

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

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Quarterly Newsletter
Volume 15
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UNIFIED SYSTEM DIVISION JOINT PROTECTIVE BOARD QUADRENNIAL CONVENTION

ARTICLE II – CONVENTIONS

JOINT PROTECTIVE BOARD MEETINGS

Section 1 (a) The quadrennial meeting of the Unified System Division Joint Protective Board shall convene in regular convention during the last full week in October in such city as may be determined by the System Officers and approved by the Executive Committee.

The convention will be held October 26, 27 & 28, 2010 at the Hilton Garden Inn, Old Town, Scottsdale, AZ.

This is a reminder that all members in Good Standing are welcome to attend the Quadrennial Convention at their own expense. You are also reminded that only Joint Protective Board members/delegates will have a voice and a vote on the convention floor during JPB Business. However all members will be allowed and encouraged to participate during the Educational days!

Please notify S/T Bushman's office if you plan on attending as a guest no later than October 1, 2010.

DEFERRED STARTING TIME & VACATION

Question: Is an employee entitled to the Deferred Starting Time that his Gang was paid while he was on Vacation?

Answer: **YES**

This question was answered by Neutral Sherwood Malamud in Third Division Award 40229 on December 21, 2009.

Actual Facts leading up to Claim:

Gang was working compressed halves;
Gang worked 1st to the 8th;
Gang observed Rest Days 9th to the 15th;
Gang moved 1509 miles and observed 16th to the 18th;
Gang worked 19th to the 21st at new work location;
Gang observed Holidays, Rest Days, & Holiday;
Gang worked 2nd to the 8th;
Due to a Gang Shutdown and Mandatory Vacation;
Employee took Vacation on 16th, 17th, 18th, 19th, 20th, 21st;
Employee observed four Holidays;
Employee took Vacation on the 2nd & 3rd;
Employee returned to work on the 4th.

Throughout this claim the Carrier argued the employee would be gaining three (3) days pay over others on the Gang.

The Organization argued the clear language of the Agreement which puts limits on how many miles an employee is required to move on any given day.

Neutral Malamud agreed with the Organization and Sustained the claim for three (3) days of Deferred Starting Time.

CLAIM AGAINST CONTRACTORS SUSTAINED

Arbitrator Brian Clauss in National Railroad Adjustment Board, Third Division, Award No. 40409 found as follows:

- 1) In 2005 claims were filed under the CNW/CBA due to the UPRR assigning outside forces (Contractor Godberson-Smith) to perform Maintenance of Way and Structures Department work (construct concrete box culverts under existing bridges and removing the bridges).
- 2) The Carrier served notice to the BMWED of an intent to subcontract the above mentioned work.
- 3) The Carrier argued the contractor employees performing the work were fully qualified and that the Carrier had customarily and traditionally utilized contractor's force to perform the type of work disputed in this case.
- 4) However, the BMWED listed the equipment and tools being used by the contractor, all of which are common tools and equipment in the immediate inventory of Claimants' crews.
- 5) The BMWED also stated and **supported with pictures and statements** that Claimants had historically performed this very same work as part of their regular bridge and culvert maintenance.
- 6) The UPRR stated "Claimants in this case do not possess sufficient fitness and ability to safely and efficiently perform the duties or operate the equipment in question". The BMWED requested the underlying reasoning for the statement and the UPRR was unable and failed to support the statement.
- 7) Neutral Clauss also found that the UPRR failed to show any of the exceptions that would have allowed them to contract out the work.
- 8) Neutral Clauss also found the UPRR argument of full employment lacking.

As a result of the above, Arbitrator Clauss sustained the claim and ordered the UPRR to compensate the Claimants for all hours worked by the Contractors.

The Importance of Filing Claims

As a union worker, you and your co-workers work under a contract, a signed agreement, penned by both your union leadership and the management of the carrier for which you work. You should have ready access to copies of all applicable agreements to refer to when you have a question or believe that you are being denied your rights under the contract.

In many cases, the employer fails to live up to and abide by the agreement. When this happens, it is up to each and every union member to file a claim for what is duly owed to you. Many times you will hear your co-workers say things like, “They will never pay it anyway”, or “I don’t have the time for that.” But it is imperative that we all take responsibility to hold the company’s feet to the fire. It is not just a personal choice – each time any one of us allows the company to willfully violate the contract and get away with it, we weaken our collective rights and our strength, and embolden the carrier to even further violate our agreements.

By reading over and studying your union contract you will have a much better sense of what you are entitled to, what your rights are, and how to play a role as a good member of the union, one who cares about yourself, your brothers and sisters, and your collective conditions of employment. Take the time to file claims when it appears that you have a case. It is one of your fundamental rights as a union member to do so. And seek help from more experienced union members. Talk to your local chairman and vice local chairs when you have questions as to the proper wording of the claim.

On many districts, there are a dozen or so common claims that you and your coworkers will regularly fill out. Learn what the most common claims are and how to properly word them and file them in a timely fashion. There can be others too, based upon rarely occurring company violations and based on more obscure language of the contract. Some of these, while not often seen, can be good claims with merit as well and may be paid as well. You will never know if you don’t file them!

In conclusion, read your agreements, have them readily available while at work, discuss the contract and violations with your co-workers, ask for advice and assistance from your co-workers, and file, file, file!!!!

The Importance of Participation in Your Union

The lifeblood of any union is its membership. Simply put, unions have power because they are, in effect, amalgamations of the collective strength of their membership. Each of us alone has very little power in the face of the overwhelming power of a Class One Fortune 500 rail corporation. But together through the union, we can defend our interests and win better wages, benefits and working conditions.

But this does not happen by magic. It does not happen simply because you pay your dues. It does not happen simply because you hold a union card. It does not happen because your leadership has superior intelligence or wisdom. The way we achieve power through the union is by membership participation and mobilization. There are countless ways that you can participate in the life of your union. Below are twelve ways to take part:

- 1) Read your union newsletter, journal, go to their websites and read other information received.
- 2) Check out the union's website regularly for updates of what is going on
- 3) Familiarize yourself with the union agreements – master contract, on-property agreement, and local agreements.
- 4) File claims in a timely manner when you are aware that the company has violated the contract.
- 5) Stay abreast of union issues at the local, general committee and international level.

- 6) To the extent possible, always maintain cordial and fraternal relations with your coworkers, your union brothers and sisters, and assist in building a workplace based on trust and solidarity.
- 7) Participate in union campaigns both formal and informal while at work on the job. Stick together and refuse to be picked off by management for short-sighted selfish ends. Think, talk and act UNION every day!
- 8) Attend your union meeting; get to know the leadership and players in the local. There is no better way to learn what is going on. There is no better place to voice your concerns and let your voice be heard.
- 9) Once eligible and knowledgeable of the issues, consider running for union office.
- 10) Participate in union trainings, educational forums and conferences.
- 11) Wear your union T-shirt, jacket, hat, button or other items to work and show your support for your union to both your co-workers and the company alike.
- 12) Mentor new employees and fellow union members, welcome them into the union and the workplace, and share your knowledge and wisdom that you have gained in your months/years as a railroader.

It can be intimidating at first to play an active role in your union. All too often local union leaders and “old heads” have a cynical and/or distrustful attitude toward new members. This bad attitude can even affect some of your coworkers who are not much “older” than you! But do not be deterred. You have every right, in fact, the obligation to participate in your union. Ultimately you will win the respect and acknowledgement of your fellow union members. Speak your piece quietly and firmly, stand up for what is right, stand up for your rights and the rights of your coworkers, refuse to be intimidated or bought off by the company, and you will find a warm and welcome place in the union.

SOLIDARITY!!!!!!



U.S. RAILROAD RETIREMENT BOARD
657 2 AVE N – ROOM 312
FARGO ND 58102-4727
(877) 772-5772 – 9:00am – 3:30pm (TOLL FREE)
(701) 239-5261- fax
<https://secure.rrb.gov/376.html> - secure email

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For Immediate Release
June 2010

Benefit Rate Increase for Railroad Unemployment and Sickness Benefits

The maximum daily benefit rate payable for claims under the Railroad Unemployment Insurance Act increases to \$66 from \$64 in the new benefit year, which begins July 1, 2010. 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 will total \$660.

During the first 14-day claim period in a benefit year, benefits are payable for each day of unemployment or sickness in excess of seven, rather than four, which, in effect, provides a one-week waiting period. Initial sickness claims must also begin with four consecutive days of sickness. However, only one waiting period is required during any period of continuing unemployment or sickness, even if that period continues into a subsequent benefit year. Claimants already on the rolls will, therefore, normally not be required to serve another waiting period because of the onset of the new benefit year.

To qualify for normal railroad unemployment or sickness benefits in the benefit year beginning July 1, 2010, an employee must have had railroad earnings of at least \$3,325 in calendar year 2009, not counting more than \$1,330 for any month. Those who were first employed in the rail industry in 2009 must also have at least five months of creditable railroad service in 2009.

Under certain conditions, employees who do not qualify in the new benefit year on the basis of their 2009 earnings may still be able to receive benefits after June 30, 2010. Employees who received normal benefits in the benefit year ending June 30, 2010, might still be eligible for

extended benefits, and ten-year employees may be eligible for accelerated benefits if they have rail earnings of at least \$3,325 in 2010, not counting earnings of more than \$1,330 a month.

Application forms for unemployment and sickness benefits may be obtained from railroad employers, railroad labor organizations, any Railroad Retirement Board (RRB) office, or the agency's web site at www.rrb.gov. Also, as an alternative to applying for unemployment benefits through the mail, unemployment claimants can instead file applications online. Likewise, subsequent biweekly claims for unemployment benefits may be filed online rather than through the mail and employees can also access information about their individual railroad unemployment insurance account statements online. These account statements provide a summary of the unemployment and sickness benefits paid under the Railroad Unemployment Insurance Act to rail employees.

To access these online services, employees must first establish an RRB Internet Services account. For security purposes, first-time users must apply for a Password Request Code, which they will receive by mail in about 10 business days. To do this, employees should click on "Benefit Online Services" and select "request a PRC." Once employees establish their online accounts, they will be able to file their applications and biweekly claims for unemployment benefits as well as conduct other business with the RRB over the Internet. Employees are encouraged to initiate an online account while still employed so the account is established if they ever need to use these or other select RRB Internet services. Employees who have already established online accounts do not need to do so again. Although claimants cannot currently file applications or biweekly claims for railroad sickness benefits over the Internet, the RRB is planning to add the online filing of sickness claims in the future.

Claimants with questions about unemployment or sickness benefits should contact an RRB office by calling toll free at 1-877-772-5772. Claimants can also find the address of the RRB office servicing

their area and get information about their claims and benefit payments by calling this toll-free number. Most RRB offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through

Friday, except on Federal holidays. Field office locations can also be found by visiting

www.rrb.gov

VICE CHAIRMAN WALDEIER RETIRES

Vice Chairman Stanley W. Waldeier retired on July 1, 2010 after Forty One (41) plus years of service to the Railroad and the Brotherhood. During his career Brother Waldeier worked many different positions on the Railroad including Foreman and BUC Operator. Brother Waldeier was first elected to a full time Brotherhood position in October 1978 serving as a Vice Chairman beginning January 1, 1979 of the former Chicago & North Western System Federation. During his career Brother Waldeier also was elected General Chairman, North West Regional Vice President and most recently Vice Chairman of the Unified System Division. Brother Waldeier's knowledge, hard work and personality will be missed by all.

We would like to take this opportunity to wish Brother Waldeier an enjoyable and long retirement!

VICE CHAIRMAN JEFF J. RANKIN

Jeff J. Rankin of Marshalltown, IA has been elected to fill the vacancy created by Brother Waldeier's retirement. Brother Rankin started his railroad career in April 1978. Brother Rankin has served the Brotherhood as Lodge President from 1994 to 1997, Lodge S/T from 1996 to present, Local Chairman from 2000 to present, and served on the System Executive Board since 2002.

Unified System Division**General Chairman**

W.E.Morrow
P.O.Box 850
Lyman, WY 82937
O (307) 787-7058
F (307) 787-3100
usdgclyo@yahoo.com

1st V Chair S/T

K.L.Bushman
28151BuenaVistaDr
Rock Falls, IL 61071
O (815) 626-6636
F (815) 626-3297
kbushman@comcast.net

Vice Chairman Eastern District

D.Joe Dean
PO Box 850
Lyman, WY 82937
O (307) 787-7058
F (307) 787-3100
union-joe@hotmail.com

Vice Chairman Western District

Charles R Hogue
PO Box 2290
White Salmon, WA 98672
O (509) 493-4901
F (509) 493-4900
Chasman2143@embarqmail.com

Vice Chairman At Large

David R Scoville
PO Box 141845
Spokane Valley, WA 99214
O (509) 227-7295
F (509) 474-0386
brdgmny@aol.com

Vice Chairman District 2&4

Rod D. Mulder
4705 Dover Dr
Ames, IA 50014
O (515) 292-7691
F (515) 292-1034
rmulder@midiaowa.net

Vice Chairman District 3, 9 & BRC

Jeff J. Rankin
2769 Garwin Rd
Marshalltown, IA 50158
O (641) 753-9060
F (641) 753-9607
union@mediacombb.net

Vice Chairman District 7, 8 & ELS

Bill C. Jorde
244 Dessa Ln
S.St.Paul, MN55075
O (651) 552-8925
F (651) 552-8940
wjorde@q.com

Vice Chairman Region III

Louis R. Below
4423 Blanchard Rd.
Placerville, CA 95667
O (916) 444-0943
F (916) 444-2659
LBelow@bmwedpacfed.org

Vice Chairman Region III

Ricardo C. Canchola
5778 Beadnell Way
Sacramento, CA
O (916) 444-0943
F (916) 444-2659
RCanchola@bmwedpacfed.org

Western Region VP

David D. Tanner
PO Box 116
Robertson, WY 82944
O (307) 782-7775
F (307) 782-7776
ddt@bmwe.org

North West Region VP

David D. Joynt
5350 West Valley Road
Hastings, NE 68901
O (402) 463-0816
F (402) 462-2747
ddj@bmwe.org

NATIONAL DIVISION CONVENTION

BMWED National Division President Freddie N. Simpson, who also serves as a Teamster International Vice President, was reelected by acclamation during the union's Quadrennial Convention.

During her nominating speech, Staci Moody-Gilbert said, "Great leaders are able to visualize and prepare. Freddie has been steadfast in preparing us for the future and was instrumental in developing the ten-year plan. He has seen the numbers and realizes that something must be done. He knows that a good majority of our union members, Local and National Division Officers, and staff will be retiring over the next few years and he is dedicated to filling the shoes of those who have served our union so faithfully and honorably".

The floor was opened for nominations during the second day of meetings. BMWED Secretary-Treasurer Perry K. Geller Sr. and all of the BMWED National Division Officers were also reelected by acclamation.

The Regional Vice Presidents; J. R. "Randy" Cook (SE Region), David D. Joynt (NW Region), Roger D. Sanchez (SW Region), David D. Tanner (Western Region) and Henry W. Wise (NE Region), will remain in their positions for another term. The delegates also retained their current Executive Board Members.

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Along with the Election of Officers Delegates debated many Bylaws changes and Resolutions. Just a few that were adopted that will have an impact on membership once approved by the International Brotherhood of Teamsters:

- 1) Initiation Fee for non-standard contract members from \$100 to \$20. Eighty five (85) percent will go to the Local Lodge with fifteen percent going to the IBT. National Division and System Division/Federations will no longer receive a portion of the initiation fee.
- 2) The cost of a Life Membership for retirees will be reduced from eighty (80) percent to seventy (70) percent of - the difference between number of continuous years of membership and fifty (50) years - times the current annual retiree dues of sixteen (16) dollars per year.
- 3) Non-working dues rate to continue Good Standing will be \$1.00 for National Division, plus \$1.00 for System Division/Federation, plus \$1.00 for Local Lodge, plus the Teamster Per Capita, (currently \$12.32 for Class I railroads, lower for Class II and Non-rail).
- 4) Merit Awards (10 year certificate and a Merit Award pin each 10 years thereafter) are to be issued by National Division instead of being requested by the System Division/Federation or Local Lodge.