

# The Highball

*The Official Newsletter of Railroad Workers United*

## RWU LAUNCHES THREE NATIONAL CAMPAIGNS

Throughout the course of 2008 beginning at the Founding Convention in April, the RWU International Steering Committee – with input from members and supporters – has developed three national campaigns. While RWU is active locally in a number of rail terminals, RWU operates these three campaigns coast-to-coast. Because these issues are vital to ALL railroad workers – across union, craft, carrier and seniority – we have opted to focus our energy on these three broad campaigns throughout the course of this year.

While there are numerous other issues to be addressed, these three have broad appeal to the masses of railroad workers. In addition, timing has been a factor in the promulgation of all three campaigns. The Coordinated Bargaining Campaign makes sense now because Section 6 Notices are to be exchanged and the next round of national handling to commence later this year on November 1st. We need to get our ducks in a row. The Reform of Railroad Retirement Campaign probably would not have even been devised had it not been for the major economic and political shake-ups in recent months. Finally, the Campaign for Union-Based Safety comes in response to the current record number of disciplines and firings of railroad workers. Management “behavior-based safety programs” have reached a new plane of obnoxiousness and irresponsibility. Together, these phenomena have left railroaders looking for answers and alternatives to the current “blame the worker” approach.

### **1. Coordinated Bargaining**

For too long, the carriers have been able to “whipsaw” one of our unions against another in contract bargaining. At the founding convention, the delegates adopted a resolution to make

coordinated bargaining a priority for RWU in the coming round of contract talks. We are working to bring all rail unions together for this round, which is slated to start in November of 2009. It is not uncommon for unions to build united fronts in bargaining with a common employer. It has been done to some degree in the past in the rail industry and has achieved a high degree of success in some other industries where it has been implemented. We need to overcome the selfish and parochial short-term interests of our individual crafts and our individual unions and come together in solidarity. ***“An injury to one is an injury to all!”***  
***No one settles until all settle!”***

### **2. Union-Based Safety Committees**

RWU is working in conjunction with local unions to oppose management “behavior-based safety” programs. Whether it be “Total Safety Culture” on the Union Pacific or any one of a number of safety programs sponsored by the various rail carriers, these programs all have one common feature – they fail to address the real safety hazards that exist and the underlying causes of worker injuries and fatalities, focusing instead on worker behaviors. RWU joins countless unions across North America in condemning these programs. In their place, we are working to build independent union-based safety committees which focus on workplace hazard elimination. We encourage the greatest cross-craft solidarity and cooperation in this endeavor to keep the carrier from playing one union off against the other. To these ends, RWU has developed a “tool kit” – a collection of flyers, posters, and various documents – that union locals can access and make use of in their fight to build real union-based safety programs. ***“Fix the Hazards – Don’t Blame the Worker!”***

*(continued next page)*

**RWU NATIONAL CAMPAIGNS (CON'TD)****3. Reform Railroad Retirement**

In fall 2008 a number of developments took place to propel our third campaign into action. While important reforms were won around the turn of the century, the current Railroad Retirement System remains flawed and in need of change. Veterans, the disabled, spouses and widows are currently penalized under the current system. This should be eliminated. And we believe that railroad workers – just like numerous workers in other industries – should be afforded the choice to retire early if they so desire. Thousands of older rails would like to retire now. And younger workers would love to move up the seniority ladder and hold better jobs. Furloughed rails would be

happy to be recalled to service and Uncle Sam would be all too happy to see unemployed workers receive good paying union jobs. With the economic crisis and its attendant job losses, coupled with the election of a more labor friendly administration and Congress, a window of opportunity has opened. Now is the time to seize the moment! **“Reform Railroad Retirement. Now!”**

*More detailed information on all three of these RWU campaigns, including a formal resolution which serves as a foundation for each campaign, can be accessed on the RWU website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org).*

**RWU WINTER MEMBERSHIP DRIVE**

After a year of organizing and developing the foundation for the organization, RWU has now officially launched its first annual membership drive. We encourage all of you – railroaders, retirees, and family members – who support our principles and goals to join RWU. For just \$50 a year, you can be a part of the movement of railroaders across North America for unity, democracy and solidarity. As a member you can participate in monthly conference calls of the International Steering Committee, have access to meeting minutes, and have input into the direction and policy of RWU. You can take part in any of the subcommittees of the organization, attend the biannual Convention, run for office, and serve on the International Steering Committee.

If you do not wish to join at this time, please consider making a financial donation to RWU. Or maybe you would like to purchase a hat or T-shirt emblazoned with the RWU logo? Of course, whether you join or not, please take part in RWU local and national campaigns and activities.

If you are already an RWU member, we encourage you to sign up your co-workers. Make a commitment to sign up at least ONE. Also, if you are a current member, we ask that you consider becoming more involved in the activities of the organization.

To join, order hats, T-shirts, or make a donation, please see the website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org). For an application, call 206.984.3051, email [info@railroadworkersunited.org](mailto:info@railroadworkersunited.org), or write to PO Box 1053 Salem, IL 62881



## RWU CAMPAIGNS TO REFORM RAILROAD RETIREMENT

With this issue of *The Highball*, Railroad Workers United kicks off our “Campaign to Reform Railroad Retirement.” Given the economic crisis, the change in Administration and the Congress, together with talk of a massive “stimulus” plan, we feel the time is ripe for railroaders across the U.S. to push for needed reforms to the railroad retirement system. Let’s work together – all rails from all crafts and all unions – to bring justice to the nation’s railroaders and their families!

### ***What Is in the RWU Reform Proposal?***

- A reasonable choice for earlier retirement with a far less monetary penalty than is currently. Once achieving 30 years of service, the employee may elect to retire before age 58 with a 2% penalty per year for up to a maximum of 5 years younger (minimum age of 53). OR, once reaching age 58, the employee may elect to retire with less than 30 years of service with a 2% penalty per year for up to 5 years less than 30 (a minimum of 25 years of service).
- Full benefits for the spouse (age 50 or older) of a railroad worker the day the worker retires, or dies, regardless of the spouses age, or medical condition. Currently this is not the case, and numerous spouses of retired and/or deceased railroaders have endured years of economic hardship as a result.
- All currently insured coverages to our disabled and retired co-workers and their dependents. Currently, in addition to supplemental medical insurance for retirees and their dependents, retirees must also pay additional premiums for dental insurance and eye care as well. It is reasonable to request the carriers to pay no less than 50% of the premiums for medical, dental, and eye care for people that have helped keep our nation’s railroads solvent and profitable.
- A provision that the carrier provide all currently insured coverages for disabled workers and their

dependents. Currently, those that became disabled must struggle for medical, dental, and eye care benefits.

- Credit for up to 48 service months for those that served in our nations military before they were railroaders. Currently, only months of military service after hiring out are counted towards service months for retirement.
- Credited service months when furloughed. Currently, in addition to suffering a loss of pay and benefits through furlough, laid-off workers are also denied service months while they wait, remaining available for return-to-duty.
- Credit for service months for those that are disabled. Currently, together with a loss of potential earnings, the disabled worker is also subject to a loss of service months from the disability or illness.
- Removal of caps from taxable railroad retirement earnings of all active employees in order to fund these changes. All railroad employees -- management and union -- would pay into railroad retirement every day of the year for every day that we work.
- Quality career opportunities for our nation’s unemployed and underemployed. With the current national figures showing greater unemployment, the RWU Proposal would provide numerous good railroad job opportunities for both currently furloughed railroaders as well as for other out-of-work Americans.
- Positive changes that, in many cases, cost nothing, and others that can easily be paid for by a combined effort of labor and management.

*For more information, including the formal resolution adopted by RWU on 1-06-09, a brochure, petition, and other materials, please see the RWU website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org)*

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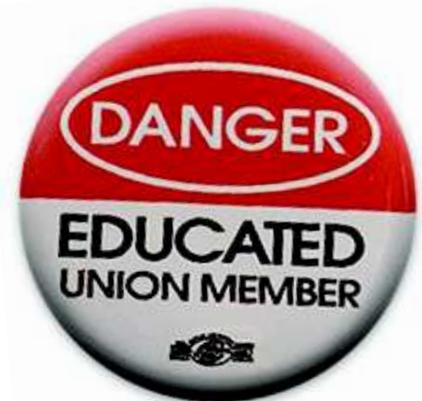
## UNION MEMBER INFORMATION PACKET NOW AVAILABLE FROM RWU

As a new rail union member, ever wish you had a comprehensive packet of information about issues pertinent to working life on the railroad? As an old head, ever get tired of your new union brothers' and sisters' ignorance of union issues? Do you ever wonder just who the hell was Eugene V. Debs was, how contracts are bargained under the RLA, or if you really do or don't have the right to strike?

In response to the lack of readily available information out there for union members, RWU has compiled a series of documents to assist both new and older members alike understand railroad employment, contract bargaining, and your rights and responsibilities under your agreement and under the law. Look for this information on the RWU website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org). Individuals as well as local unions wishing to provide a hard copy packet of information to their members should find the information useful.

The basic package includes short descriptions/explanations of:

- The Importance of Participation in Your Union
- Rail Labor History
- Eugene V Debs' Life and Work
- Rail Unions Structure
- The Railway Labor Act
- Contract Bargaining Under the Railway Labor Act
- Basic Claim Filing
- Railroad Retirement Board Benefits
- The Family & Medical Leave Act
- The Federal Railroad Administration
- What to do When Fatigued
- What to do When Injured on the Job
- The Basics of Rail Safety
- The Federal Employers' Liability Act (FELA)
- The History and Structure of Rail Unions.



For local unions wishing to provide a comprehensive packet for their members in addition to the above information, there are suggestions for local union and craft specific portions that can be created by the local union.

The packet is a work in progress. Its contents come at the suggestion of rail union members from coast-to-coast. If you have ideas to add to the contents, please email them to RWU at [info@railroadworkersunited.org](mailto:info@railroadworkersunited.org).

## RANK-AND-FILE UTU MEMBERS CONTINUE TO STRUGGLE AGAINST “SMART”

Three rank-and-file UTU members have, to date, been successful in upholding the rights of UTU members in the flawed SMART merger vote. The three members are Ed Michael of Salem, IL, Jim Eubanks of Beebe, AR, and John Hasenauer of North Platte, NE. Their legal fees are being supported by the generous donations from hundreds of supporting UTU members and subordinate bodies who likewise feel that the SMART merger vote was fatally flawed and undemocratic.

On June 26, 2008, Judge Adams of the United States District Court sided with these gallant UTU members and granted a Preliminary Injunction which effectively stopped the merger until the case is settled. In his Order for the Injunction, Judge Adams stated: “The Court finds that Plaintiffs have shown a substantial likelihood of success on their claim that they were deprived of a meaningful vote in the merger referendum in violation of the LMRDA”, and “Plaintiffs have demonstrated that their vote was not meaningful.” He also said, “...the plain language of the Merger agreement required approval of the SMART Constitution.”

Seven UTU International officers, who have intervened in the case as defendants and whose legal fees and expenses are being paid by the Sheet Metal Workers Union (SMWIA), have filed an appeal of the injunction with the Sixth Circuit Court of Appeals. With the untimely death of UTU National Legislative Director, James Brukenhoefer, there are now six intervening officers. These six officers adamantly oppose a settlement which would uphold UTU members’ right to a meaningful vote to ratify a SMART constitution. The Plaintiffs, the UTU International and the Interveners have all submitted their briefs to the appellate court and now await action by that court. Once the appellate court acts to deny their appeal, the case will be returned to Judge Adam’s court.

The plaintiffs and the UTU had an agreement to settle the case back in January 2008. The settlement would have called for a SMART constitution to be submitted to UTU members for ratification (A copy of a proposed constitution had not been made available to the membership during the course of the original vote in 2007). Unfortunately the six UTU Vice Presidents acting for the SMWIA were not pleased with this proposed solution, and have caused the case to continue, costing UTU members hundreds of thousands of dollars in legal fees and expenses.

All the news of the case and the court documents are available on the SAVE OUR UNION website. [www.savetheutu.com](http://www.savetheutu.com)



*Note: The UTU Executive Board has scheduled the hearing on internal union charges of the six intervening Vice President for February 3, 2009. Those Vice Presidents have petitioned the court for a Temporary Restraining Order to stop the internal union charges from being tried. The court will hold a hearing on their request on January 30, 2009 in Akron. In addition, UTU Vice President Fitzgerald -- in what is seen as a retaliatory move -- filed internal charges against UTU President Futbey. The Executive Board hearing on those charges is scheduled for March 3, 2009.*

## LABOR ADVOCATES OF SINGLE-PAYER HEALTHCARE MEET IN ST. LOUIS

By RWU Co-Chair Jon Flanders

How do you take the current organizing around Single Payer Health Care and turn it into a campaign for the US labor movement? That was the task that 150+ delegates from a broad spectrum of labor organizations set themselves in a two day conference in St. Louis, Missouri on January 10 and 11, 2009.

The conference took place in the context of the current debate around health care, which finds the labor movement split between those supporting "Health Care for America Now" (HCAN), which would maintain the current private insurance based system, and those supporting "Single Payer", which would eliminate the role of insurance companies from financing health insurance. The intent of the conference organizers was to found an organization for labor's supporters of Single Payer.

After hearing welcomes from the President of the Missouri AFL-CIO and the St. Louis Central Labor Council, among others, the conference settled in for a series of presentations and discussions on all aspects of the battle for Single Payer Health Care.

Highlighted by a presentation by California Nurses Association Executive Director Rose Ann Demoro and her husband Don Demoro, the delegates discussed and debated how to go beyond resolutions and lip service to a mass movement in labor for the only health care solution that makes sense, Single Payer health care. Rose Ann Demoro argued that we had to free the health care debate from the "policy wonks" who say we can't do it, and Don Demoro gave a Power Point talk on why given the current crisis, Single Payer is critical for sheer survival of the US economy which is why we have to do it.

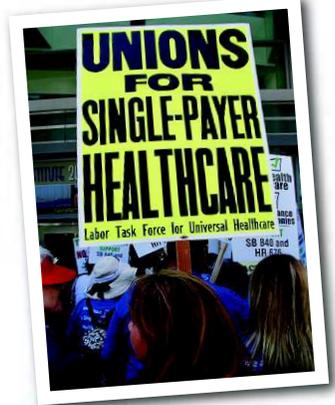
On Sunday the conference finalized a document that says in part..."The primary purpose of the Labor Campaign for Single-Payer Health Care is to increase

grassroots labor support for H.R. 676 as an essential element in winning the support of Congress to enact the National Health Care Act "Medicare for All" as the public policy of this

country because we believe that health care is a human right.....The Campaign's goal is to promote active engagement in the struggle for a single-payer "Medicare for All" national system at the state and local level among union members and others. The campaign will join with others in the national single-payer coalition in educating and mobilizing broad support for HR 676 and, as a result, educate our elected officials to the necessity of a health care system that is democratically controlled, publicly administered, and single-payer financed."

Since the conference, organizers have finalized a press release, action points, and an organizational structure. The Atlantic Region has already set up a communication connection via the internet for its members.

As millions of people in the US lose their jobs in this unfolding economic crisis, the lack of a national health care plan will hit home with unprecedented force. We can only hope that the labor campaign for single payer health care that got a boost in St. Louis will strike a spark with working people that will force our reluctant politicians to do the right thing, send the for-profit health insurance companies packing and create a new single payer plan that will cover both old and young, employed and unemployed, sick and healthy, in short ALL Americans!



*For more information on the conference and Labor Campaign for Single Payer, go to <http://www.laborforsinglepayer.org/>*

## RWU COMMENTARY:

### FURLOUGHS AND LAYOFFS - A UNION RESPONSE

By now, practically every rail terminal in North America has been hit by the slowdown in the world economy. U.S. freight carload traffic for the first full week of 2009 was off 17.7% from the comparable period a year ago. In Canada, railroad carload traffic fell 26.8% for the week compared with last year's period, while in Mexico, the two major railroads there saw carload traffic drop by 20.3%. \* Meantime, rail employment in the U.S. has declined by 1.68% from November 2007 to November 2008. (Worthy of note is that the bulk of the job losses came in "train & engine" (a 3.9% drop), while the category of "executives, officials and their assistants" declined just 0.02% over the same period).\*\*

The brunt of the cost of the downturn is being born by our least senior brothers and sisters. Many had left good jobs to come to work for the railroad, only to be cut off with no recall date in sight. But while it is true that they are paying the greatest cost, their furloughs set into motion a bumping chain that affects rails with seniority, in some cases high seniority. As regular yard jobs are abolished and more senior employees make a move, others are forced back to the road, onto night shift, or back into the trainman craft. Other are cut off from one terminal and now must seek employment at another.

What do we as rail union members do? For starters, Railroad Workers United is working on a "Furlough Survival Guide" for members who are cut off – how to apply for unemployment benefits under RRB or state systems; understanding your seniority and how to go "booming"; maintaining your health insurance, etc. But we need to do more than accept the current state of affairs.

We the employees of the railroads did not cause the problem. We have faithfully performed service and lived up to the terms and conditions of our employment. By the carriers' own admittance, North American railroaders have become the most productive and efficient rail workers in the world!

Rail profits have soared this past decade. Is it fair now for the carriers to expect that we pay the cost for an economic calamity that is not of our making?

Over the coming months, Railroad Workers United will be debating and discussing a strategy to fight back. We encourage all rails to jump into this discussion. What are your ideas? Below are a few thoughts on the matter by members of the RWU Steering Committee:

- Lower the retirement age and make improvements that will make early retirement more of an option. This would free up jobs for those less senior and those cut off.
- Raise the maximum benefit payment from the Railroad Retirement Board and extend the time workers can collect unemployment benefit beyond the current six months.
- The carriers should pay the health insurance premiums for furloughed employees until recalled to service.
- For those working regular shifts, shorten the work week with no loss in pay.
- The carriers should provide at least a sixty day notice of impending layoff of employees.
- Implement the necessary changes and adjustments NOW that are mandated under the new "Safety Bill", don't wait until July.

In the meantime, there are things we all can do to assist our less fortunate union sisters and brothers. Think about it before you sign up for overtime next. Don't answer the phone on your day off – spend quality time with family and friends and let an extra man go to work. And attend your union meeting! For you furloughed employees, there is no excuse not to now that you have the time. Make a plug that the union do something about the crisis and not just accept it lying down. Finally - work carefully, slowly and safely. The job you save may be your own!

\* From the Association of American Railroads (AAR)

\*\*From the Surface Transportation Board's website Jan. 15, 2009

## WHAT RAILS ARE SAYING ABOUT RWU



“Mechanical department workers are definitely on the top of the carriers’ hit list to be laid off, fired and subcontracted out of existence with the hard times ahead. Now is the time for Carmen – and all shop craft workers – to join the RWU in building the only force that can stop the bosses in their tracks: rank-and-file power!”  
**Steve Desavouret, TCU #6608, CN, Chicago, IL**

“With the greatest economic crisis of our lifetimes bearing down on us, railroaders need to unite to confront it. Railroad Workers United can play an important role in that process.” **Jon Flanders, IAM #1145, CSX, Selkirk, NY**

“For years the rank-and-file of each rail labor organization has said that we all need to work together. The RWU is that opportunity. The time is now. The future is ours.”  
**Ron Friend, BMWED #1509, CSX, Marietta, OH.**



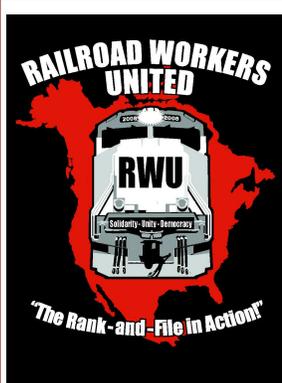
“Through RWU we can have one voice during the negotiations that will ultimately affect our lives, our families, and our future. I urge all railroaders to get involved in the RWU’s Campaign for Coordinated Bargaining!” **Robert Hiller, BLET #238, BNSF, Seattle, WA.**



“Since I have joined RWU I have learned what the labor movement and true unionism is all about. I have also learned that the words “Solidarity”, “Unity”, “Brotherhood”, and the “Labor Movement” mean more than just slogans. I think RWU fills a void that exists in the rail unions and I would encourage all rail employees to join. As labor we all need to be better informed, more active in our unions and take charge of our destinies.” **Michael A. Smith, UTU #473, UP, Hinkle, OR**



“I joined the RWU because I’m tired of all the bickering between the unions. It only results in hurting the working people and poor contracts. I work for Norfolk Southern and ask you to review the recent engineers’ contract that the BLET signed with the company. We could have done much better. If it costs only \$50.00 per year to have the hope that we could someday find solidarity between the unions and the crafts, then it is money well spent.” **Scott Wilcox, BLET #641, NS, Corning, NY.**



### RWU T-Shirts and Hats: Available Now!

Available in S,M,L, XL, 2X, 3X, or 4X; hats are one-size-fits-all. Both are \$15 a piece (\$20 for non-members). You can pay with check made out to RWU and mail to: RWU P.O. Box 1053 Salem, IL. 62881. Or use your PayPal account and pay to: [treasurer@railroadworkersunited.org](mailto:treasurer@railroadworkersunited.org) Order as many as you like. Give them to your coworkers, friends and family! For online orders, please check out our website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org).