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Quarterly Newsletter
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NATIONAL DIVISION CONVENTION

June 21-23, 2010

2010 brings Second Regular National Division Convention to Las Vegas

Delegates from around the country will gather in June at Las Vegas, NV to participate in the Second Regular ND Convention. In accordance with the ND bylaws, the call has gone out through mailings to local lodge officers and was published in the last BMWED Journal. The business of the convention body will be to elect officers for the next term, discuss issues facing the Brotherhood, both internally and with the Carriers, along with considered bylaw changes submitted to committees and/or brought to the convention body during session. This is your opportunity to participate in the processes that control our Organizational structure as well as review of our constitution and bylaws and make desired changes for the betterment of the Brotherhood. Every BMWED member should make an effort to participate in his or her local meetings to elect their local delegate to the convention, as well as discuss any desired bylaw proposals that might be generated at the Local Lodge level. Delegate elections at the local level will take place in the next meeting after January 1, 2010 and you should watch for your Local's meeting call.

Any proposed changes to the constitution and bylaws must be submitted to the Bylaws Committee for review by March 30. This also allows those proposals to be published in the Journal and reviewed by the membership at least thirty days prior to convention. Those proposals that do not get published or those that may be brought up on the convention floor will require an approval of three-fourths of the delegates present. **Resolutions** do not necessarily need to be printed in the BMWED Journal prior to convention. However it is encouraged to submit them in advance so they may be considered by the Resolution Committee. Submission of both bylaw amendments and resolutions should be mailed to National Division President Freddie Simpson at 20300 Civic Plaza Dr, Ste 320, Southfield, MI 48076-4169.

SENIORITY ROSTERS & Qualifications

Seniority Rosters will be circulated during the month of January 2010 and each one of you should receive a letter from NPS advising of your seniority date in each group and class in which you hold seniority, your service date on record and your Machine Operator Qualifications. Your Supervisors and Local Chairman will have a copy of the seniority rosters. The Rosters will also be posted on our Website at www.usdbmwed.org and on the UPRR Employee Website when available. You should request to review the Rosters to insure all facts are correct. If you find an error, you need to submit your protest directly to NPS at the following address with a copy to the General Chairman's Office:

Manager NPS
Union Pacific Railroad
1400 Douglas Street PNG 06
Omaha, Nebraska 68179

Only changes from the previous seniority roster may be protested. Make sure you keep a copy of your protest and send a copy to the General Chairman's office. Please review the rosters at your first opportunity.

If a Machine Qualification is missing speak with your Supervisor and see if you can get it corrected. If the Supervisor fails to correct the problem contact a System Officer for assistance.

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On October 16, 2009 the UPRR and BMWED General Chairmen reached an understanding on the Machine Operator Qualification Data Base. This understanding can be found on the Agreement page of the Unified System Division Website along with a Training Request Form. The Training Request Form has also been reproduced and is on the following page.

<http://www.usdbmwed.org/Agreements.html>

Engineering Department Employee Training Request

Name _____ Employee ID _____

Address _____ Telephone _____

_____ Current Job _____

Please accept my request for training on/for _____

My seniority dates are as follows:

Class	Date	Class	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Positions I am currently qualified to hold:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

My reason for requesting training on this position:

I understand that being accepted for training does not guarantee qualification. Qualification may only be made by the appropriate supervisors. Assignments will be made in accordance with applicable Collective Bargaining Agreements.

Employee's Signature _____ Date _____

Supervisor's Initials _____ Date _____

Return completed form to your immediate Supervisor!
Have your Supervisor Initial and Date This Form
BE SURE TO RETAIN A SIGNED AND INITIALED COPY

Scheduling Your Vacation

If you have not yet been asked to fill out a vacation schedule for 2010, 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.

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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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.

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MEDICAL PACKETS

Anyone going on a Medical Leave of Absence should contact Harriet 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 Harriet at (815) 626-6636

BARGAINING ROUND TO BEGIN

As many of you know the bargaining round is just beginning. The Carrier's and the BMWED have served their Section 6 Notices. These notices can be read and/or printed by going to the Unified System Division's website www.usdbmwed.org , clicking on Current News and then clicking on the appropriate Section 6 Notice. Nobody can predict at this time how long this round will go. The entire process is governed by the Federal Railway Labor Act and can take anywhere from months to years from start to finish. The first meeting has been scheduled for January 13, 2010 in Washington, D.C. The BMWED is again part of a Rail Labor Bargaining Coalition.

Have You Seen Any Contractors??

If the answer to the above question is yes who did you inform?

Did you write down all the information you could gather and send it to a System Officer?

Did you note Who the Contractor was, What the Contractor was doing, the Date, the Time, the Location, how many Contractor employees were working, make a list of all Equipment and Vehicles the Contractor was using?

Did you take pictures to send along with the above information?

Did you make a list of similar Equipment and Vehicles that the Carrier has and the location of them?

Did you make a list of the BMWED members that could have done the work?

Did you coordinate your efforts on getting all of the above information with your fellow workers both within the BMWED and those from other Crafts?

Did you do this in a timely manner so that it is well within the time limits as outlined in the Agreements for filing a claim?

There have been far too many abolishments this fall and we need every job that the Carrier's are giving away to the Contractors, but it's up to you to help us fight for those jobs by providing the above information on every Contractor you see on the property doing your work!

Support the Claims Process

The officers of the Unified System Division file claims daily for members who are wronged by the Carrier. Filing that claim is only the beginning of the process. Rule 49 of the UP Agreement and Rule 21 of the CNW Agreement provide for setting time limits for each step in the process. The Organization has sixty (60) days to file a claim or grievance based upon the date of the violation. Note: All claims and grievances must be submitted in writing to the Carrier within sixty (60) days from the date of occurrence. Submit the claim form to the appropriate System Officer at the earliest possible time to insure the time limits are met. Once a claim is filed with the designated Carrier officer the Carrier has sixty (60) days to respond to that claim. If the Organization does not agree with the initial decision of that officer, we can file an appeal within sixty (60) days of receiving the decision. The Carrier then has sixty (60) days to deny or agree with the claim's appeal. If denied the claim may be scheduled for a one on one conference with a Labor Relations Officer. We are continually seeking information to add to and perfect the claim up to the time of conference.

It is common for the Carrier to plead ignorance in a violation or provide a statement from a manager that conflicts with the facts. Often, we receive no written backup correspondence concerning the matter at hand and, our requests for written information go unanswered. This leaves us to argue the Carrier's decision based on incomplete information or information directly counter to what the Carrier says is fact. We progress the claims and we carry the burden of proving our case. The railroad is under no obligation to perfect our complaint. Labor Relations likes to use the phrase "your saying it is so, does not make it so." Without written statements, our words within the claim and subsequent correspondence are just words.

If you file a claim or are asked to provide information concerning a violation of our Agreement, it is extremely important that you respond in writing to that request. A personal statement of the facts that is written will carry as much weight as a manager's lotus note that may be contrary to what actually happened. Further, if the Carrier plays ignorant to the facts surrounding a violation, your written statement confirms the facts that we included in the original claim and forces the Carrier to investigate further. **Our claims often fail because the complaining member does not bother to respond in writing in support of his or her claim.** This leaves the arguments of the Carrier as the only evidence of the facts. Please take the time to support your claim and if you are asked to support someone else in writing, it is only right that you help.

CLAIM FORMS AVAILABLE ON FORMS PAGE AT

www.usdbmwed.org

Health and Welfare Programs

The National Health and Welfare Plan offers Wellness programs!

For phone numbers and/or websites to get further information on the Wellness Programs or other benefits go to the Current News page of the Unified System Division's Website; <http://www.usdbmwed.org/page04.html>

You will also find information from the UPRR on the H1N1 Swine Flew in the way of FAQ's.

2010 H & W Premium Rates Set ***Cost sharing will increase for 2010***

The Cooperating Rail Labor Organizations (CRLO) and the National Railway Labor Conference (NRLC) met in 2009 with representatives of United Healthcare to set the monthly "premium" payments for the various health and welfare benefits provided to freight railroad employees subject to existing national agreements, including the National Freight Agreement which became effective on July 1, 2007.

The CRLO and NRLC have met annually since Presidential Emergency Board No. 219 imposed substantial changes to the National Health & Welfare Plan. The parties review proposed "premiums" set by the Plan's Administrator, United Healthcare, and after careful and thorough deliberation and analysis the parties adopt a final monthly "premium" cost designed to meet all expected claims during the next calendar year.

As a result of the 2009 meeting, the 2010 monthly cost share will be \$200.

DEATH BENEFICIARY-MET LIFE

Do you know who your beneficiary is? Many of our members signed a beneficiary form for life insurance when their employment began several years ago. Changes come about due to deaths, marriage, divorce, and birth of dependents. If you are unsure who your beneficiary is for this policy, you can obtain a change of beneficiary form by calling Met Life at the toll free number 1-800-310-7770 and listening to the prompts.

This Plan provides minimal life insurance of:

\$20,000 per active employee, an additional \$16,000 if accidental and \$2,000 per retired or disability annuity employees.

Furloughed employees are covered for life insurance for 1 month following the month you last rendered service or received vacation pay and 4 months for Accidental Death & Dismemberment benefits. Coverage for certain accidental loss of limb or vision is also provided for in this policy.

FEB 7 '65 QUESTIONS

If you have ten years of service, you may be protected at the rate of pay for the position that you were working on September 26, 1996. 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 Morrow at 1-307-787-7058, 1st Vice Chairman S/T Bushman at 1-815-626-6636 or National Division Vice President Tanner at 1-307-782-7775. If we do not have the answer, we will get the answers for you.

Things to Know About Furlough

This time of year always means force reductions as the projects wind down and budgets dwindle. If you find yourself furloughed as a result of the Carrier cuts, you should make certain that NPS has your current mailing address and phone contact numbers. Also be sure to contact 1st Vice Chairman S/T Bushman's Office and request an unemployment card. They will need to know your last day of work and current address. This will keep you as a member in good standing for Brotherhood business for 12 months as long as your dues were paid up when furloughed. Keep in mind that while BMWED members are not obligated to pay dues during times of unemployment, failure to pay monthly dues will interrupt your good standing under IBT bylaws. You will not be allowed to nominate and/or vote in elections without one (1) month or be nominated and/or elected until you have twenty four (24) months of continuous dues payments.

If you have ten (10) or more years service you may be entitled to Employee Protective Benefits under the Feb. 7 '65 Agreement as Amended. For questions concerning Protective Benefits call General Chairman Morrow (307) 787-7058 or Vice President Tanner (307) 782-7775.

Where it applies, the Railroad Retirement Board allows for furloughed (unemployed) rail workers to apply for unemployment benefits over the internet. Go to www.RRB.gov and follow the links to the unemployment application and instructions. This application must be filed within 30 days of the first day for which you wish to claim benefits. You may lose benefits if your application is filed late. Keep in mind that there is a seven day waiting period and no benefits are payable during those first seven days. You should file for unemployment for any period of 5, 6 or 7 days of unemployment, even though benefits may not be payable, this will satisfy your waiting period. After the waiting period, benefits are payable for ten days in any fourteen day period of unemployment. The current maximum unemployment level is \$64 per day for the benefit year beginning July 2009 and \$66 per day beginning July 2010.

Your health and welfare benefits will carry for four full months beyond the month you last worked. In most cases, this will carry you through the period of unemployment. In any event, you should receive a letter from your plan administrator advising of cobra options prior to any suspension of coverage.

If you are available and desire to work extra, you must make that availability known to any local supervisors and NPS. We often have complaints from senior employees when they find out junior people are working extra. It is your responsibility to make your availability known so that management can contact you when there is a need. Also, keep the System notified of any change of addresses, phone numbers or Email addresses for the records. We need that information to contact you for Brotherhood business.

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 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.

FAMILY MEDICAL LEAVE ACT

The Family Leave Act is a Federal Law signed by President Clinton on February 5, 1993. A short overview of this law is:

An Employer with 50 or more employees must grant an eligible employee up to a total of 12 workweeks *of unpaid leave* during any 12-month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; **or**
- to take medical leave when the employee is unable to work because of a serious health condition.

An addition to this law was amended in 2008 to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

To be eligible, an employee must have worked for the company at least 12 months and 1,250 hours in the preceding 12 months.