



**UNIFIED SYSTEM DIVISION
NEWSLETTER
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Right to Work...code words for busting unions.



BARGAINING UPDATE
Getting Ready For The Next Round

November 3, 2014

On November 3, 2014 the NCCC or National Carrier's Conference Committee, which is comprised of most of the Major Rail Corporations in the United States including Union Pacific Railroad, The Belt Railway Company of Chicago, Central California Traction Company and Portland Terminal Railroad Company served the BMWED with Section 6 Notice of their wishes for the upcoming round of Bargaining. As you can imagine the generosity of the most profitable businesses in America is no where to be found. While the Nations Railroads continue to prosper and set record profits quarter after quarter and year after year at the expense of you and your dedication to see that their business succeeds, they still have the gull to request that you, the working class of America, take concessions in Wages, Health & Welfare and other benefits to assure their continued growth and stock prices rise to staggering levels.

November 7, 2014

President Simpson Responded to the Carrier's Section 6 Notice on November 7, 2014 agreeing to waive initial conferences between the parties and begin scheduling dates and time to begin negotiations. Included in his response was the Section 6 Notice on behalf of the BMWED and its employees. The Organizations Section 6 Notice includes the wishes of the Organization and its Members in the upcoming round of National Bargaining. Those wishes entail percentage General Wage Increases, Productivity Bonuses, discussion of a Minimum National Rate of Pay, Health and Welfare changes that will enhance the value of the benefits without creating additional financial burdens on BMWED Members, increases to Travel Allowance as well as Lodging and Meal Allowances and the ability to obtain such, revise and improve existing Bereavement Leave rules and Vacation rules, and to address Subcontracting issues that continue to escalate out of control.

Your Role

Our wages, healthcare, working conditions and retirement are under constant attack. The very benefits that our predecessors worked so hard to bargain for are the same benefits that the Railroads now want to strip away. These are tumultuous times and it will take the collective effort of all of us to fight to keep what we have. While the railroad industry makes record profits those Railroad Barons expect you and I to take a cut in wages and benefits. We can not and will not sit idly by and watch that happen.

What can I do you ask? If you see a contractor performing your work don't accept it. Report it to your union officers as soon as it happens. Contracting out of our work has been an ongoing battle. It will not go away. With your help we can fight to keep what is ours but your union officers can't do it by themselves. It will take the efforts of all of us.

What else can I do to help spread the word? Sign up on our web site for our "Members Only" texts and emails. We will be sending out texts, emails and posting important information on our site that is for Members Only. The public can't get or see this information nor will you without signing up. Go to www.usdbmwed.org to register for access.

What is Right to Work? "Right-to-Work provides no 'rights' and 'no work'. ...its purpose is to destroy labor unions and the freedom of collective bargaining."

Martin Luther King Jr.

UNIFIED SYSTEM DIVISION CONVENTION NEWS

Planet Hollywood Resort Las Vegas, NV October 27-30-2014

The Unified System Division elects New System Officers to officially take office on January 1, 2015. The Unified System Division held their quadrennial convention at Planet Hollywood in Las Vegas, NV on October 28 and 29, 2014. Louis Below was reelected to General Chairman; Galen Owen was reelected to 1st Vice Chairman Secretary/Treasurer; Andrew Murphy, Brian Rumler, Jeff Rankin, Tony Cardwell and Ricardo Canchola were all reelected to Vice Chairman Positions as well as New Officers Region 1 Vice Chairman Mike Hallgren, Region 2 Vice Chairman Renee Perez, and Region 3 Vice Chairman Adam Allen. Elected to the Unified System Division Executive Board are Chairman All Steffen, Secretary Garry Purkey, Phillip Scott, David Swane, Lee Montgomery, Zach Anderson, Juan Tirado, Brett Brooks, and Jose Lara. The Joint Protective Board also voted to relocate the central office to Salt Lake City, UT by the 2018 Convention.

The Convention was attended by several guest from the National Division as well as other federations throughout the country. President Freddie Simpson address the convention body as the keynote speaker. President Simpson discussed the wellbeing of the BMWED as well as where the Organization is headed in the future. He discussed the successes the Organization has had over the 127 year history as well as the challenges that face this Organization and the entire working class in America . He discussed the upcoming round of bargaining along with incite on the everyday battle that corporations and corrupt politicians bring against the Union movement. He expressed the importance of not only every member in the room but every member across the nation to engage themselves in Union functions and educate themselves about the political candidates and where they stand when it comes to supporting workers rights in this country along with the importance of standing in solidarity with your Union Brothers and Sisters to ensure that working people in this country get a fair wage and the benefits they deserve.

AGREEMENT BOOKS

It is a frequent problem that we continue to battle with the Company failing to provide employees with copy of the current Agreement Book. This is especially true for New Employees. If you do not have a copy of the Respective Collective Bargaining Agreement in which you work under you can obtain one from a company supervisor. Your Supervisor should have copies of the Agreement for distribution. If you have not yet received a New Agreement Book ask your supervisor for your copy . If your supervisor does not have them him they are a Store Item and can be obtained through the Company Store. Agreements can be ordered with the following Stock numbers: UP Agreement dated July 1, 2001 Stock # PB-90156; C&NW Agreement dated November 1, 2001 Stock # PB-90157; and the SP Agreement dated October 1, 1973 last revised December 31, 2003 Stock # PB-90170. It is the railroads agreement responsibility to provide a copy of the applicable agreement to all new employees and to all employees each time the agreement is changed. Every employee is entitled to one copy which is to be printed at the companies expense. We also have each Agreement available electronically under the Contracts Tab at or website www.usdbmwed.org

WWW.USDBMWED.ORG

Are you familiar with the website provided for your utilization and knowledge? The Unified System Division has a website for members to access as much pertinent information as possible . The site provides items such as agreements, pay rates, benefit information, contract negotiation updates, and a number of links which benefit the members of the Unified System Division. If you have not discovered this wealth of information that is provided for your benefit, visit today at www.usdbmwed.org and start exploring. The information is for you and available at your finger tips.

IMPORTANT REMINDERS

Seniority Rosters

Seniority Roster are being distributed and it is your responsibility to assure your Seniority Placement is correct and the dates are accurate.

UPRR – Each employee should be sent a Letter regarding Seniority in January of each calendar year. Each employee should review this letter as well as the newly posted roster to ensure his or her Seniority dates are accurate and their place on each respective roster are correct.

Employees must protest under the UPRR CBA before March 31st of the Calendar Year.

Employees must Protest within ninety (90) Calendar days of the date of distribution under the Former CN&W CBA.

Employees must protest within sixty (60) calendar days from distribution under the Former SP CBA.

DM&E - Rosters will be posted in January of each calendar year in a place where all employees will have access. Employees will have thirty (30) calendar days to protest any inaccuracies in the posted roster. Employees my only challenge inaccuracies for the previous calendar year.

If you should have questions regarding Seniority Rosters or Protest Process for your particular Agreement please contact one of your system officers.

WHAT DOES MY UNION DO FOR ME?

Becoming Union Strong

Brothers and Sisters it is you that can make a difference but not by sitting idle and doing nothing to help the cause. The only way this Union or any Union becomes strong and remains strong is when its' membership is engaged in bettering the lives of each and every Brother and Sister out there. It takes each and everyone of you as well as the leadership to develop a strong Union bond and build a fraternity that cannot be touched. No captain can sail his ship alone. The greatest coach in the world will not win a game without an outstanding team around him. No Five Star General has ever attempted to go into battle alone for he knew the outcome would only be his demise, although that same General, surrounded by the best trained soldiers in the world, would take on anyone because he hath known that each and every one of the men were trained to stand their ground, hold their own and lean on each other until the battle was won. This Union is no different. Everyone has a role just like on that championship team or the boat led by the fearless captain or a group of men who serve their country going into battle side by side knowing that their lives are on the line but knowing that they are surrounded by a Band of Brothers and Sisters who will give anything to win the battle. For what you reason you wonder? For the answer to that is simple at the end of the day. The pain and pride of winning are greater than the consequences of failing. For the membership of this Great Fraternity this is no different. We must stand in solidarity each and every day for the good of all. While it must be known as it was for our founding fathers, this battle will never end for it will go on forever. We must stand tall together and fight this fight together to ensure that those who came before us are honored that we have preserved what they worked so hard to build and to ensure that those who precede us will continue to have the opportunities to enjoy what we leave behind. For this will not come easy nor will it come free. Rest assured it will take each and everyone of us to join in the battle if we are to maintain our well being and build for the future of this Great Nation which once stood so proud. The question my Brothers and Sisters is not what does my Union do for me but what have we done to improve our Union?

LABOR UNION: *an Organization formed for the purpose of advancing its members' interest in respects to wages, benefits and working conditions.*

RAILROAD RETIREMENT BOARD INFORMATION

Railroad Unemployment and Sickness Benefits To Increase Due to Adjustment in Sequestration Rate

Beginning October 1, 2014, the U.S. Railroad Retirement Board (RRB) will reduce railroad unemployment and sickness insurance benefits by 7.3 percent, up from the current 7.2 percent reduction, as required by law.

The adjusted reduction amount is based on revised projections of benefit claims and payments under the Railroad Unemployment Insurance Act. It will remain in effect through September 30, 2015, the end of the fiscal year. Reductions in future fiscal years, should they occur, will be calculated based on applicable law.

The daily benefit rate is \$70, so the 7.3 percent reduction in railroad unemployment and sickness benefits will reduce the maximum amount payable in a 2-week period with 10 days of unemployment from \$700.00 to \$648.90.

Certain railroad sickness benefits are also subject to regular tier I railroad retirement taxes, resulting in a further reduction of 7.65 percent. Applying the 7.3 percent reduction to these sickness benefits will result in a maximum 2-week total of \$599.26.

These reductions are required under the Budget Control Act of 2011 and a subsequent sequestration order to implement the mandated cuts. The law exempts social security benefits, as well as railroad retirement, survivor, and disability benefits paid by the RRB, from sequestration.

When sequestration first took effect in March 2013, railroad unemployment and sickness benefits were subject to a 9.2 percent reduction. This amount was then adjusted to 7.2 percent in October 2013, as required by law.

In fiscal year 2013, the RRB paid more than \$11.7 billion in retirement and survivor benefits to about 592,000 beneficiaries, and net unemployment-sickness benefits of \$90.7 million to more than 26,000 claimants.

New Benefit Year for Railroad Unemployment and Sickness Benefits

A new benefit year under the Railroad Unemployment Insurance Act begins July 1, 2014. The maximum daily benefit rate payable for claims under this Act increases to \$70 in the new benefit year. Benefits are normally paid for the number of days of unemployment or sickness over four in 14-day registration periods, so maximum benefits for biweekly claims would total \$700.

However, as a result of a sequestration order under the Budget Control Act of 2011, the U.S. Railroad Retirement Board (RRB) will reduce unemployment and sickness benefits by 7.2 percent through September 30, 2014. Future reductions, should they occur, will be calculated based on applicable law.

How do employees qualify for RRB benefits?

To qualify for normal railroad unemployment or sickness benefits in the benefit year beginning July 1, 2014, an employee must have had railroad earnings of at least \$3,512.50 in calendar year 2013, counting no more than \$1,405 for any month. Those who were first employed in the rail industry in 2013 must also have at least five months of creditable railroad service in that year.

Under certain conditions, employees with at least 10 years of service who do not qualify in the new benefit year on the basis of their 2013 earnings may still be able to receive benefits after June 30, 2014. For example, such employees who received normal benefits in the benefit year ending June 30, 2014, might still be eligible for extended benefits. In addition, 10-year employees may be eligible for accelerated benefits if they have rail earnings of at least \$3,600 in 2014, not counting earnings of more than \$1,440 a month.

How does a person apply for, as well as claim, unemployment benefits?

Claimants can file their applications for unemployment benefits by mail or online.

To apply by mail, claimants must obtain an application from their labor organization, employer, local RRB office or the agency's website at www.rrb.gov. The completed application should be mailed to the local RRB office as soon as possible and, in any case, must be filed within 30 days of the date on which the claimant became unemployed or the first day for which he or she wishes to claim benefits. Benefits may be lost if the application is filed late.

NIGHT WORK A REALITY FOR BMWED

With the continued increase in freight train traffic across the United States it has become an increasing reality that America's Railroads have made the decision that they are going to utilize BMWED work groups at night. While this is a major safety concern for the leadership of the Unified System Division, it also has been a difficult battle to fight. The Unified System Division has taken countless measures to apply pressure to the rail carriers, many avenues have left us short of the goal to end non-emergency night work once and for all. Rest assured that we will continue to insist that if the rail barons are going to put dollars before lives and put the lives of BMWED employees at an increased risk for injury, we will continue to take any and all measures to continue improvement in the hazards of night work such as lighting, extra marking for unforeseen risk, and fatigue issues for BMWED employees. If you are working on a gang that continues to ignore specific safety issues please reach out to a USD System Officer so we can address the issue with railroad management promptly.

ENFORCEMENT OF 213.7 QUALIFICATION

The 213.7 qualification is nothing new and has been a requirement for many years now. The fact is, UPRR has failed to maintain the appropriate records as required by FRA and hold their management team responsible for maintaining such records and now has implemented a process to do so at the expense of BMWED employees and their seniority. In mid November the UPRR issued the following advisory:

Engineering and NPS are automating the FRA 213.7 qualification process in iTrak to ensure that only those employees who are qualified under FRA 213.7 track safety standards are assigned to positions requiring that qualification. Under this FRA regulation, employees who:

- supervise restorations and renewals of track under traffic (213.7a)*
- inspect track for defects (213.7b)*
- inspect or supervise installation, adjustment or maintenance of CWR (213.7c) or*
- pass trains over broken rails and pull-aparts and are not qualified on 213.7A – signalmen (213.7d)*

must be qualified and have that qualification documented in order to perform any of those task. The 213.7 qualification has been attached to each position that carries those responsibilities such as track/bridge inspectors, foremen, asst foremen, welders, tamper operators, and signal maintainers for the purpose of assignment. If an employee has held any of these 213.7 required positions in the past but is currently working a position that does not require this qualification, it will be necessary for that employee to check his/her qualifications in iTrak. If you do not show a 213.7 qualified in iTrak then you are NOT qualified according to UPRR standards and should contact your manager to complete the process.

If the employee is not 213.7 qualified, he/she must be qualified by their manager if they plan on bidding or displacing onto one of these positions in the future.

To get qualified, a track or bridge employee with at least one year of track maintenance experience must demonstrate to the manager that he/she knows and understands the FRA track standards, can detect deviations from those requirements and can prescribe the appropriate remedial action to protect those defects. Also, if the employee has not taken FRA Track Standards training (ESTSE) within the last 3 years, he/she must complete that training in addition to the annual Track Buckling Training (ES45 or ES45E) before the manager can qualify him/her.

If management is uncooperative in this process, please contact your Unified System Division System Officer for assistance with the matter.

This is an ongoing battle that we will continue to address. This Organization will take any and all measures necessary to assure that the employees represented by the BMWED are given a fair chance to complete the qualification process as set forth by UPRR. We believe this is clearly an attempt by UPRR management to circumvent the seniority system. Ultimately UPRR management is the one who has failed to be held accountable in this situation and without such management being held accountable for their actions this battle will not be going away anytime soon.

VERY IMPORTANT REMINDER

Recently some UPRR employees have forfeited their seniority in the classification because they bid down in class from their assignment prior to the passing of 90 calendar days of their assignment to that position. It is extremely important that you acquaint yourself with and understand Rule 22 of the UPRR\BMWED Agreement. This is especially important if you are working on a Consolidated System Gang pursuant to Appendix T of that agreement. Please review the rule, as well as the entire agreement. Your job is at risk if you do not know your agreement.

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