of four major parts: the operations control center, the integrated computer system, an automatic train control (ATC) system, and on-board automatic train operations computers. An ATC system is designed to maintain train separation but does not provide redundant protection, such as PTC or shunting, for roadway workers. Train operators are also governed by BART’s *Operations Rules and Procedures* manual.

NTSB investigators learned that BART had a roadway safety program with general roadway safety practices. One such safety practice, known as “simple approval,” provided an authorization from the control center for employees to enter the roadway with no protection provided. Simple approval required the roadway worker to be aware of the situation and provide his/her own protection. Simple approval authorization was a means of keeping the control center aware of the presence of personnel in a specified location in the roadway. Personnel requesting simple approval authorization were reminded that they were required to “provide their own protection and not interfere with mainline/yard operations.”

**Previous NTSB Recommendations**

As a result of its investigation of two separate accidents\(^4,5\) in 2006 in which roadway workers died after being struck by Washington Metropolitan Transit Authority (WMATA) trains, the NTSB made the following safety recommendations to WMATA in January of 2008.\(^6\)

**R-08-01**

Review your Metrorail *Safety Rules and Procedures Handbook* and revise it as necessary to create additional layers of protection for wayside workers, including:

- Adding requirements for wayside pre-work job briefings to ensure that all workers are informed of their duties, of their respective roles in work crew safety, and of the areas that are to be used to stay clear of trains.

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\(^2\) *Roadway* means the strip of land on which railroad tracks are on. Roadway may also be referred to as right-of-way and wayside.


• Requiring that when train operators request permission to either enter a main track, or when a train is turned for a return trip, the train operators along the affected lines must acknowledge receipt of the updated radio announcement from the control center regarding wayside workers.

• Establishing procedures to be used for members of a work crew to acknowledge a lookout’s warning that a train is approaching on a particular track from a particular direction before a lookout gives an all clear signal to a train.

R-08-02

Establish a systematic program for frequent unannounced checks of employee compliance with Metrorail operating and safety rules and procedures.

R-08-03

Perform periodic hazard analyses on the deficiencies identified by unannounced checks of employee compliance in response to Safety Recommendation R-08-02, and use the results to revise Metrorail training curricula or enforcement activities, as necessary, to improve employee compliance with operating and safety rules and procedures.

R-08-04

Promptly implement appropriate technology that will automatically alert wayside workers of approaching trains and will automatically alert train operators when approaching areas with workers on or near the tracks.

On January 9, 2007, a southbound Massachusetts Bay Transportation Authority (MBTA) passenger train, operated by Massachusetts Bay Commuter Railroad (MBCR), struck a track maintenance vehicle that was on the track near Woburn, Massachusetts. As a result of the accident investigation, the NTSB issued the following recommendation to the Federal Railroad Administration (FRA). This recommendation was recently reiterated based on the ongoing NTSB investigation of the May 28, 2013, accident in West Haven, Connecticut, involving the Metro-North Railroad.

R-08-06

Require redundant signal protection, such as shunting, for maintenance-of-way work crews who depend on the train dispatcher to provide signal protection.

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8 This recommendation letter, dated April 10, 2008, is available on the NTSB website at http://www.ntsb.gov.
The FRA has initiated rulemaking in response to Safety Recommendation R-08-06.\textsuperscript{10} However, it is not complete as of this date; therefore, Safety Recommendation R-08-06 is currently classified “Open—Acceptable Response.”

On January 26, 2010, a hi-rail vehicle—a truck or automobile that can be operated on either highways or rails—operating southbound about 0.9 miles north of the WMATA Rockville metro station struck two ATC technicians who were working wayside replacing an impedance bond between the tracks.\textsuperscript{11} The struck ATC technicians died from their injuries. As a result of the WMATA accident investigation, the NTSB issued the following recommendations to the FTA.\textsuperscript{12}

R-12-32

Notify all rail transit agencies regarding the circumstances of the January 26, 2010, accident near Rockville Metro Station and urge them to evaluate their roadway worker protection programs and procedures to ensure that they adequately and effectively address appropriate training, communication, maintenance-vehicle movement authorities, flagging procedures, rules compliance, and the sharing of a work area by multiple work crews.

R-12-33

Advise all state safety oversight agencies of the circumstances of the January 26, 2010, accident near Rockville Metro Station and urge them to audit the roadway worker protection programs and the procedures of all rail transit operations in their states to ensure that they adequately and effectively address appropriate training, communication, maintenance-vehicle movement authorities, flagging procedures, rules compliance, and the sharing of a work area by multiple work crews.

R-12-34

Issue guidelines to advise transit agencies and state oversight agencies on how to effectively implement, oversee, and audit the requirements of 49 Code of Federal Regulations Section 659.19(r) using industry best practices, voluntary standards, and appropriate elements from 49 Code of Federal Regulations Part 214, Subpart C–Roadway Worker Protection.

R-12-35

Emphasize the effective implementation and oversight of 49 Code of Federal Regulations Section 659.19(r) as part of your safety oversight program audits.

In summary, there have been several recent NTSB investigations of accidents involving roadway worker fatalities. The NTSB believes that all rail transit systems are at risk for roadway fatalities.\textsuperscript{10} Rail transit is not regulated by the FRA and will not be governed by any pending FRA rulemaking.\textsuperscript{11} Washington Metropolitan Area Transit Authority Hi-Rail Maintenance Vehicle Strikes Two Wayside Workers Near the Rockville Station January 26, 2010, Railroad Accident Report RAR-12-04 (Washington, DC: National Transportation Safety Board, 2012).\textsuperscript{12} The recommendation letter, dated June 1, 2012, is available on the NTSB website at http://www.ntsb.gov.
worker fatalities and serious injuries and urges the FTA to issue a directive requiring a redundant protection mechanism, such as PTC or shunting, to provide protection for these workers. Further, the NTSB believes that the FTA should examine current rules and procedures in practice at all rail transit properties to verify there is adequate protection for roadway workers.

Therefore, based on the findings of previous investigations and preliminary findings from this investigation, the National Transportation Safety Board makes the following safety recommendations to the Federal Transit Administration:

Issue a directive to all transit properties requiring redundant protection for roadway workers, such as positive train control, secondary warning devices, or shunting. (R-13-39) (Urgent)

Issue a directive to require all transit properties to review their wayside worker rules and procedures and revise them as necessary to eliminate any authorization that depends solely on the roadway worker to provide protection from trains and moving equipment. (R-13-40) (Urgent)

At this time, the NTSB has not yet determined the probable cause of this accident. Nonetheless, the NTSB has identified the safety issues described above, which need to be addressed to prevent further accidents on the BART or other rail transit systems.

Chairman HERSMAN, Vice Chairman HART, and MEMBERS SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 30 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the Safety Recommendation by number. We encourage you to submit your response electronically to correspondence@ntsb.gov. If your response exceeds 10 megabytes, including attachments, please e-mail us at the same address for instructions. Please do not submit both an electronic copy and a hard copy of the same response.

By: