



UNIFIED SYSTEM DIVISION
NEWSLETTER
VOLUME 27 - October, November , December, 2015
Right to Work....code words for busting unions.



BARGAINING UPDATE
National Bargaining a Slow Moving Train

October 8, 2015

The BMWED/SMART-Mechanical bargaining coalition met with the National Carriers' Conference Committee (NCCC) on October 8, 2015 at the NCCC's offices in Crystal City, Virginia. The parties met to continue national handling of the coalition's wages, benefits, and rules notices. The meeting agenda was to include a presentation of a research project that was to be conducted by the working group which is comprised of two labor and two management representatives. The group was unable to present the information as planned due to the vendors (insurance providers) failing to cooperate with the group in providing necessary documentation for the parties research. The Organization's made their displeasure for the lack of cooperation and participation by the vendors. Expressing to the Carrier's that it is clear that the vendors have forgotten we are the customers and have become quite content with the way the system is operated and have no interest in making changes that might benefit the customers. The NCCC did agree with the assessment but made no commitment to put joint pressure on the vendors to cooperate in the anticipated study. The BMWED/SMART-Mechanical bargaining coalition and the NCCC have set the next bargaining meeting for January 27 and January 28, 2016 at which time the parties will continue to discuss alternatives for healthcare savings.



May this Joyous Season bring you Peace, Happiness and Good Health throughout the coming year. Best Wishes from your Officers and Staff of the Unified System Division.



Labor is the United States. The men and women, who with their minds, their hearts and hands, create the wealth that is shared in this country -- they are America." — President Dwight Eisenhower...

UNIFIED SYSTEM DIVISION NEWS

Things You Should Know

VACATION QUALIFYING DAYS

Any day in which you perform service for the Carrier, days paid, but not worked (such as being rested for Driving Hours of Service restrictions) and a limited number of days that you were off work due to your own illness or injury can be counted! Vacation days and Holidays DO NOT count as qualifying days for Vacation; however, Vacation days do count for qualifying days for Holiday pay.

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Scheduling Your Vacation

If you have not yet been asked to fill out a vacation schedule for 2016, you most likely will be. Vacations are to be granted on a seniority basis according to schedules approved at the first of the year and with consideration to the service needs of the Company. You should fill out your schedule with the intent that you will observe your vacation as scheduled. Keep in mind that the Agreement allows you to break up one week during the year to be observed similar to personal days. Like personal days, these individual vacation days must be approved, forty-eight (48) hours in advance by the appropriate officer of the Company. Be sure to get a copy of your schedule and when you change gangs, show your new supervisor your schedule. If you are asked to defer your vacation, you should reschedule your time and seek the supervisor's approval. Your copy of the schedule is one way we can help insure you are allowed to observe vacation when you choose. If you are abolished or furloughed, the Agreement says, prior to your release, you may request to observe your vacation instead of exercising seniority. This seldom happens because the old manager does not want to carry the cost. We can help if we know about it when it happens. If you should request your vacation in lieu of, you will not be paid until after the first of the New Year. If you should be granted vacation after an assignment, you will be expected to observe those days prior to returning to work.

NATIONAL VACATION AGREEMENT IN PART STATES:

Section 4. (a) Vacations may be taken from January 1st to December 31st and due regard consistent with requirements of service shall be given to the desires and preferences of the employees in seniority order when fixing the dates for their vacations. The local committee of each organization signatory hereto and the representatives of the carrier will cooperate in assigning vacation dates. **(b)** The Management may upon reasonable notice (of thirty (30) days or more, if possible, but in no event less than fifteen (15) days) require all or any number of employees in any plant, operation, or facility, who are entitled to vacations to take vacations at the same time. The local committee of each organization affected signatory hereto and the proper representative of the carrier will cooperate in the assignment of remaining forces. **Section 5.** Each employee who is entitled to vacation shall take same at the time assigned, and, while it is intended that the vacation date designated will be adhered to so far as practicable, the management shall have the right to defer same provided the employee so affected is given as much advance notice as possible; not less than ten (10) days' notice shall be given except when emergency conditions prevent. If it becomes necessary to advance the designated date, at least thirty (30) days' notice will be given affected employee.

IMPORTANT REMINDERS

FEB 7 '65 QUESTIONS

It is noted that some members are not taking full advantage of any and all work opportunity in order to become an Article I Section I (regular) employee under the protective agreement. To become an Article I Section I (regular) employee you must have an eleven (11) day average in each month during the three (3) years prior to your tenth anniversary. Let's look at the history of an employee hired on June 1, 1996 and has his tenth anniversary on June 1, 2006.

Example:

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 2003 | 4 days | 9 days | 5 days | 16 days | 20 days | 21 days | 22 days | 20 days | 19 days | 20 days | 15 days | 0 days |
| 2004 | 20 days | 18 days | 20 days | 20 days | 20 days | 22 days | 20 days | 19 days | 20 days | 12 days | 15 days | 15 days |
| 2005 | 12 days | 12 days | 20 days | 18 days | 20 days | 20 days | 21 days | 18 days | 0 days | 1 day | 6 days | 21 days |
| Av. Days | 12dayAv | 13dayAv | 15dayAv | 18dayAv | 20dayAv | 21dayAv | 21dayAv | 19dayAv | 13dayAv | 11dayAv | 12dayAv | 12dayAv |

As you can see in the above example, this employee DID average eleven (11) or more days in each of the calendar months during the three (3) year look back period, therefore he would become an Article I Section I (regular) protected employee on his tenth anniversary of June 1, 2006. As an Article I Section I protected employee he is guaranteed forty (40) hours per week at the position's rate of pay that he was working on June 1, 2006. If he was furloughed on June 1, 2006 his protected position would be that which he returns to on his first day back.

Some employees are or may become an Article I Section II (seasonal) employee. If in ANY of the twelve (12) calendar months in the three (3) year look back period an employee DID NOT have an eleven (11) day average and had at least one (1) day service in each of the years 1995, 1996 and 1997 they would be protected as an Article I Section II (seasonal) employee. Their protection would be equal to the number of days they worked during 1997.

You could be protected as either a seasonal or a regularly assigned employee provided you have at least ten years of service. In order to keep this protected status you must exercise your seniority to the fullest in most cases. If you have any questions call General Chairman Below at 1-530-622-7535 or National Division Vice President Scoville at 1-509 227-7295. If we do not have the answer, we will get the answers for you.

MEDICAL LEAVE OF ABSENCE

Members can be granted a Leave of Absence by the Carrier when they are unable to perform their duties due a personal injury or sickness and in some cases, other serious situations. The Leave of Absence Rules are Rule 25 in the UP/CBA, Rule 54 in the CNW/CBA, Rule 33 in the SPWL /CBA, Rule 25 in the DME/CBA and Rule 42 in the BRC/CBA. The Carrier cannot demand the member use or exhaust any vacation time while on a Leave of Absence. The Carrier can however demand a member use any or all remaining vacation he is eligible for the current year while covered under the Family Medical Leave Act.

MEDICAL PACKETS

Anyone going on a Medical Leave of Absence should contact Karen York for a Medical Packet. These packets have all the forms needed to protect your seniority, collect Railroad Retirement Sickness Benefits, Supplemental Sickness Benefits and notify United Health Care of your disability for extended insurance benefits. If someone you work with is injured or sick, call the Secretary/Treasurer's office and ask if a Medical Packet has been sent to them.

Call Karen at (800) 525-1833 EXT. 102

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Contacting Us

When calling one of your System Officers (or for that matter anyone) and reaching an answering machine or voice mail, please leave a message. We are frequently out of the office at hearings, conferences, meetings, etc. When leaving messages, please leave your full name, phone number and short message. Please repeat your phone number slowly even though you know we have it. We often access the messages from cell phones in busy and noisy places and it is not always easy to hear the message. Along with that we don't always have our phone books with us.

Your System Officers at a Glance

Brian J. Rumler

This quarters featured Officer is Vice Chairman at Large East Brian J. Rumler. Brian began his railroad career in 1998 on the Former Chicago & Northwestern property . Brother Rumler served in the capacities of Local Lodge Secretary/Treasurer, Lodge Local Chairman, and Joint Protective Board Member as a member of Local Lodge 0343 chartered in LeSueur, MN. Brian was elected as a full time System Officer in 2010 where he served as Region 2 Vice Chairman until being elected to Vice Chairman at Large East in October 2014 where he currently still serves the membership of the Unified System Division. Brian 's wife is a full time student pursuing a degree and works part time in the ministry at Church. Brian and his wife reside in Owatonna, MN where they are the parents of 2 children. A son who is 12 who is involved in swimming and football and a daughter who is 10 and involved in Hockey and traveling soccer.



THE UNION MAN'S BURDEN
Every Organized Worker Carries an Unorganized Worker "Strapped to His Back"

VERY IMPORTANT REMINDER

It is important for all members to keep the BMWED informed of contact information. Members should assure there address, phone, email, etc. is up to date with the BMWED as well as their respective employers. Both the Carriers and the Union alike send periodic mailings which are informational and necessary to protect your family and your well being.

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| Vice Chairman Tony Cardwell P. O. Box 4580 Bend Oregon 97707 O (541) 593-0334 F (541) 593-3120 Tcardwell@usdbmwed.org | Vice Chairman Andrew T. Murphy P. O. Box 201 Amherst, NE 68812 O (308) 238-0040 F (308) 238-0083 Amurphy@usdbmwed.org | Vice Chairman Mike Hallgren P. O. Box 402 Sandy, OR 97055 O (503) 482-0337 F (503) 482-0338 Mhallgren@usdbmwed.org | <div>Thomas Donahue "The only effective answer to organized greed is organized labor." Mother Jones "The next generation will not charge us for what we've done; they will charge and condemn us for what we have left undone" Ray Rogers "The most important resource of a union is its rank and file."</div> |
| Vice Chairman Jeff J. Rankin P. O. Box 733 Marshalltown, IA 50158 O (641) 753-9060 F (641) 753-9607 Jrankin@usdbmwed.org | Vice Chairman Renne Perez P. O. Box 1255 Gannon Dr. Hoffman Estates, IL 60169 O (847) 764-8995 F (847) 764-8996 Rperez@usdbmwed.org | Vice Chairman Ricardo C. Canchola P. O. Box 939 Elverta, CA 95626-0939 O (916) 419-7754 F (916) 419-2066 Rcanchola@usdbmwed.org | |
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