



UTU News

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The Official Publication of the United Transportation Union

OSHA fines Union Pacific for threats, intimidation

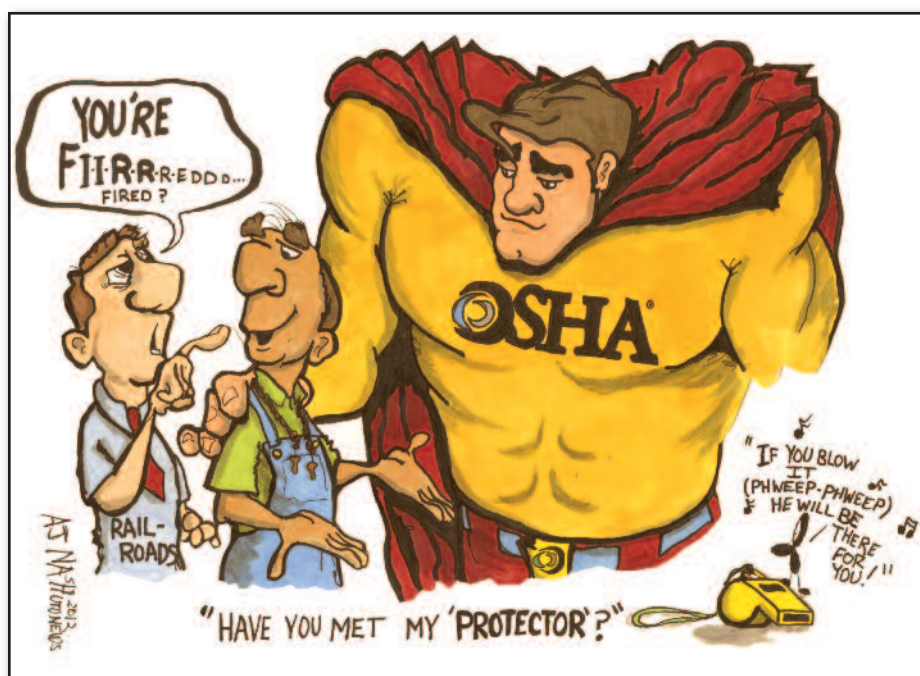
Sadly, there is a part of “no” that railroads just can’t understand. So, once again, the Department of Labor’s Occupational Safety and Health Administration (OSHA) has hit a railroad in the wallet for violating an employee’s rights as protected under the Federal Railroad Safety Act of 1970, which was supplemented by the Rail Safety Improvement Act of 2008.

The latest wallet-lightening fine was imposed by OSHA against Union Pacific for retaliating against a Pocatello, Idaho, based locomotive engineer who was forced to work and prevented from seeking medical treatment for a migraine headache, blurred vision, dizziness, vomiting and a bloody nose.

OSHA found that the engineer’s supervisor – who also was ordered to pay a portion of the fine – used “threats and intimidation to dissuade the engineer from seeking or gaining access to medical care during his shift.”

Yes, the UP supervisor chose to order an ill locomotive engineer, whose situational awareness was clearly compromised, to operate the train.

Said OSHA in imposing more than \$25,000 in punitive and compensatory damages, plus attorney fees: “It is critically important that Union Pacific Railroad employees know that OSHA intends to defend the rights of workers to report



Cartoon by member Alan Nash of Local 257

safety concerns. We will bring the full force of the law to make sure workers who are retaliated against for reporting health and safety concerns are made whole.”

Incredibly, this was the sixth time since 2009 that OSHA has found Union Pacific in violation of an employee’s rights enumerated by the Federal Railroad Safety Act of 1970 and the Rail Safety Improvement Act of 2008. BNSF, Metro-North Railroad, Norfolk Southern and Wisconsin

Central also have been penalized by OSHA for similar violations.

In late 2011, Union Pacific was ordered immediately to reinstate an employee and pay him back wages, compensatory and punitive damages and attorney fees totaling more than \$300,000 after the employee was suspended, without pay, and then terminated after notifying UP of an on-the-job injury.

The Federal Railroad Safety Act of 1970 extended whistleblower protection to employees who are retaliated against for reporting an injury or illness requiring medical attention. The Rail Safety Improvement Act of 2008 added additional requirements ensuring injured workers receive prompt medical attention, and established prohibitions on carrier intimidation and harassment of injured workers aimed at ending a culture that placed the winning of carrier safety awards and year-end managerial bonuses as a higher priority than treatment and prevention of injuries.

The purpose of these laws, passed by Congress after the UTU documented a railroad culture of harassment and intimidation against injured and ill workers, is to protect rail workers from retaliation and threats of retaliation when they report injuries or illness, report that a carrier violated safety laws or regulations, or if the employee

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Conservatives pressing attack on working families

Public transportation funding, transportation jobs, workplace safety, Railroad Retirement and Medicare are under a mean-spirited and sustained attack by congressional conservatives who are trying to muscle their agenda through Congress prior to the November elections.

The UTU and Sheet Metal Workers International Association – now combined into the Sheet Metal, Air, Rail and Transportation Workers (SMART) – along with other labor organizations, public interest groups, congressional Democrats and moderate Republicans, are working on Capitol Hill to block these attempts, which could be devastating to working families.

UTU National Legislative Director James Stem and SMWIA Director of Governmental Affairs Jay Potesta outlined the conservatives’ agenda that has surfaced in proposed congressional transportation reauthorization and budget legislation:

- **Cut \$31.5 billion in federal transportation spending**, which would threaten some 500,000 American jobs.
- **Eliminate federal spending for Amtrak and expansion of intercity rail-passenger service and high-speed rail**, with a direct impact on jobs associated with that service.

- **Gut federal spending for the Alaska Railroad**, which would force elimination of scores of train and engine workers represented by the UTU.

- **Delay implementation of positive train control**, which is a modern technology to reduce train accidents and save lives and limbs.

- **Eliminate federal spending for expansion of local and regional transit service** as Americans scramble to find alternatives to driving in the face of soaring gasoline prices. The federal spending cut would prevent the return to work of furloughed workers from budget-starved local transit systems and likely cause layoffs of still more transit workers.

- **Encourage privatization of local transit systems**, which would open the door for non-union operators eager to pay substandard wages and eliminate employee health care insurance and other benefits.

- **Remove any requirement for shuttle-van operators**, whose vehicles cross state lines, from paying even minimum wage or overtime, a proposal, which if enacted, could lead to applying that legislation to interstate transit operations.

- **Eliminate Railroad Retirement Tier I benefits that exceed Social Security benefits**

even though railroads and rail employees pay 100 percent of those benefits through payroll taxes, with no federal funds contributing to Tier I benefits that exceed what is paid by Social Security.

- **Replace direct federal spending on Medicare** in favor of handing out vouchers to be used to purchase private insurance, which will undercut the viability of Medicare.

- **Provide large tax breaks to millionaires and preserve tax breaks for Wall Street hedge funds** that cater to the wealthy, while cutting by two-thirds federal assistance to veterans and public schools.

The UTU member-supported political action committee (PAC) is helping to fund election campaigns by labor-friendly candidates, and a labor-wide “get-out-the-vote” drive will go door to door across America in support of labor-friendly candidates in advance of November elections.

In the meantime, UTU and SMWIA legislative offices will continue their education campaign on Capitol Hill, visiting congressional offices to explain the economic devastation the current conservative agenda would impose on working families.



Stem



Potesta

Around the UTU

Local 194, Elkhart, Ind.

Local Chairperson, Treasurer and Legislative Rep. **James E. Ball Jr.** is looking to add another title to the front of his name: state senator. A Norfolk Southern conductor/engineer, Ball, 40, has formally entered the race for Indiana's Senate District 12. A U.S. Army veteran, Ball said he was inspired to run by the thousands of workers who stood at the Statehouse in opposition to the right-to-work bill, which was authored in the Senate by his opponent in the fall election, State Sen. Carlin Yoder, R-Middlebury. Ball said 60 to 70 percent of Hoosiers didn't want the bill to pass and that the Senate has "lost touch with working families." He is a member of the VFW, the American Legion, the Knights of Columbus and the Eagles. He and his wife, Angela, have three children. For more information, call (574) 361-6156 or email Hoosiers4JimBall@gmail.com.



Ball

Local 204, Pueblo, Colo.

UTUIA Field Supervisor **Charlie Skidmore** and his wife, Elaine, thank all of their friends and fellow members for the telephone calls, emails, cards and cookies expressing well wishes after Skidmore experienced a heart attack while on the road in February. "It was quite an experience, but I'm doing great and I'm happy to be back on the job," Skidmore said.

Local 240, Los Angeles

All railroaders and their friends and relatives are invited to participate in the 11th Annual FSC Rail Classic golf tournament at 2 p.m. Monday, May 14, at Sierra Lakes Golf Course, according to Local Chairperson **Harry J. Garvin Jr.** The cost of the four-person scramble, shotgun-start tournament is \$75 per person and includes a tri-tip barbecue, great prizes and great fun. Participants should commit and remit to **Frank Carmona** at 30250 Pebble Beach Dr., Sun City, CA 92586, by April 13. Contact Carmona at (951) 301-6525, (909) 770-3366 or by email at FSCRail@hotmail.com.

Local 492, Sacramento, Calif.

Photographs by retired former Secretary & Treasurer **Daryl Stinchfield** are on display in the lobby of the West Valley Credit Union, 130 Sunrise Blvd. in Roseville, Calif. New sets of images will appear every two weeks until the end of May. Since retiring from Union Pacific, Stinchfield has been polishing his craft as a photographer. He said he will graduate with a degree in photography from Sierra College in May.

Local 607, Thayer, Mo.



After watching the Mammoth Spring, Ark., Bears win the Class 1A Arkansas High School Basketball Championship, at Summit Arena in Hot Springs, Ark., three Local 607 members visited the UTU monument there commemorating the formation of the UTU in 1969. Pictured, from left, are Secretary & Treasurer **Ryan King**, Local Trustee **Gary King** and Local President **Chris Skaggs**.

Local 1440, Staten Island, N.Y.

The members of this local congratulate **Richard Hahl** following his elevation to the office of local legislative representative, Secretary & Treasurer **Vincent LaBella** reports. "Rich has the drive to learn and the desire to serve, and he is committed to protecting the safety rights of the represented mem-



Conductor **Matt Skiba**, center, meets with FRA Administrator **Joe Szabo**, left, and National Legislative Director **James Stem** while at Railroad Day on Capitol Hill.

Mr. Skiba goes to Washington

If a picture is worth a thousand words, what'll 250 words get you? An all-expense-paid trip to the capital in Washington to schmooze with elected officials and top rail-industry lobbyists.

That's what they got for UTU member **Matt Skiba**.

A CSX conductor/engineer who also serves as vice local chairperson for Local 1105 at Wilmington, N.C., Skiba noticed a link on the CSX website for a railroad essay contest.

The contest was sponsored by railroad advocacy group GoRail, inviting rail industry employees nationwide to submit essays for a chance to win a trip to Washington to participate in Railroad Day on Capitol Hill. It is an opportunity for railroads, shippers and other industry representatives to present a unified industry message to members of Congress.

In 250 words or less, participants were asked to submit an essay from one of three suggested topics. Skiba was one of four winners.

"Railroading wasn't necessarily what I was looking for, but I've come to appreciate the industry, so I wrote about my pride and enthusiasm in the profession," he said.

During his time in the nation's capital, Skiba was introduced to UTU Pennsylvania State Legislative Director **Don Dunlevy**, who later introduced him to Federal Railroad Administrator **Joe Szabo**. While visiting the office of U.S. Rep. **Mel Watt** (N.C.), he also had the opportunity to meet UTU National Legislative Director **James Stem**.

"It was neat to be able to participate and to be a rank-and-file guy getting an inside view of the process. It was nice to be able to see the faces of the people who work on these issues. To talk to them and thank them for addressing issues regarding the fatigue law, and how we are affected by it, and how we might improve it," Skiba said.

"It was great to see the UTU participating to help set the agenda on the issues affecting us," Skiba said. "I did mention to Mr. Szabo that it was great to have someone in the FRA that came out of the ranks of the UTU – someone who actually had their feet on the ballast."

A graduate of the University of North Carolina, Skiba and his wife, J'vanete, have two daughters, ages seven and three.

"Matt is a bright young man, with good writing skills and good interpersonal skills," Stem said. "I expect he will become a fine union officer. I hope we all can offer some encouragement for him to continue to participate."

bers on the MTA Staten Island Railway," LaBella said. Hahl can be reached by email at utu1440safetyofficer1@gmail.com or by phone at (917) 755-1564. In other news, LaBella reports that conductor **Anita Serrano**, 61, died March 9. She had worked for the Staten Island Railway since 1999. Members of the local send their prayers to her son, **Christian Serrano**, who is a locomotive engineer for the railway. LaBella also noted that **Barbara A. Briggs**, the mother of General Chairperson **Thomas Wilson**, died last month.

Local 1687, Belen, N.M.

The first meeting of bus employees of First Transit in Farmington, N.M., was held Feb. 29 at the Marriott Hotel in Farmington, and the following individuals were elected as officers of the local committee of adjustment, Secretary & Treasurer **Donald A. Gallegos Sr.** reports: **Stephen Moots**, local chairperson; **Cynthia Olguin**, vice local chairperson, and **Kathryn Strube**, local secretary. International Vice President **Bonnie Morr** also met with the employees to discuss negotiations for their first contract with the company.



Pictured, from left, are First Transit employees **Debra Ann Davis**, **Kathryn E. Strube**, **Martin "Stephen" Moots**, **Ermalinda Begaye** (standing), **Leslie R. "Butch" Griffin**, **Cynthia Olguin** (kneeling), **Jimmy H. Franks**, **Morr**, **Benny Dale Jr.** and **John Abney**.

Local 1869, Williamson, W. Va.

At their monthly meeting Feb. 28, the members of this Norfolk Southern local voted to make a \$500 donation in supermarket gift cards to Jacob's Well Mission, a local charity that provides hot meals to the needy. Local Vice President **Stephen Mosley** reports that the vote was held at the suggestion of Local Trustee **Gary Mosley**, who had made personal donations to the charity in the past. The charity also provides clothing to residents in need. "The whole experience was very humbling and I am glad to be a part of it," Mosley said. "As a local, we are hoping that we can continue to give more donations to the mission in the future and that this might inspire other locals to give to charities in their areas."



Local 1869 President **Chad Blackburn**, left, presents an envelope containing gift cards to Jacob's Well Mission operator **Janette O'Brian**. They are joined by Local Secretary & Treasurer **Jimmie Browning**, right, and Local Trustee **Gary Mosley**.

Local 1933, Washington

More than 40 members from various Amtrak locals attended a UTU town hall meeting here March 20, Legislative Rep. **Samantha Royster-Cunningham** reports. Guest speakers included International Vice President **John Previsich**, Alternate National Legislative Director **John Risch**, District of Columbia Legislative Director **Willie Bates**, GO 726 General Chairperson **Dirk Sampson**, Vice General Chairperson **Charlie Yura**, UTUIA Field Supervisor **Malcolm "T-Bone" Morrison** and Designated Legal Counsel **P. Matthew Darby**. Members received updates about Amtrak contract negotiations, conductor certification and whistleblower protection, and had the opportunity to sign voter-registration cards and apply for absentee ballots. Monthly UTU PAC contributions were increased by \$800 as a result of new members registering. The other locals participating in the meeting were 838, 1370, 1470 and 1522.

Six state legislative directors retire

Six state legislative directors – Wisconsin's **Tim Deneen**, Louisiana's **Gary Devall**, Georgia's **Howell Keown**, Nebraska's **Ray Lineweber**, Montana's **Fran Marceau** and Idaho's **George Millward** – are retiring, or have recently retired.

Tim Deneen

Deneen retired at the end of March. His replacement is **Craig Peachy**.

He hired out in 1969 on Chicago & North Western (now part of Union Pacific), the third generation in his family in railroading. He was elected local chairperson in 1974 and served continuously to 2006.

"With line abandonments, crew reductions and repeal of the Wisconsin Safe Train Law (fireman protection), I understood the importance of the UTU legislative branch and was first elected legislative representative in 1980. I served continuously to 2006 when I assumed the state legislative director's office upon the retirement of **Tom Dwyer**.

"I am very proud of our commitment and achievements. I believe we need to provide as much education to all our members as possible. Using the *UTU News* and the UTU website to educate our members, we can give them pride in the past, and an acceptance of the fact that the struggles are ongoing. I encourage all members to become more active in the UTU, their communities, and their government," Deneen said.

Gary Devall

Louisiana State Legislative Director **Gary Devall** retired Dec. 15 as reported in the December

Wisconsin governor facing recall

Wisconsin Republican Gov. Scott Walker, the architect of anti-union legislation in his state, faces a recall election in June.

He becomes the first governor in Wisconsin history to face recall.

The UTU, through its Collective Bargaining Defense Fund, worked with other labor organizations to obtain almost one million signatures to force the recall election, almost twice as many as required.

Republican Walker tried to limit effectiveness of labor unions

The *New York Times* reports that, in the nation's history, only two governors have been removed from office through recall votes: California Gov. Gray Davis in 2003 and North Dakota Gov. Lynn Frazier in 1921.

A former White House counsel to President George H.W. Bush, C. Boyden Gray, was quoted that the Walker recall election "has national implications" as working families react to a string of attempts by conservatives in many states to restrict collective bargaining rights and limit the ability of labor unions to represent workers.

Also facing recall in June are Wisconsin



Devall



Keown

2011/January 2012 issue of *UTU News*. **David Duplechain** has assumed the office.

Howell Keown

Keown is retiring May 30 after 34 years and 10 months of service.

He hired on for Southern Railway (now part of Norfolk Southern) in July 1977. In 1995, he was elected alternate local legislative representative while in the hospital recovering from a motorcycle crash, and local legislative representative in 1998, serving until January 2012. In 1997, he was elected local secretary & treasurer and has served in that position until January 2012.

He became assistant state legislative director in 2004 and the full-time state legislative director in 2007 upon the retirement of former director **Danny Boyles**. His replacement will be elected after he retires.

"I am proud to have been able to serve the members and hope to continue to serve after I retire," Keown said. "I may still go down to the capital and bang on some heads once in awhile."



Lineweber

Ray Lineweber

Lineweber retired at the end of March. He hired on in May 1969 as a brakeman on Chicago, Burlington & Quincy (now

part of BNSF). He was elected local legislative representative in 1979 and became a full-time state legislative representative in 1982.

"I am honored to have had the support of the people who have swung the lantern and pulled the throttle in Nebraska," Lineweber said. "I will always be indebted to the officers and members for their continued support."

Fran Marceau

Marceau retired in September 2011. **Tom Berrum** has been elected to replace him.

Marceau started as a switchman on Burlington Northern (now BNSF) in 1971. He was promoted to conductor in 1976.

He was elected alternate legislative representative in 1976. He was elected local chairperson in 1980. He also served as delegate to five UTU conventions.

He was elected state legislative director in 1989. He also served as treasurer of the UTU's Association of General Chairpersons, District 1.

"I want to thank the members for putting their confidence in me and giving me the privilege to represent them," Marceau said. "The UTU has been very successful because we have active, involved members and I would ask them to give **Tom Berrum** the same support."

George Millward

Millward, a member of Local 78 in Pocatello, will be retiring in July.



Millward

He started as a clerk on Union Pacific in 1975. He was promoted to engineer in 1978.

He was elected local vice president in 1981. He became assistant state legislative director in 1986 and took over the part-time state legislative director's job in 1988.

He was a delegate in 1991 where he was nominated for assistant national legislative director. He served as local chairperson from 2002 to 2010. In 2009, he was elected to the UTU International Executive Board and re-elected in 2011.

"I have worked with so many great people – former UTU International President Fred Hardin, Assistant President Arty Martin and International President Mike Futhey, former General Secretary & Treasurer Dan Johnson, some great state legislative directors – and all have become lifetime friends," Millward said.

"The opportunities this union has presented me were incredible," Millward said. "Everything I have done has always been for the gain of UTU members and their families, for their safety and working conditions. That is what I will miss."

CSX is hiring

CSX is seeking workers in Tennessee, Maryland and Alabama.

The company says it is looking to fill 150 positions in Tennessee, mostly in and around Nashville; 140 jobs in Maryland, mainly in Baltimore and Cumberland, and 90 positions in Alabama, primarily in Birmingham.

Find additional information and apply on CSX's website (www.csx.com) by clicking the tab for "Working at CSX."

UTU in deal with Progressive Rail

MINNEAPOLIS — The United Transportation Union and Progressive Rail have finalized a first-time collective bargaining agreement for Progressive Rail train and engine workers represented by the UTU.

Progressive Rail is a shortline with four locations around Minneapolis, interchanging with major railroads.

UTU International Vice President John Previsich, who assisted in the negotiations – aided by a mediator with the National Mediation Board – said the agreement "provides for significant wage increases with pay classifications equal for all, a grievance process and a seniority preference for assignments and bidding. Overall, this is an excellent first agreement that dramatically improves wages, rules and working conditions for Progressive Rail employees."

Previsich said the agreement received "overwhelming approval by the covered employees, who are to be commended for their solidarity and perseverance through a long and drawn-out negotiating process."

Praised were the negotiating efforts of General Chairperson **James Nelson** (GO 261), "who was instrumental in obtaining the fair and equitable agreement that the Progressive Rail employees deserve," Previsich said. "Also deserving of recognition are Minnesota State Legislative Director **Phil Qualy** and the officers and members of Local 911, Minneapolis, all of whom supported the negotiating effort during every step of the process."

**"While we are fighting for freedom, we must see, among other things, that labor is free."
– President Woodrow Wilson**

Fight back when intimidated, threatened

A workplace culture of fear and intimidation destroys morale, saps productivity and is against the law. Yet, too often, that is the culture facing our members.

The UTU was instrumental in convincing Congress to make such a culture unlawful through passage of the Federal Railroad Safety Act and Rail Safety Improvement Act.

Those laws, enforced by the Occupational Safety and Health Administration (OSHA), protect workers from retaliation and threats of retaliation when they report injuries, report carrier violations of safety laws or regulations, or are



International President's Column

By **Mike Futhey**, International President
(216) 228-9400; president@utu.org

engineer to seek medical attention for dizziness, vomiting and blurred vision.

We have attempted to remedy the problem at the bargaining table and in individual meetings with senior carrier officials – to no avail.

ing safety hazards, injuries or seeking medical attention, contact your general committee representative or state legislative director with the facts and they will assist you in reporting violations to OSHA.

I have imposed on UTU designated legal counsel an obligation to

assist members, as necessary, after they have made a complaint to OSHA.

We know OSHA will act, as it has numerous times in recent months, saying, in imposing fines, "Railroads have created a climate of fear instead of a climate of safety."

"The safety of all workers is endangered when employers intimidate injured workers so that they don't report injuries."

UTU members are the backbone of railroad operations and deserve respect on the job as well as the right to return home to their families in one piece.

Railroads have created a climate of fear instead of a climate of safety

required to work under unsafe conditions.

Sadly, many carriers have ignored the laws, imposing discipline on workers reporting safety problems or injuries or seeking medical attention.

Recent examples of carriers flouting the law include termination for calling a railroad hotline to report fall and trip hazards and dangerous icing on walkways; suspension for reporting an on-the-job injury, and refusing to permit a locomotive

Fortunately, OSHA is taking these violations seriously, imposing significant fines against carriers – sometimes in the hundreds of thousands of dollars – to cover back wages, punitive damages and attorney fees.

OSHA has also ordered the carriers to post notices regarding the law and the ability of workers to notify OSHA about violations, known as whistleblower protection.

If you have been threatened, intimidated or disciplined for report-



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Contact the UTU:

Phone (216) 228-9400; fax (216) 228-5755

For the latest news, visit www.utu.org; also, sign up on the UTU website to receive news alerts via email.

SMWIA members active in railroading

The Sheet Metal Workers' International Association (SMWIA) represents some 150,000 skilled men and women employed throughout the United States, Canada and Puerto Rico in the construction, manufacturing, service, railroad and shipyard industries.

More than 2,000 SMWIA members are employed by U.S. freight and commuter railroads and Amtrak.

Depending on the railroad, you might be more familiar with the craft called pipefitters or piper, tin-



A message from SMWIA Director of Railroad and Shipyard Workers Larry Holbert

We weld, braze and solder on locomotives, cars and buildings. We cut, thread, bend and braze air lines, water lines, gas lines, oil lines and steam pipes on locomotives, coaches

Transportation Authority, the majority of SMWIA members are coach cleaners. We own a percentage of the work force, and the membership is assigned by percentages when vacancies occur.

SMWIA members have the option of participating in an apprentice program in which they may become mechanics.

developing a 12-week training program for new hires.

The SMWIA also represents some 410 shipyard workers, including federal employees at government's shipyards: Portsmouth Naval Shipyard in Kittery, Maine; Norfolk Naval Shipyard in Portsmouth, Va.; Puget Sound Naval Shipyard in Bremerton, Wash.; and Pearl Harbor Naval Shipyard in Honolulu. Our members at these shipyards perform maintenance work on ships of the U.S. Navy.

The SMWIA also represents members at West Coast shipyards who perform a variety of work on cruise ships, fishing vessels, vehicle ferries and barges, and some demolition of vessels for scrap.

Members also are employed by

SMWIA members build, erect, assemble, install dismantle and maintain sheet metal parts

ners or tin knocker, or plumbers. We are all sheet metal workers.

Although our jurisdiction varies from railroad-to-railroad, the majority of work consists of pipe fitting on locomotives and passenger coaches. We also perform pipe work in shops, yards, buildings and on engines of all kinds.

SMWIA members are responsible for building, erecting, assembling, installing, dismantling and maintaining parts made of sheet metal, copper, brass, tin, zinc, white metal and lead, as well as black, planished, pickled and galvanized iron of 10 gauge and lighter.

and in buildings. We also inspect locomotives, operate waste water treatment plants, maintain roadway equipment and service locomotives on the road.

Our sheet metal workers are employed in railroad bridge and buildings departments, communications and signals departments and maintenance-of-way departments. They maintain the various stations and buildings that the railroads own or lease. They are responsible for signage, plumbing, heating and air conditioning, drainage, roofing, locksmithing and switch heaters.

On Southeast Pennsylvania

Sheet metal workers on railroads must complete an apprentice program

The sheet metal workers on BNSF, CSX and Union Pacific must complete a three-year apprentice program before they are journeymen.

On Norfolk Southern, sheet metal workers have a two-year student mechanic program before they are journeymen. Currently, Amtrak does not have an apprentice program, but it is in the process of

Gulf Coast shipyards at Pascagoula and Gulfport, Miss.; and New Orleans.

Additionally, there are six non-shipyard metal trades councils where SMWIA has members: Columbus, Ga.; Oak Ridge and Tullahoma, Tenn.; Amarillo, Texas; Albuquerque, N.M.; and Richland, Wash.

To learn more about the SMWIA, go to www.smwia.org.

State Watch

News from UTU State Legislative Boards

Utah

State Legislative Director **Jay Seegmiller** has filed to run for Utah's 2nd Congressional District. The district is currently held by Democrat Jim Matheson who has decided to run in Utah's new 4th District. "The 2nd District has been held by a Democrat for the last 12 years, so this is a winnable open seat," Seegmiller said. "Currently



Seegmiller

there are 11 Republicans, two Independents, one Constitution Party member and three Democrats in the race, and I am considered the front runner on the Democratic side."

Seegmiller said he brings working family values that built Utah, and our nation, to this race. "Utah's spirit is rooted in the belief that a hard day's work is rewarded with the ability to support family, friends, and community," he said. "I fully understand the importance of protecting FELA, Railroad Retirement and investment in Amtrak."

In 2008, Seegmiller won election against the sitting Utah speaker of the House, a Republican, by a large margin. "It was the first time a sitting speaker of the House had lost in a general election in 40 years," Seegmiller said.

If you would like to know more about Jay's race and how you can help a fellow UTU member, log onto www.jayforjobs.com or call (801) 609-4JAY.

Louisiana



The Louisiana State Legislative Board recently held its reorganization meeting and elected **David Duplechain** (Local 1066, New Orleans) the new state legislative director in the wake of the retirement of **Gary Devall**. Board members are (back row, left to right): **Kevin Chassion** (Local 1947, Lake Charles); **Joe Bennett** (Local 1458, DeQuincy, board chairperson); **Collins Brundige II** (Local 976, Shreveport, secretary); **Andrew Clackum** (Local 659, Leesville, third vice assistant director); **Mike Roe** (Local 1337, New Orleans, assistant state director); front row, left to right: **Wade Adams** (Local 1501, Baton Rouge); **Chris Christianson** (Local 1545, Monroe, first vice assistant director); **Anthony Starks** (Local 781, Shreveport, second vice assistant director); **Corby Acosta Jr.** (Local 1836, New Orleans, alternate chairperson); Duplechain, and **Charles Robinson** (Local 1678, Minden).

Minnesota



The Minnesota state legislative board, which convenes quadrennially, recently met to elect officers and coordinate efforts. The group also hosted Gov. Mark Dayton and UTU National Legislative Director James Stem. In the front row, left to right, are **Jack Wrich** (Local 911, Minneapolis); State Legislative Director **Phil Qualy**; **Dan Paradise** (Local 1614, St. Paul, assistant state legislative director) and **Brian Hunstad** (Local 1177, Willmar). In the back row, left to right, are **Wayne Newton** (Local 1000, Minneapolis); **Geoff Bowen** (Local 1175, Duluth); **Tim Sparks** (Local 1976, St. Paul); **Matt LaBine** (Local 650, Minneapolis); **Steve Haus** (Local 1292, Proctor) and **Joel Anderson** (Local 1067, Virginia).

Kansas



Left to right are **Ryan Bohannon** (legislative representative, L-794, Wellington); **Kirk Crittenden** (local chairperson, L-794); **Wetta**; **Chad Henton** (assistant state legislative director, L-506, Herington); **BNSF General Chairperson Rex Pence** and **Dragoo**.

The UTU was out in full force at the recent meeting of the Kansas Democratic Party, State Legislative Director **Ty Dragoo** reports.

"We had a very informative meeting and attended a dinner where Pennsylvania Gov. Ed Rendell was the keynote speaker. The Democratic Party has been a strong supporter of UTU and labor. We appreciate their strides in continuing the fight to have Kansas workers provided a safe and fair environment in the workplace. Rep. **Vince Wetta** was a guest of UTU. As a member of Local 794, Wetta provides crucial insight on the house transportation committee and we appreciate his efforts," Dragoo said.

Feds probe bus defect

Buses manufactured over the past two decades by Motor Coach Industries (MCI) are the object of a federal investigation by the National Highway Traffic Safety Administration into whether drives shafts can dislodge during operation and cause bus operators to lose control of the coach.

The investigation is focusing on 4,000 MCI D-Series buses with a steerable rear axle and manufactured between 1992 and 2012.

The Associated Press reports that the loss of a drive shaft is thought to have caused two fatal crashes.

Bus Department

By Bonnie Morr, vice president
bonniemorr@sbcglobal.net

Bus operators take FTA survey



Morr

Many of our bus locals have responded to a survey focusing on the health conditions of bus operators.

This is a very important step in identifying some of the health issues that we face while on the job.

The Transit Bus Operator Workplace Health and Wellness Survey, sponsored by the Federal Transit Administration (FTA), is an effort to understand health, safety and wellness issues faced by bus operators, and to learn how employers and labor unions are addressing these challenges.

Also responding to the survey were more than 200 transit companies.

Specifically, the survey sought responses on:

- The current state of bus operator health and wellness;
- Health promotion programs and policies;
- The union local's perspectives on bus operator wellness and workplace health promotion programs, policies and activities;

- Identification of who does what to contribute to bus operator health promotion;
- Opinions on how health promotion and wellness affect the work environment, driver retention and transit operations.

All information gathered in this survey will remain confidential, and the results will not indicate specific locals, employers or employees.

The results will be shared when made available by the FTA.

We are trying to understand health and safety issues of bus operators

Thinking of retirement? Here's what you need to know

Whether you are about to pull the pin or drop off your final passenger, here is a brief guide to assist you in applying for and transitioning into retirement. Those nearing retirement age might also wish to review this centerfold – especially with regard to financial planning.

Preparing for retirement can seem like a second full-time job. For sure, gaining an understanding of – and properly applying for – Medicare, Railroad Retirement or Social Security is no minor task. Understanding your financial needs in retirement is also of crucial importance.

And, staying in touch with your industry and former co-workers – made possible by the UTU Alumni Association – surely has mental-health advantages.

This guide is merely a guide. Ultimately, each person is personally responsible for applying properly for retirement benefits and managing their post-retirement assets.

Continuing income is major concern for most retirees

After a lifetime of hard work, UTU rail, bus and airline members look forward to a secure retirement.

In an ideal world, it would be that simple. In the real world, careful planning and attention to detail are essential.

Topping the list of retirement concerns are money and health-care insurance; but you also must present certain documentation prior to receiving benefits.

Sources of income

As a rule of thumb, between 70 and 80 percent of pre-retirement income is needed to enjoy a comfortable retirement, says the Social Security Administration.

Neither Railroad Retirement (covering career railroad workers), Social Security nor CalPERS (covering certain California public transit agency workers) was intended to be a retirees' sole source of income, and thus will replace only about 40 percent of pre-retirement income, says the Social Security Administration.

Railroad Retirement, Social Security and CalPERS retirement benefits should be thought of as part of a three-legged financial security stool – the other two legs to include other investments, such as your home equity, certificates of deposit, individual retirement accounts (IRAs), a 401(k) savings plan and whole life insurance. (See the article, "Your UTU-IA helps provide secure retirements.")

Those taking early retirement, or retiring on a disability, may be eligible for certain supplemental benefits until they reach full retirement age. If you are retiring early, you should determine from your employer, Medicare and/or Railroad Retirement, Social Security or CalPERS, what supplemental benefits may be available to you.

\$2,000 death benefit available to most rails

Your family should know that a death benefit of \$2,000 is available to eligible railroad retirees covered by the NRC/UTU Health & Welfare Plan and the Railroad Employees' National Health and Welfare Plan (formerly GA-23000).

For more information, call MetLife at (800) 310-7770.



Monthly benefits

Railroad Retirement and Social Security annuitants and their spouses will receive monthly benefit checks directly from the federal government.

It is wise to arrange, when applying for retirement benefits, to have the checks deposited electronically into your bank account.

Whether it's Railroad Retirement, Social Security or CalPERS, those agencies will respond to your request for estimates of monthly retirement benefits available to you and your spouse. One of your first pre-retirement chores should be to obtain this estimate, because those benefits will be the foundation of your post-retirement income. You may also wish to speak with a certified financial planner, and/or a UTUIA field representative, about post-retirement financial issues.

Time to retire

Filing for retirement benefits – and investigating Medicare health care options – should begin at least three months prior to your planned retirement date.

Filing for benefits generally is accomplished by visiting a Railroad Retirement, Social Security or CalPERS field office, where you will be asked to provide various documents necessary for the processing of retirement benefits payable to you and your spouse. (See the article, "Begin your document search early.") Information on the location of field offices may be obtained by calling the toll-free telephone numbers listed on the opposite page.

During the pre-retirement interview, you may determine that there is an advantage to you or your spouse waiting a little longer to draw retirement benefits. Be sure to enquire about limitations on post-retirement earnings, and how such earnings may reduce Railroad Retirement, Social Security or CalPERS benefits.

Begin your document search early

To apply for Railroad Retirement or Social Security benefits, you must provide certain information, and it is suggested you begin the process at least three months prior to your anticipated retirement date.

You will need the following information to register successfully for benefits:

- **Proof of age:** An original birth certificate or a certified copy (not a photocopy). If a birth certificate is not available, the Railroad Retirement Board or Social Security will advise you how to proceed.

- **Proof of marriage:** An original or a certified copy (not a photocopy) of the marriage certificate.

With some advance planning and attention to detail, the transition from employment to retirement should be smooth sailing. The best time to begin the process is now!

Join UTU Alumni

Your decades in the rail, bus or airline industry and as a UTU member need not come to an end when you retire. Retired members can stay in touch through membership in the UTU Alumni Association, whose dues are \$9 annually.

UTU Alumni Association membership provides the following benefits:

- A subscription to the *UTU News*;
- An embroidered UTU baseball cap;
- An annual UTU wall calendar, which contains scenic transportation photographs;
- Automatic enrollment in the UTU Travelers' Club, which sponsors world-wide trips with other UTU retirees;
- Hotel, rental car and cellphone discounts;
- A documents portfolio for filing insurance policies, wills, and other important papers;
- A assets-manager booklet for recording legal, insurance, financial and estate information, and a medical manager booklet for recording your complete medical history;
- Automatic listing in the Final Call in *UTU News*, which alerts members to the death of friends and former coworkers.

To join the UTU Alumni Association and stay in touch with friends and coworkers and news about the industry and your former employer, send a check for \$9, plus your mailing address, to: UTU Alumni Association, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

- **Proof of military service.** To be eligible for military credits, you will need a copy of your discharge papers (DD-214). Note: When you were discharged, you likely were encouraged to file a copy of your DD-214 with the recorder of deeds in your hometown.

- **A copy of your most recent IRS form W-2** from your employer (filed with your tax return).

Railroad employees contemplating retirement are eligible to receive a "Retirement Made Easy" kit from United Healthcare. To obtain the kit, rail employees should call United Healthcare at (800) 842-5252.

Also, if you have dependent children, you should have available original or certified copies of their birth certificates.



Your UTUIA helps provide secure retirements

How long will you live after you retire, and will you have enough money to live on comfortably?

Good question. That's why – before you retire – you should think about post-retirement economic security, because few things could be worse than money running out during what are supposed to be carefree years.

A balanced retirement portfolio should resemble a three-legged stool.

The first leg is your Tier I Railroad Retirement, Social Security or CalPERS (the California retirement system for public employees), plus Tier II Railroad Retirement and/or an employer pension.

The second leg is the equity in your home, plus your personal savings, such as certificates of deposit and mutual funds.

The third leg of this financial stool are annuities, IRAs, 401(k) plans and whole life insurance.

These three financial legs are the assets to support you through retirement. The fewer legs, or the lower value of any legs, could mean a less secure financial situation during retirement.

Determining available assets before you retire is essential. You may,

for example, choose to wait another year or two before retiring and build up assets in one or more legs of your financial stool.

Younger members are wise to consider these financial legs long before they retire.

The UTU Insurance Association can help build the third leg of your financial stool prior to, and even during, retirement.

UTUIA whole life policies provide a death benefit while accumulating cash value. The death benefit protects your surviving family if you die; and the cash value becomes a source of tax-deferred savings available during your retirement years.

UTUIA annuities and individual retirement accounts (IRAs) earn guaranteed interest that is tax deferred until you draw down the balance. You may invest in UTUIA annuities up to age 85. Existing IRAs and/or employer 401(k) plans may be rolled over into a UTUIA IRA.

To learn how the UTUIA can help make your retirement more secure, talk with a UTUIA field supervisor, or call the UTUIA toll-free line at (800) 558-8842.



What is Medicare?

Medicare is the primary health insurance for retirees and their spouses. It is available for those over age 65, those under 65 with certain disabilities, and those of any age with permanent kidney failure. It consists of Parts A, B, C and D.

Part A helps cover inpatient care in hospitals and a skilled nursing facility, hospice and home health care.

Part B helps cover doctors' services, hospital outpatient care and home health care, as well as some preventive services to help maintain your health and to keep certain illnesses from getting worse.

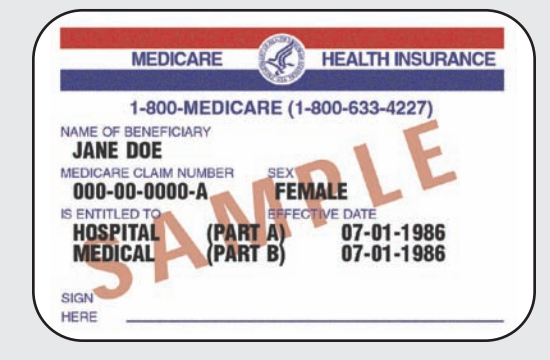
Part C is a Medicare advantage plan similar to an HMO or PPO – health plans run by Medicare-approved private insurance companies. Medicare advantage plans generally include Parts A, B and D.

Part D is a prescription drug program provided by a Medicare-approved private insurance company to help cover the cost of prescription drugs.

You should enroll in Medicare Parts A, B and D when you are first eligible. If you delay enrollment, you will be subject to additional costs for the coverage.

Railroad employees should call the Railroad Retirement Board's toll-free information line at (877) 772-5772 for enrollment and other information, or Palmetto GBA at (800) 833-4455.

Non-railroad employees should call Medicare at (800) 633-4227, or visit www.medicare.gov. Medicare can send you a handbook, "Medicare & You," explaining all aspects of Medicare, or the handbook may be ordered or downloaded at the Medicare website.



Be prepared to file for benefits

Transportation employees who are planning to retire should be aware of what steps to take and what documents are required when applying for an annuity from the Railroad Retirement Board (RRB) and for Social Security benefits. Being prepared can prevent needless delays and ensure that payments begin as soon as possible after retirement. To ensure a smooth and speedy process, applicants should:

- **Contact the RRB or Social Security at least a year in advance** of retirement to obtain estimates and discuss any unique or unusual circumstances that might affect your annuity.
- **Secure in advance original or certified copies of required documents**, such as proofs of age, marriage, and any military service claimed. Photocopies cannot be accepted. Applicants for disability annuities are required to submit supporting medical information and should have as much medical documentation and information available as possible at the time of filing.
- **Be prepared to provide Social Security numbers and relevant information** (such as dates of birth, marriage, divorce) for spouses, former spouses, and children.
- **Be able to provide banking information** for direct deposit of benefit payments.
- **Be able to provide details regarding non-railroad pensions or jobs**, such as dates worked and employer identification numbers (EIN), for both the employee and spouse.
- **File in a timely manner.** The RRB accepts annuity applications up to three months in advance of an annuity beginning date, which allows the agency to complete the processing of most new claims by a person's retirement date.
- **Be sure to sign the application** and return all pages to the RRB and Social Security.

Applications are filed through the RRB's field offices. Applicants may file in person or by telephone and mail. Those filing in person may do so at any RRB office or at one of the office's customer outreach program service locations. Applicants filing by telephone receive the same information and instructions that are provided to those filing in person; forms requiring signatures and other documents are then handled by mail.

The addresses of all the RRB's field offices are

Contact information

Below are phone numbers and addresses for websites that can help you secure your plans for retirement.

UTU International
(216) 228-9400
www.utu.org

UTU Insurance Association (UTUIA)
Toll free (800) 558-8842
www.utuia.org

United Healthcare GA-23111/Plan F (Medicare supplement)
Toll free (800) 809-0453
<http://www.myuhc.com>

UnitedHealthcare GA-46000/Plan E (Early retirement health insurance)
Toll free (800) 842-5252
<http://www.myuhc.com>

U.S. Railroad Retirement Board
Toll free (877) 772-5772
www.rrb.gov

Palmetto GBA (Railroad Medicare)
Toll free (800) 833-4455
www.palmettogba.com

Social Security Administration
Toll free (800) 772-1213
www.socialsecurity.gov

Medicare
Toll free (800) 633-4227
www.medicare.gov

CalPERS
Toll free (888) 225-7777
www.calpers.ca.gov

Department of Veterans Affairs
Toll free (800) 827-1000
www.va.gov

UTU
Alumni

UTU Alumni Association

News, information for members of the *UTU Alumni Association*

Retirees keep railroad family alive with reunions

Railroading gets in your blood, and blood is family.

And families need reunions, and that is what UTU retirees **Jim Zimmerman** and **Harold Arter** do: they hold reunions for railroad retirees living in and around Oklahoma City.

They have been doing it for nearly 40 years.

(Zimmerman is a member of Local 1188, Oklahoma City. He also served as Oklahoma state legislative director from 1975 to 1992. Arter was a conductor on the Santa Fe for years but ended up retiring from a homebuilding career.)

Group of friends from former Santa Fe have met for 40 years

The reunions had their genesis as a Santa Fe Railway softball team back in the 1950s, Zimmerman said. “There’s eight or 10 of us left from that.”

That group and other co-workers and their wives then started having dinners together back in the 1980s, Zimmerman said. But the wives got bored with the railroad talk, and now it’s the men who continue the tradition.

Zimmerman said he was at a funeral about 30 years ago when he thought it sad that he only saw friends from the railroad when somebody died. Soon after, he and Arter began visiting rail



Harold Arter (left) and Jim Zimmerman

friends all over Oklahoma, stopping by yards and depots. Eventually they started scheduling regular get-togethers.

“I believe at our first meeting we had about 17 come,” Zimmerman said.

While attendance at the meetings grew quickly, the group faces the realities of age as friends die. “About one in five cannot make our meetings because of doctor appointments,” Zimmerman said.

The retirees reunite every few months to reminisce about their hard work and the friendships they forged on the railroad.

The group, now 40 strong, recently met at Spencer’s Barbeque in Midwest City. The oldest was 93.

Zimmerman started on the Rock Island Line at age 20, earning \$12 a day, and logged 42 years as a railroad worker, retiring in 1992. Like most of the men in the room, he knew all the others by name.

“These guys made up five-man crews, and sometimes we’d work a few weeks together and sometimes we’d work a few months together,” he said.

For more information on these meetings, call Zimmerman at (405) 391-4250.

276 years young



Retirees from the former Missouri Pacific and Union Pacific enjoy a once-a-month get together in St. Louis, Alumni Association member **Norbert Shacklette** of Local 1823, St. Louis, reports. Three nonagenarians who made it to the meeting include **Wendell Hooks** (seated; Local 1402, Dupo, Ill.; retired Illinois Division conductor, 93 years old); **Eugene Harmack** (standing left; Local 1823; retired Eastern Division conductor, 91 years old) and **Fred White** (standing right; Local 330, Poplar Bluff, Mo.; retired Missouri Division conductor, 92 years old). All three were the sons of railroaders.

Chesser to attend Colorado retiree lunch

Railroad retirees in Colorado are invited to a luncheon hosted by former State Legislative Director **Jack Shaver**.

The event will take place at 11:30 a.m. Wednesday, May 9, at Cinzzetti’s Italian Market, 281 W. 104th Ave. in Northglenn.

Retirees from all unions and crafts, as well as their spouses, are invited, Shaver said.

Former UTU International President **Al Chesser** will be the guest of honor.

The cost per person for the buffet meal is \$15, and reservations are required.

Please mail checks by May 2 to Shaver at 16052A Deer Ridge Dr., Morrison, CO 80465.

Contact Shaver at (303) 697-9794 or jackvshaver@comcast.net.

THE FINAL CALL

Following are the names of recently deceased members who maintained annual membership in the UTU Alumni Association, according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Alumni Association members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
1	Schulenberg, David G.	Dunkirk, N.Y.	759	Roach, Leroy	Las Cruces, N.M.	1366	Cunliffe, Leland A.	Sandy, Utah
30	Russell, Thomas N.	Jacksonville, Fla.	770	Ellis, Gary L.	Poteau, Okla.	1373	McCarthy Jr., Charles E.	Perryville, Md.
171	Zink, Eugene L.	Rock Falls, Ill.	792	Noss, Raymond T.	New London, Ohio	1375	Paul, William J.	West Deptford, N.J.
194	Layer, Fred E.	Boulder, Colo.	800	Brush Sr., Richard A.	Matamoras, Pa.	1382	Watts, Gordon F.	Brooksville, Fla.
211	Knapp, Wilford M.	Hartselle, Ala.	886	Harris, Justin T.	Holbrook, Mass.	1383	Gish, James T.	Fort Mohave, Ariz.
262	O’Connor, John J.	Dorchester, Mass.	898	Adams, Carl R.	Westminster, Mass.	1393	Burns, Joseph R.	Buffalo, N.Y.
281	Verona, Anthony J.	Pewaukee, Wis.	911	Stevenson, Arthur D.	Gladstone, Mich.	1477	Dick, Kenneth W.	Livonia, Mich.
338	Owens, Morris L.	Chattanooga, Tenn.	945	Conditt, Eugene C.	LaJunta, Colo.	1502	Watkins, Milton S.	Wildwood, Fla.
471	Hellard, B.T.	Saint Louis, Mo.	971	Vernon, Ronald W.	Crewe, Va.	1525	Tate, Eddie R.	Edwardsville, Ill.
473	Draper, LeVern D.	Union, Ore.	982	Smith, Carl G.	Remsen, N.Y.	1529	Wilson, Raymond R.	Toledo, Ohio
504	Weekly, George J.	McMechen, W. Va.	1031	Lynes, Daniel N.	Savannah, Ga.	1563	Malone Jr., Charles L.	Riverside, Calif.
610	Cullins, Billy J.	Pasadena, Md.	1031	Morris, Elwyn G.	Jesup, Ga.	1565	Kahl, Melcher	Cincinnati, Ohio
610	Hornack, Paul	Dundalk, Md.	1033	Davis, Albert R.	Acworth, Ga.	1570	Coad, Veon W.	Auburn, Calif.
643	Gustin, Larry R.	LaFeria, Texas	1042	Burns, Jack A.	Oklahoma City, Okla.	1628	Zepay, George W.	North Versailles, Pa.
645	Robert, Louis C.	North Bellmore, N.Y.	1058	Tucker, Elmer E.	Bonnors Ferry, Idaho	1760	Hendrix, Jack W.	Northville, Mich.
653	Blaser, Donald E.	Crown Point, Ind.	1221	Clark, Richard W.	Tampa, Fla.	1929	Baldwin, Richard M.	Smithton, Ill.
662	Little, Glenn C.	Manassas, Va.	1292	Martinovich, John R.	Two Harbors, Minn.	1978	Coyle, John M.	New City, N.Y.
744	King, Donald L.	Lafayette, Ind.	1345	Worley, Daniel P.	Maryville, Tenn.			

Accidents can happen to anyone, at any time

Protect yourself and your family from accidents, on and off the job, for less than \$1 per day

The UTUIA's accident indemnity plan provides you with money when you need it most: when you've had an accident and cannot work.

Benefits are paid for emergency treatment; hospital confinement; exams; physical therapy; ambulance service, and more.

Use the money for whatever you want: mortgage payments; car payments; medical expenses. **The choice is yours.**

The UTUIA offers two levels of benefits; you choose the level of protection you and your family desire.

- » All benefits are paid directly to you.
- » Benefits are paid at full value, regardless of any other insurance you have.
- » Benefits will never be reduced.
- » Your premium does not increase with age.
- » You will never be singled out for a rate increase.
- » Guaranteed renewable to age 80.
- » No physical required.



**Call or email today:
(800) 558-8842
utuiasales@utu.org**

Call the toll-free number above, email the address above, or send in the coupon at right to request a plan benefit brochure. Certain conditions and exemptions may apply.

I would like more information, please

I would like to learn more about UTUIA's accident indemnity plan.
(Please print)



Full name	Date of birth	UTU local number	
Address		City	State ZIP
Telephone number with area code		Sex	Male ☐ Female ☐

Mail to: UTUIA, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333

04/12

UTU seeks predictable work schedules for all members

The results of a recent National Sleep Foundation study should get UTU members nodding in agreement.

The UTU National Legislative Office and UTU state legislative directors will be using the results of this study to educate lawmakers and regulators about the value of adequate sleep.

This is what the National Sleep Foundation reported:

- The people we trust to take us or our loved ones from place to place often struggle with sleep.
- Pilots and railroad operators are most likely to report sleep-related job performance and safety problems.

- Almost two-thirds of rail workers in safety sensitive positions and one-half of airline workers in safety sensitive positions say they rarely or never get a good night's sleep on work nights.

- If given one more hour off between work shifts, over one-half of pilots and rail workers in safety sensitive positions report that they would use the hour for sleep.

- Transport workers have challenging schedules that compete with the natural need for sleep.

UTU National Legislative Director James Stem says that "while there has been some improvement in safety laws and regulations aimed at combating fatigue affecting transporta-

tion workers, those laws and regulations fall far short of what is needed.

offers the following advice to will help transportation workers obtain better rest:

- Use your bedroom only for sleep to strengthen the association between your bed and sleep. It may help to remove work materials, computers and televisions from your bedroom.
- Select a relaxing bedtime ritual, like a warm bath or listening to calming music.
- Create an environment conducive to sleep that is quiet, dark and cool, with a comfortable mattress and pillows.
- If you can't sleep, go into another room and do something relaxing until you feel tired.
- Exercise regularly, but avoid vigorous workouts close to bedtime.
- If you are experiencing excessive sleepiness during work hours, contact your health care professional for a sleep apnea screening.

About 25 percent of railroad and airline workers admit that sleepiness has affected their job performance

- About 25 percent of railroad and airline workers in safety sensitive positions admit that sleepiness has affected their job performance at least once a week. This compares to about 17 percent of non-transportation workers.

- One in five pilots and almost one in five railroad workers has made a serious error or had a close call due to sleepiness.

- Six percent of transportation workers – air, bus and rail – have been involved in car accidents due to sleepiness while commuting to or from work. This compares with just one percent of non-transportation workers.

- Among all workers, airline and rail workers in safety sensitive positions report the most work-day sleep dissatisfaction.

tion workers, those laws and regulations fall far short of what is needed.

"There remains a total lack of predictable work schedules for safety critical operating employees," Stem says. "And there remains a misapplication of existing work-rest provisions that actually make fatigue-reducing applications worse, especially for regularly scheduled yard assignments.

"For commuter airline pilots, the problem of fatigue abatement is especially severe," Stem says. "Commuter airline pilots and flight attendants in safety critical roles are not furnished lodging during break periods, requiring them to use public airport facilities, rather than hotel rooms, for rest periods."

Meanwhile, the National Sleep Foundation

We need your photos

The UTU International is seeking good railroad, bus and airline photos.

High-resolution digital photographs should be emailed to "utunews@utu.org". Printed photos should be mailed to UTU News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070. Include the UTU member's name and local number, the name(s) of the person or persons in the photo (left to right) and any other information. All photos become property of UTU.

Job briefings can save limbs and lives

Job briefings can prevent serious injuries and fatalities, says the Federal Railroad Administration in a switching fatalities and severe injury update. The FRA cites 23 fatalities that have occurred as a result of what it terms “inadequate job briefings.”

The FRA offers the following tips for “an effective job briefing”:

- **First, a job briefing is different from a safety briefing.** A job briefing is specific to upcoming work and its interrelated and independent tasks. A safety briefing is more general, often occurring at the beginning of a shift;

- **Ongoing communication is crucial** among employees during the entire time switching operations are being performed, including periods when tasks are changing or when anomalies occur. Thus, it is important always to monitor

work-in-progress, especially for anomalies. When work changes occur, the employees involved may not maintain current with these changes. They may be unaware of the tasks to be performed, and this may place them in peril;

- **All crew members should be empowered** to stop work and request a job briefing;

- **A job briefing is a two-way exchange of information** to reach an understanding of the tasks being performed. All should participate in the job briefing, regardless of seniority. All should be heard about concerns of upcoming work. All should understand the exact nature of work to be performed;

- **A job briefing cannot be standardized**, generalized or simply rule based. Switching acts can be unique to circumstances and location. A briefing must be adequate and specific to the acts.

Fatalities have resulted even after a job briefing because the briefing was not adequate;

- **At a minimum, a job briefing should include:**

*Who will act;
What act is to be done;
Where the act will occur;
When the act will occur;
Why the act is being done;*

- **An effective job briefing can prevent harm to employees monitoring switching operations** for anomalies from what was planned. Stopping work when appropriate, and holding an effective job briefing, are part of safe operating practices.

For more information on FRA safety advisories, go to www.utu.org.

Website offers wealth of medical information

Railroad employees and/or their eligible dependents covered under the national railroad medical, prescription drug, dental, vision and life insurance benefits plans are now able to find information about those benefits at The Railroad Information Depot webpage: www.rriinfodepot.com.

(Note that this website pertains only to the nationally negotiated railroad health and welfare plans. If you and/or your eligible dependents are not covered by those benefits plans – and this includes Amtrak employees – you should continue to seek information about your health care benefits from your employer.)

Each of the benefits administrators for rail employee health care insurance negotiated under the national railroad medical, prescription drug, dental, vision and life insurance benefits plans will host a home page at the Railroad Information Depot. They include Aetna, Highmark, MetLife, Medco, VSP, and UnitedHealthcare.

By logging on to www.rriinfodepot.com, rail employees will find a central point of access for

information about health care benefits, regardless of which benefits administrator provides coverage, such as:

- Alerts and important dates regarding annual open enrollment periods;
- Current topics of interest and news on specific health issues;
- Access to summary plan descriptions;
- Information on medical care, mental health, substance abuse, disease management, wellness programs, pharmacy, dental care, life insurance, vision care, and sickness benefits, regardless of the health care benefits administrator;
- Links to network providers, helpful tools and educational materials, contact information, and the various forms necessary for filing for benefits;
- A dedicated retirement section providing information and links to assist you in transitioning into retirement;
- Railroad Enrollment Services information to ensure you understand who is eligible for coverage under your plan and the documentation required.

At the website, you will be able to navigate over a topic to read more about what it offers; and, if it's what you are looking for, you will need only to click on the topic to find more in-depth information.

A postcard was mailed to all railroad employees covered by these plans announcing the launch of the new website.

The webpage is also available on the “Health Care” page accessible from the UTU webpage home page, www.utu.org.

Smartphone app improves health care

There is now a smartphone application (“app”) for UTU members covered under the Railroad Employees National Health and Welfare Plan or the National Railway Carriers and UTU Health and Welfare Plan.

The mobile app is available for users of iPhone, Blackberry and Droid platforms, and the app will link to Aetna, Highmark BCBS, UnitedHealthcare and Medco.

The app will allow you to:

- **Obtain your member number** and other pertinent information, and even allow you to print a temporary medical ID card;
- **Obtain cost and quality data** for certain providers and services (transparency tools can help you make more informed choices);
- **Access claims information**, popular tools and explanation of benefits;
- **Find providers in your area**, call them and obtain directions to the provider;
- **Check benefits** and coverage information.
- **Contact member services** via phone or email.

Here is how to download the app: Log onto the secure member sites of Aetna (www.aetna.com); Highmark BCBS (www.highmarkbcbs.com); UnitedHealthcare (www.myuhc.com) or Medco (www.medco.com). You will need your secure user ID and password to proceed. If not registered on the site, you will have to do so when you log on.

Once logged on, you will find information on how to download the provider's app to your smartphone. Remember that federal regulations or employer policies may prohibit your using electronic devices, including smartphones, while on duty.

OSHA fines UP

Continued from page 1

refuses to work under certain unsafe conditions or refuses to authorize the use of safety related equipment.

An employer is outright prohibited from disciplining an employee for requesting medical or first-aid treatment, or for following a physician's orders, a physician's treatment plan, or medical advice.

Retaliation, including threats of retaliation, is defined as firing or laying off, blacklisting, demoting, denying overtime or promotion, disciplining, denying benefits, failing to rehire, intimidation, reassignment affecting promotion prospects, or reducing pay or hours.

UTU DLC have pledged to help members who complain

Earlier this year, OSHA elevated in agency priority its whistleblower protection efforts, placing enforcement directly under OSHA's assistant secretary of labor. OSHA said the elevation was an effort “to strengthen employees' voices in the workplace.”

A rail employee may file a whistleblower complaint directly with OSHA, or may contact his or her general chairperson or state legislative director for assistance.

UTU designated legal counsel have pledged to assist members, as necessary, after they have made a complaint to OSHA.

A listing of UTU designated legal counsel can be found on the UTU website (www.utu.org) or may be obtained from local or general committee officers or state legislative directors.

EPA proposal threatens coal, rail jobs

WASHINGTON – Few commodities are as essential to railroads and railroad jobs as coal. Fully 25 percent of railroad revenue, one-in-five railroad jobs and 40 percent of freight cars owe their existence to coal, according to the Association of American Railroads.

But a proposal by the Environmental Protection Agency (EPA) this week could put a crimp in coal's future – imposing the first-ever limits on greenhouse gas emissions from new power plants and encouraging the substitution of natural-gas fired energy plants to generate electricity.

The EPA is accepting comments on its proposal prior to finalizing the rule. If the EPA does not back down, coal interests are expected to mount a federal-court challenge to the rule, according to news reports.

The senior Democrat on the House Transportation & Infrastructure Committee, Rep. Nick Rahall of West Virginia, said the ruling “could have a crippling effect” on coal production, effectively prohibiting the construction of coal-fired power plants and causing many of the existing coal-fired power plants to be phased out.

The EPA said its ruling is “a common-sense step to reduce pollution in our air, protect the planet for our children, and move us into a new era of American energy.”

But the Edison Electric Institute, which represents electric utilities, said that the EPA proposal “threatens the viability of coal.” News reports quote experts who say that the EPA ruling, if it stands, could eliminate 15 percent of U.S. coal-fired plants.

China, meanwhile, uses more coal than the United States, Europe and Japan combined, according to *The New York Times*.

Moving?

The UTU International pays hundreds of dollars a month to the U.S. Postal Service because many members do not inform the union they have moved. If you are planning to move, please inform both the UTU International and your local secretary of your new address at least six weeks in advance. Contact the UTU International by phone at (216) 228-9400, ext. 3908, via email at “directory@utu.org” or log onto www.utu.org and change your address via the UTU website.



Get ready for the 2012 regional meetings

The 2012 UTU/UTUIA regional meetings have been designed to provide a grand sense of fraternalism, lots of worthwhile education and tons of fun for the whole family.

As before, each regional meeting will run for 2-1/2 days, ending early on the afternoon of the third day. The evening of the first day has been left unscheduled so you, your family and friends will be free to explore and enjoy the many offerings of the regional meeting cities.

UTU regional meeting registration and hotel information, as well as web links to make hotel reservations online, can be accessed by visiting www.utu.org and clicking on the “Meetings” box.

All those attending the regional meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary. The registration form is on the right.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, by June 4 for the Portland meeting or by July 9 for the Memphis meeting or the registrant will be charged an on-site registration fee of \$200.

The pre-registration fee for the 2012 regional meetings is \$150 per member, spouse or child over age 11, the same fee charged the last five years. Additional fees apply for the golf outings. You must make your own room reservations, and certain deadlines apply.

The \$150 registration fee covers all workshop materials; a welcoming reception the night before the meeting; three lunches and one evening meal. Those wishing to attend only the workshops do not need to pay the registration fee. No one-day registrations are offered.

You may cancel your meeting registration 10 days prior to the first day of the meeting or the golf outing without penalty. Call the International at (216) 228-9400 or email k_cashin@utu.org immediately regarding any changes or cancellations.

Portland, Ore., June 18-20:
Hilton Portland Hotel, 921 S.W. Sixth Ave., Portland, OR 97204-1202, www.portland.hilton.com
Reservations: (800) 445-8667 toll free; (503) 226-1611 direct; reservation code: UTU
Room rate: \$139 single/double, plus taxes; rates good for three days before and after meeting, depending upon availability.
Reservation deadline: May 14, or until all rooms being held for the UTU are reserved
Parking: \$27/day valet; \$18/day self park
Golf outing: The regional meeting golf outing will take place Sunday, June 17, at the Reserve Vineyards and Golf Club in Aloha, Ore. The cost is \$80 per golfer, which includes golf, lunch and more.

Memphis, Tenn., July 23-25:
The Peabody Memphis, 149 Union Ave., Memphis, TN 38103 97204-1202, www.peabodymemphis.com
Reservations: (800) PEABODY toll free; (901) 529-4000 direct; reservation code: 721939.
Room rate: \$134 single/double, plus taxes; rates good for three days before and after meeting, depending upon availability.
Reservation deadline: June 18, or until all rooms being held for the UTU are reserved.
Parking: \$15/day valet; \$10/day self park
Golf outing: The regional meeting golf outing will take place Sunday, July 22, at Mirimichi in Millington, Tenn. The cost is \$80 per golfer, which includes golf, lunch and more.

Spouse tours, discounts

At the Portland regional meeting, the UTU is offering a tour of the Columbia River Gorge and a city tour, and at the Memphis regional meeting a tour of Graceland and the National Civil Rights Museum. The union also has arranged discounts on airfare and rental cars at both locations. Go to the “meetings” page of www.utu.org for details.

UTU REGIONAL MEETING REGISTRATION FORM

Registering before the regional meetings speeds sign-in procedures, helps organizers plan more accurately, and saves on meeting costs. **Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2-1/2 days and conclude on the afternoon of the third day.** Registration fees are \$150 per person; children 11 years of age and under are complimentary. On-site registration is \$200 per person. All fees must be paid in U.S. funds. Canadian funds will be returned, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received at the UTU International by June 4 for the Portland meeting and by July 9 for the Memphis meeting for all members, spouses and guests to be considered pre-registered.

Which regional meeting will you be attending? ☐ Portland ☐ Memphis

Arrival date: _____ Departure date: _____

Transportation type: ☐ Automobile ☐ Air ☐ Other

Member registration

Name _____ Local _____ Title (if any) _____

Home address _____

City/State/ZIP _____

Phone number () _____ Email _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse registration ☐ Portland ☐ Memphis

Spouse name _____ Title (if any) _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35/tour per registered spouse; \$75/tour per unregistered spouse)

Child registration ☐ Portland ☐ Memphis

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Child name _____ Age _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Tour: ☐ Sunday or ☐ Monday (\$35/tour per registered child; \$75/tour per unregistered child) No. attending _____

Guest registration ☐ Portland ☐ Memphis

Guest name _____ Relationship to member _____

Home address _____

City/State/ZIP _____

Meals: Day 1 ☐ Lunch ☐ No meal Any dietary restrictions? _____
Day 2 ☐ Lunch ☐ Dinner ☐ Both ☐ No meals
Day 3 ☐ Lunch ☐ No meal

Spouse/guest tour: ☐ Sunday or ☐ Monday (\$35/tour per registered guest; \$75/tour per unregistered guest)

Special needs? (Circle appropriate responses): Registrant / spouse / child / guest is:
hearing impaired / visually impaired / in wheelchair / other: _____

Golf registration ☐ Portland ☐ Memphis

Name _____ Handicap _____ Name _____ Handicap _____

Name _____ Handicap _____ Name _____ Handicap _____

(Golf fees are \$80 per golfer; include in total payment. Please provide names of others if foursome.)

Payment options

Check/money order enclosed (U.S. funds only) \$ _____

Credit card ☐ VISA ☐ MasterCard

Card number _____ Exp. date _____ Total charged \$ _____

Signature _____

Should additional space be needed, make copies of this form and attach to the original. Make checks or money orders payable in U.S. funds to “UTU Regional Meeting” and mail to UTU Regional Meeting, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Persons who do not pre-register for the regional meeting but choose to register at the meeting site will be charged an additional \$50. Space on the tours is limited; reservations are accepted on a first-come, first-served basis.

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Photo of the month

The UTU International is always looking for good photos, and awards UTU gear to monthly photo winners.

The UTU seeks photographs or digital images of work-related scenes, such as railroad, bus or mass transit operations, new equipment photos, scenic shots, activities of your local, or photos of your brothers and sisters keeping America rolling.

Printed photographs should be mailed to UTU News, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333.

High-resolution digital photographs should be in the JPEG format and emailed to "utunews@utu.org".

With each photograph, please include your name and UTU local number, the names of the persons in the photo (left to right), where the photo was taken, and all other pertinent information.

All photographs submitted become property of the UTU.

Remember to review your employer's policies regarding use of cameras on the property or during work hours.



This photo of a Santa Cruz, Calif., natural-gas powered Metropolitan Transit District bus was taken by Local 23 member **Mario Espinoza**. This photo was taken at the Santa Monica Boardwalk.



The Official Publication of the United Transportation Union

BNSF rescinds rule after labor complains

After BNSF announced it would demand highly personal information from employees relating to off-duty medical procedures and issues, the UTU and the Sheet Metal Workers International Association (SMWIA) asked the Equal Employment Opportunity Commission (EEOC) to investigate.

The proposed new carrier rule, said the UTU and SMWIA, is discriminatory and violates federal law by requiring workers to provide highly personal medical information.

Within days, BNSF rescinded the policy rather than face an EEOC investigation.

As the UTU and SMWIA documented in their complaints to the EEOC, BNSF had no statutory right to view the information – that its proposed rule was in violation of the Americans with Disabilities Act, the Genetic Information Nondisclosure Act, the Civil Rights Act and the Pregnancy Discrimination Act by requiring that employees provide the railroad with doctors' notes, diagnostic test results and hospital discharge summaries.

"Each day that BNSF's policy remains in effect, more

employees face the likelihood of having their statutory rights violated," the UTU and SMWIA told the EEOC.

"And once an employee's rights are violated – that is, once BNSF has been notified of the away-from-work medical condition or event and has obtained the employee's statutorily-protected medical information – there is no way to undo the violation," the UTU and SMWIA told the EEOC.

Additionally, said the UTU and SMWIA, the medical information that BNSF sought was likely to reveal a disability that is neither job

related nor consistent with business necessity, and is likely to result in BNSF obtaining genetic information.

Moreover, the proposed BNSF rule would have discriminated against women affected by pregnancy and/or related medical conditions, the UTU and SMWIA told the EEOC.

Other labor organizations filed similar complaints with the EEOC.



Inside this issue of the *UTU News*:



UTU local officer Skiba wins rail essay contest. See page 2.



Utah State Legislative Director Seegmiller runs for Congress. See page 5.



Thinking of retiring? A how-to guide can be found on pages 6 & 7.



UTU member keeps fraternalism alive for 40 years. See page 8.