

Mr. Kent L. Bushman
1st Vice Chairman S/T
28151 Buena Vista Dr.
Rock Falls, IL 61071-9332

BMWED
AN INJURY TO ONE
IS AN INJURY TO ALL

First Class Pre Sort
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Quarterly Newsletter
Volume 14
April 2010

OPERATION REDBLOCK **EMPLOYEE ASSISTANCE PROGRAM** **AND** **THE BMWED AGREEMENT**

Operation Redblock is an employee-owned alcohol and drug abuse prevention and intervention program. The basic premise of ORB is that employees can self-refer for assessment to help prevent violation of Union Pacific drug and alcohol policies. ORB provides preventive education as well as referral to the Employee Assistance Program. As a result of a 2009 agreement between the BMWED and Union Pacific, a BMWED employee who works with the EAP on a voluntarily basis and is placed on a medical leave of absence for substance abuse treatment is eligible for a one time opportunity for a financial incentive. The incentive provides additional payment over and above any supplemental sickness from the Railroad Retirement Board and Aetna for up to 90 calendar days.

Joey Smith, the Operation Redblock Coordinator, shares the following story of how ORB and EAP work together to assist employees.

In January, 2010 I received a call for a Supervisor about an employee who had contacted him asking for help with an alcohol abuse problem. We contacted the National Employee Assistance Help Line (1-800-779-1212) for assistance. As luck would have it; the track gang was working in an area adjacent to an EAP (Employee Assistance Program) manager's office. The supervisor drove the employee to the EAP manager's office and walked in; at that very moment the EAP manager was receiving the last details about the employee from the help line.

Operation Redblock cont.

In a collaborated effort between myself, the EAP manager, treatment facility, and Supervisor the employee was professionally evaluated and arrangements were made for transportation to a treatment facility. From receiving the supervisor's call, to the employee being on his way to receiving the help he needed, was all within a two hour time frame. Not all situations transpire as smoothly as this one, but if we combine our efforts to help our employees, they can.

I would like all engineering services employees to know that ORB has many resources to draw from and I believe by working together with the Employee Assistance Program we can make a difference.

ORB and EAP work hand in hand to increase voluntary acceptance of support, prevention of rule violations and promotion of workplace safety. The BMWED agreement recognizes and rewards the critical importance of this effort.

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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

**Brotherhood of Maintenance of Way Employes Division
of the
International Brotherhood of Teamsters**



For Immediate Release
March 12, 2010

BMWED SYSTEM FEDERATIONS ANNOUNCE MERGER

Lyman, WY – The Executive Boards of the Unified System Division and the Pacific Federation, both divisions of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters, finalized a merger between the two federations. The newly created federation will retain the name, Unified System Division.

The Unified System Division will now represent well over 5,000 members of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters and will continue to maintain office(s) in Lyman, WY. Wayne Morrow will continue to head the Unified System Division as General Chairman and offered, “This is a testament to the commitment to our membership of all those involved in making this merger happen. The action taken today increases our strength and unity, the two main ingredients needed for an effective and viable union.”

Former Pacific Federation General Chairman Louis Below was instrumental in helping construct a smooth merger process and will remain with the newly merged division as a Vice Chairman. Assistant Chairman/Secretary-Treasurer Ricardo Canchola will also serve as a Vice Chairman with the Unified System Division.

The Unified System Division represents members employed at various railroads and Nortrak. The newly merged System has Lodges in 19 states that stretch from Illinois on the East to California and Washington on the West.

“I would like to extend my congratulations to the officers and members of both the Unified System Division and the former Pacific Federation,” said BMWED National Division President Freddie Simpson. “The leadership on both sides of this merger have illustrated that once again their focus and concern is limited to what's best for the BMWED membership.”

Merger Benefits

Accomplishes Resolution Number 2 of the Pacific Federation 2006 Quadrennial Convention.

ND Convention Delegate Lodging and Meals paid by System allowing for better Lodge representation at the Convention.

Merging of Convention Funds to facilitate full representation of all Lodges at ND and System Conventions.

Unified representation under UP Consolidated System Gang Agreement.

Dues standardized across the Unified System Division for members working on the UPRR.

Lodges and representation remains the same with ten (10) System Officers for assistance.

Sixty Four (64) lodges in the System for better chance of attending a meeting while working away from home.

In March 2009 the Unified System Division had all LC, ST and if both positions held by same member the President of each Lodge attend a week long educational with all expenses and wages paid by System.

2009 Average membership in the Unified System Division and Pacific Federation combined was over 5,000.

There are only three hundred (300) members left on the North side of the UPRR (Consolidated System Gang territory) not represented by the Unified System Division.

This merger will allow for consolidation of some duties and allow for better representation of membership.

Provides increased financial stability for all members involved.

*******WARNING*******

Unauthorized personal use of Cell Phones for calls and/or texting, while on duty, could subject you to discipline!

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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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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>



UNITED STATES OF AMERICA
RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092

MAR 1 5 2010

V. M. SPEAKMAN, JR.
LABOR MEMBER

OFFICE OF LABOR MEMBER

Mr. Freddie Simpson
President
Brotherhood of Maintenance of
Way Employes
20300 Civic Center Drive, Suite 320
Southfield, MI 48076-4169

Dear Mr. Simpson:

As we previously discussed, I have asked the agency's Chief Actuary to estimate the financial impact of Mr. Friend's proposed changes to the Railroad Retirement Act on the Trust Fund.

Under either employment scenario (moderate and pessimistic), implementation of these proposals would hasten the depletion of the Trust Fund resulting in insolvency. There is no scenario where implementation of these proposals is economically viable, even when we project the costs while eliminating the cap on Tier 2 taxes. Moreover, the proposal to eliminate the cap on the Tier 2 tax will affect 27 percent of the workforce, essentially resulting in this group of workers subsidizing the proposed changes for those workers and family members affected by these proposals.

Enclosed are two sets of tables that document the impact through calendar year 2082.

ANALYSIS UNDER ASSUMPTION 2

The first set of tables uses the moderate employment assumption, also known as Assumption 2. Table 1 shows the progress of the Trust Fund with no changes. Table 2 shows the progress of the Trust Fund with the cap on taxable income removed and the tier 2 benefit cap unchanged. Table 3 shows the progress of the Trust Fund with the cap on taxable income removed and the cap on the tier 2 benefit removed.

Removing the cap on taxable income and leaving the tier 2 benefit cap in place will result in a negative Trust Fund balance in 2023 and will remain in a deficit until 2071. Removing the cap on both the taxable income and the tier 2 benefit amount will drive the Trust Fund into the red in 2020. By 2082, the end of the 75-year actuarial projection period, the Trust Fund will be in debt by \$789 billion. In each scenario, the maximum tier 2 tax rate will reach the maximum 27% in 2019.

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ANALYSIS UNDER ASSUMPTION 3

The second set of tables uses the pessimistic employment assumption, also known as Assumption 3 and reflects data in the same manner as the tables used for Assumption 2. We believe using Assumption 3 is the more realistic approach. Our experience with the 1980 tax increases demonstrated that tax increases resulted in greater unemployment which Assumption 3 reflects.

Removing the cap on taxable income and leaving the tier 2 benefit cap in place will result in a negative Trust Fund balance in 2018. By 2082, the Trust Fund will have a deficit of almost \$2.6 trillion. Removing the cap on both the taxable income and the tier 2 benefit amount will also result in a negative Trust Fund balance in 2018 but the deficit will be \$1.1 billion as compared to \$144 million if the tier 2 benefit cap remains in place. By 2082, the deficit will be nearly \$3.5 trillion. In each scenario, the maximum tier 2 tax rate will reach the maximum 27% in 2019.

It is clear that implementing these proposed changes would require significant tax increases and reduced benefits to offset the increased costs. Moreover, it is important to note that under current law the agency's Chief Actuary is required to report to Congress any Trust Fund shortfall and recommend proposed changes which could ultimately place the continued viability of the entire retirement system in jeopardy.

Given the interest in this issue expressed to us by other rail labor organizations, we intend to share this analysis with the other Rail Labor Chiefs.

Please let me know if you have any questions or need additional information.

Sincerely,


V. M. Speakman, Jr.

Labor Member

Enclosures

TO SEE THE PROJECTIONS GO TO
<http://usdbmwed.org>
CLICK ON THE CURRENT NEWS PAGE AND THEN CLICK ON
RAILROAD RETIREMENT BOARD PROJECTIONS

SENIORITY ROSTERS & Qualifications

Seniority Rosters should have been circulated during the month of January 2010 (as of today the UPRR has not supplied printed rosters to the BMWED) and each one of you should have received 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 should have a copy of the seniority rosters and you should ask to see them!** 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

HAS THE BARGAINING ROUND BEGUN????

Last report:

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.

New Report:

As of now there have been three sets of meetings held with the Carrier's in Washington, D.C. with the forth scheduled for the last week of April.

The first two meetings consisted of the Carrier's more or less repeating what they had said in their Section 6 notice. In summary crying the blues on poor business and an unknown future.

The third session was to focus on Health and Welfare and what we got was a Power Point presentation by the Carriers stating that YOUR BENEFITS ARE TOO GOOD, THE COST IS TOO HIGH AND YOU DON'T PAY A BIG ENOUGH SHARE. Of course this is nothing we haven't heard the Carriers say before.

Hopefully, before too long, the dance will end and the Bargaining will actually begin!

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.