KCS Engineers & Trainmen Unite to Fight Back

Darrin Cruey, UTU #1088 Shreveport, LA and
Erik Shepherd, BLET #326, Shreveport, LA

On the former Mid-South Railroad, the process of complete and total disregard of our contract by the carrier, coupled with non/misrepresentation by the operating craft unions began in earnest approximately five years ago. We don't really know where to start or where to end, as there are so many different things to talk about. It seems to have started with engineer trainees being denied their meal period and holidays once Kansas City Southern (KCS) found a loophole in the contract where engineer trainees will be paid 100% brakeman rate, period.

The carrier basically honors no part of our contract. KCS refuses to meet with us, as they like things just the way they are. The unions tell us that they can't force KCS to meet with them (even though under the Railway Labor Act hours of work and work schedules are mandatory subjects of bargaining), so we are left with very few options besides standing together and building rank-&-file solidarity in what is a hostile anti-union environment. We are harassed by all levels of management, by the crew callers, the chief dispatchers, etc. We have practically no work rules left at all.

At one time, we had 22 pool service jobs with a calendar day paid for days not worked at the away from home terminal (Vicksburg, MS) and home terminal (Shreveport, LA), as long as you remained marked up and available. Then, KCS unilaterally terminated all pool jobs and began running all trains off of the extra board. Since the extra board was not entitled to the calendar day (unless covering a pool job and the KCS had now eliminated the pool), the carrier was able to avoid paying these calendar day payments. In addition, all jobs now run to Jackson, MS, which is approximately 50 miles further, with no increase in our daily rate of pay. The BLET decided to take this one to arbitration, and the arbitrator ruled in the carrier's favor since the contract stated that trains that are run 6 to 7 days a week MAY be bulletined, instead of WILL BE bulletined. Our BLET general chairman, John Koonce, told one of our brothers that if we were one of the big Class I railroads we could get some help from BLET national division, but since we are the smallest Class I railroad, we just don't matter that much. So, basically, we have no pool

or assigned service, engineers make zero compensation for being held at their away from home terminal, we have no guaranteed extra board, and we are being forced to work many more miles with no increase in our daily rate.

When it comes to craft distinction, KCS seems intent on blurring the line between the two to the ultimate ends of combining them altogether. They will hold a demoted engineer on the brakeman extra board, run countless brakeman around him, holding him to use as an engineer, sometimes causing him to miss a day's pay, or then end up using him as a brakeman anyway. They will also run demoted engineers around regular extra board engineers. Just this past week, we have had two different incidents that involved a regular brakeman on an assigned yard job where KCS attempted to work him as an engineer as the engineer extra board was depleted. Fortunately, he did not do it, but the trainmaster made it clear that for future, reference, the carrier has the right to force this assignment. On another occasion, this same brother was forced to leave his job and protect another job in a yard that is

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not even in his seniority district! This kind of stuff goes on almost daily, from brothers being denied the right to make seniority moves, being run around... the list goes on and on.

KCS has implemented a new attendance/availability policy. Both unions sent KCS a letter stating that they object to it, but KCS has basically stated that they will do as they please. KCS sent out a circular in November 2009. The circular basically stated that since we are "full time" employees, the carrier expects us to work when they need us to work, and that our only off time should be our federally regulated days off (which we very rarely get), and days missed sitting at our away from home terminals (while of course, receiving no compensation).

Our BLET general chairman tells us that we are "borderline harassing" him, and if we want a better contract, then we need to go to work for another carrier. We have sent letters to both the BLET and UTU. The BLET has basically told us there is nothing that they can do on a national level because of the constitution, unless the general committee asks for help. Our BLET general chairman calls us disgruntled morons and blames us for our current situation. The UTU has been much more pleasant to their members, but still, the UTU national continually refuses to get involved.

So, we have decided to take issues into our own hands. We have started a large email list, where we share information, specific incidents, etc. and work to organize, motivate and mobilize our fellow workers. It is hard to motivate some brothers in our local as morale is so low, but we continue to work at it. We have plans for a red shirt weekend as a initial show of solidarity and strength. Many brothers have ordered red union made shirts with our own slogan on them. We have made contact with Railroad Workers United (RWU), Teamsters for a Democratic Union (TDU) and the Association for Union Democracy (AUD) for advice, ideas and support.

A number of us have joined RWU and we are actively spreading the word on the property to encourage other co-workers to do the same, since RWU breeds unity and solidarity. We have many brothers who at this point are committed to the struggle and are willing to do whatever it takes. We have others who are kind of on the fence, but we expect them to come forward as the fight develops. And there are some who are hard to reach. But, we continue to try. Ultimately we believe that we will be able to overcome the apathy and despair, unite the vast majority of trainmen and engineers on the property and win our fight with the KCS.

For more information on this struggle, see Page 7 of this issue of The Highball, view the RWU website, or contact the workers through RWU at 206-984-3051.
In early July, all members in good standing of the Brotherhood of Locomotive Engineers and Trainmen (BLET) received a ballot in the mail. Despite the pages of information and opinion included in the envelope, the basic question that BLET members are being asked to vote on is simply this: Do you as a rank-and-file member want the right to vote for your top BLET leaders ... or would you prefer that a delegate elect them for you?

Like many unions -- but not all -- the BLET has traditionally elected its leadership by delegate votes at the National Convention. But in 2006, in a ballot initiative very similar to the one just mailed out, the membership of the BLET clearly opted to scrap that system in favor of a more modern and democratic one, where each and every member of the union would have the right to vote in a direct election for the President and VP (and the other National Division Officers), much the same way that U.S. citizens vote for the Mayor (the city council does not do this for you), the Governor (the State Assembly does not do this for you), and the President (Congress does not do this for you). A number of unions already use this system of elections, including the Mineworkers (UMWA), Steelworkers (USWA), and even the BLET’s parent union, the Teamsters (IBT). This 2006 referendum passed by 62% and clearly showed the memberships’ desire for expanding democracy inside of the Brotherhood.

However, forces inside the union are afraid that the “old guard” cannot win office in a free and fair election of officers by the rank-and-file. In fact, opposition candidates have already announced and have been actively campaigning since Spring. Despite this fact, and the fact that the rules have already been promulgated and the machinery in place for such an election this fall, certain officials have gone ahead with efforts to scrap one-member-one-vote elections in the BLET.

Throughout the winter and spring, efforts were made to achieve the necessary support of divisions representing at least 25% of the membership. Reportedly by early May, just 16% had been achieved, but by month’s end, the anti-democracy forces had apparently achieved the necessary 25% threshold. (However, as The Highball goes to press, the union has not released the actual number, and despite a formal request by the members of Division #724 of the breakdown of how the various divisions voted, the National Division refuses to release the numbers). As a result, the initiative was declared successful by the BLET, and the ballots were sent out July 1.

Whether one supports the one-member-one-vote system or the delegate system for electing top officers of our unions, the irony of a membership vote on the right to vote cannot escape even the most casual observer.

Using the ultra-democratic process known as the “initiative”, long provided for by the BLET (and BLE prior to 2004) bylaws, the enemies of democracy and member control are in fact asking the membership to vote -- in a one-member-one-vote referendum no less! -- to relinquish their newfound right to vote (in precisely this fashion) for the leadership of their union!! And this despite the fact that the membership has already voted on this exact question in 2006, and voted resoundingly for the one-member-one-vote option.**

So what is all the fuss, and who are these union brothers who are so adamant about halting the tide of democracy in the oldest union in the United States? Well, let’s look at where the initiative to take away the right to vote started, Division #98 in Lincoln, Nebraska.

This Division is the home Division of Dennis Pierce, who just this month was elevated to the position of BLET National President. Until recently, Pierce was a General Chairman on the BNSF property, being elevated to the Advisory Board two years ago as Alternate Vice President. With the recent corruption scandals resulting in numerous BLET officials’ demise, Pierce was first elevated to the position of Vice President, then First VP, and most recently to National President. Interestingly, Pierce was not elected by anyone to these high level positions, neither by rank-and-file nor delegates assembled at Convention. Rather he has climbed the path to the Presidency of the BLET strictly by appointment.

While those in favor of the old delegate system claim that, among other things, the delegate system is cheaper, more efficient, more fair, elects better leaders, etc., perhaps there are more sinister, self-serving reasons why those in power seek to be shielded from a direct vote of the membership. The delegate system provides such insulation from the members, and fosters the “good old boy” network, where leaders are encouraged to become cautious and conservative “team players”, unwilling to listen to new ideas, unwilling to buck the tide, unaccountable to the membership and therefore unwilling to fight for the membership.

One-member-one-vote elections are not rocket science. If average everyday American citizens can elect their leaders, then average everyday union members can most certainly elect theirs!

** NOTE: In Canada, Fall 2006, when BLET rank-and-filers, members of the Teamster Canada Rail Conference (TCRC), were asked the same basic question in referendum, they voted 88% in favor of the one-member-one-vote option. **
The Legal Battles Over SMART Continue

Ed Michael, UTU #979,  Save Our Union

The despicable mess made by Paul Thompson (past President of the UTU) and Mike Sullivan (current President of the SMWIA) as they tried to force a merger of the two unions has continued to cost UTU members millions of dollars in dues money. The fight to uphold UTU members’ rights has continued since the fall of 2007 and it appears that it will be quite some time yet before SMART dies the death it deserves.

Recent revelations have shown that if not for our original lawsuit (filed by rank-and-file UTU members, Roy Arnold, Jim Eubanks, John Hasenauer and Ed Michael) that stopped the SMART merger just days before it became effective, UTU craft autonomy would have gone down the drain. The support shown by so many members and their donations to the legal fund are what made the difference.

All the provisions of the UTU Constitution would have been subjected to Mike Sullivan's review and he would have been able to make the wholesale changes which he and Paul Thompson wanted. Additionally, UTU members would have been paying $3.00 per month out of our dues into the SMART Staff Pension Fund. We would have been paying over $2 million per year directly into the pension fund for Sheet Metal/SMART officers!

Unfortunately, the flawed ruling by the 6th Circuit Court of Appeals led to a dismissal of our lawsuit but the battle is now being fought in Federal Court in Washington, DC where the SMWIA sued the UTU to force the merger. The UTU has filed counter complaints in the case. Additionally, a large group of UTU General Chairmen and State Legislative Directors have moved to intervene in the DC case. They are working to uphold UTU members’ legal right to an informed vote on the SMART merger.

Recently, three UTU members - UTU General Chairperson David Murphy (Rochester & Southern Railway); UTU General Chairperson Pate King (GO 680, Norfolk Southern) and UTU Texas State Legislative Director Connie English - filed a lawsuit in Federal Court against Thompson and Sullivan. These three members allege that Thompson and Sullivan entered into a conspiracy to "misrepresent, conceal and omit material facts concerning" the merger between the two unions. We can only hope justice will finally prevail and Thompson and Sullivan get exactly what they deserve.

As the lawsuits progress in the DC courts, members will become even more appalled to hear the real truth of Thompson’s, Sullivan’s and others actions in their attempts to force the merger upon the UTU membership. Unfortunately, all that most members can do at this point is to support the efforts to kill the merger and continue to remind our leaders that they have a duty to fully inform us of all the facts. We, the working members of the UTU, are the ones who "pay the freight" in our union. We deserve to know the whole truth. We look forward to the day when SMART is finally dead.

**Disclaimer: Use of the UTU logo is being used for ID purposes only.

RWU Membership Drive -- Join RWU by Labor Day and get a FREE T-shirt!

RWU is offering FREE RWU T-shirts to all those railroaders who join (or re-join) RWU for one year or more from now through Labor Day. The shirts are 100% cotton with the 4 color RWU logo on the front, and are union made in the USA.

Don’t delay, join and order your T-shirt today (see membership application and T-shirt order form on the back of this newsletter). Currently we have all sizes available from Small on up through to 4X Large.

Join RWU and proudly wear your black T-shirt around town in your community and on the job. Help spread the word about Railroad Workers United!
Railroad Retirement Reform Faces Uphill Battle

The RWU Campaign to Reform Railroad Retirement faces a long tough battle ahead. Despite achieve broad popular support and garnering over 12,000 signatures, the campaign has been unable to gain the support of either the carriers, government leaders, nor union leaders. According to Campaign Coordinator Ron Friend, BMWED #1509 in Marietta, OH, “We didn’t necessarily expect the carriers to jump at this proposal, but with all the support from the rank-and-file, we did expect at least a few union officials to respond to the wishes of the membership and get behind this thing.”

The Campaign hit a road block when its attempt to obtain a complete and unbiased actuarial study of the financial implications of the proposal by the Railroad Retirement Board was foiled. RRB labor member V.M. “Butch” Speakman has been extremely uncooperative despite countless attempts by Brother Friend, the RWU leadership, and hundreds of rank-and-filers who have contacted his office. Speakman has run the numbers on just what the reforms would cost, but he intentionally left out the income side of the equation, the funds that would be generated by removal of the salary caps. RWU is convinced from the numbers generated during the last round of retirement reform in the late 1990’s, that the reforms could easily be paid for by removing the caps. When pressured, Speakman simply opined that “removal of the caps would not be fair” to those who would now have to pay into railroad retirement every paycheck.

Anti-labor President George H. W. Bush first appointed Speakman in 1992. Finally, he is on his way out. In a July 7th letter he stated, “I intend to retire once my replacement has been confirmed by the Senate, but no sooner than January 1, 2011.” President Obama is expected to nominate a new member to replace him sometime in the coming months. Hopefully, the new labor member will be more professional, refrain from editorial comment, and conduct a full and impartial study of the RWU proposal without failing to include ALL aspects of the plan.

Without such a study in hand proving the merits of the RWU proposal, it will be hard to garner the necessary support to move forward. RWU plans to hold a general conference call sometime after Labor Day with scores of rank-and-file, government leaders, nor union leaders. According to Campaign Coordinator Ron Friend, BMWED #1509 in Marietta, OH, “We didn’t necessarily expect the carriers to jump at this proposal, but with all the support from the rank-and-file, we did expect at least a few union officials to respond to the wishes of the membership and get behind this thing.”

While the RWU proposal to reform railroad retirement has been dealt a set back, the struggle is far from over. All U.S. railroaders are urged to keep abreast of developments, take suggested actions in the future, and continue to spread the word. The fight is not done yet!

Below is the letter from the RWU Co-Chairs to RRB Labor Member “Butch” Speakman, May 17, 2010 ...

Dear Mr. Speakman,

We are writing in regards to our numerous requests for a complete, item by item, actuarial study of the proposed changes to Railroad Retirement. We are making this request on behalf of the many thousands of railroad workers of all crafts, on all railroads, in the United States, that by their signatures are in favor of the proposed changes.

No labor organization, no business can make good, informed decisions without complete, concise information. We are sure that while you were President of your labor organization you required complete, factual information to perform your duties for the benefit of those that you represented. To proceed with partial information can be just as detrimental as proceeding with no information, or worse, erroneous information. That is precisely why we are requesting a complete and objective, item by item, actuarial study of all of the proposed changes to railroad retirement, for the benefit of our labor leaders to make good, sound decisions for those thousands of railroad workers they represent. Not only does it make good, common sense but it makes good business sense as well.

In your last letter to the various labor leaders in regards to the proposed changes you noted that only 27% of current railroad workers would be the ones paying more into the railroad retirement fund. You did not note that the 27% paying more into the fund by removing the cap would simply be paying the same percentage of their income as the 73% majority. How is this not simple fairness? Also, with your study could you please advise of how many of that 27% are management of railroad companies, labor leaders, and labor organization appointees?

Finally, some may have perceived the deluge of letters, emails, and phone calls to your office in March from working railroad workers in favor of the proposed changes as some form of harassment to your office. That misses the point and was surely not our motive. Rather, the intent was to make your office aware that thousands of railroad workers, from all crafts, are in favor of the proposed changes.

We are thus -- once again -- requesting a complete, item by item, actuarial study of all proposed changes in four to five weeks as was promised by your office in February of this year.

Sincerely,

RWU Co-Chairs: Ed Michael    Hugh Sawyer    Jon Flanders
I commend your efforts on Black Shirt Day. This issue is still one that haunts each affected family into eternity. Co-workers also suffer a loss of one of their own. There have been different strategies to draw attention to this issue, one of which is outlined in a June 1997 BLE archive article. The follow up plan for this issue at that time was to use the same support that Policemen and Firemen use when one of their own fall in the line of duty. Have you ever noticed the news coverage that reports the funeral services of those fallen workers? Policemen and Firemen from surrounding states bring their police cars and fire equipment to the funeral services. Vehicles are lined up for miles. One wonders who is watching the services voided by those absent attendees.

On April 28, 1997, about 500 BLE locomotive engineers and their families conducted the Operation Thanos (Greek word for death) March & Rally in Washington D.C. to warn CSXT and other major railroads about poor safety and warning of a strong reaction if improvements were not made. The BLE mobilization briefly visited the headquarters of the Association of American Railroads during that march. They warned CSXT and the other major railroads that they should expect an unprecedented reaction from us when the next preventable death occurred.

About 4,300 locomotive engineers concerned about their safety struck CSX Transportation at 12:00 the morning of Thursday, June 12, 1997. The previous Saturday, June 7, CSXT Engineer and BLE Division 190 Member Kelvin N. Winters was killed when his freight train collided with another CSXT train on the same tracks. A preventable death. With this Safety Strike against CSXT, they then knew that we were not bluffing.

Another strike was eminent against UP when Brother Brown was killed in Kansas. A Federal Judge enjoined BLE only hours after that collision. The carriers immediately started negotiations to meet our demands that engineers have had enough and will use any and every legal option available to us to get the industry to install then current safety technology. With off-the-shelf collision avoidance technology, trains don't have to collide. Locomotive engineers are not willing to die anymore! Those discussions are still ongoing today, some 13 years later. It is also on the NTSB's Top Priority List.

The follow up plan at that time was to have the supporting crafts to stand down for the day and attend the funeral services of a fallen worker in neighboring states and as far away as anyone was willing to travel. We anticipated a legal fight from the carriers, but they would have had to defend against an accepted expression of support to co-workers in the service industry (like police and fire).

Unfortunately that plan failed to materialize due to a BLE administration change. The issue was settled by lowering a flag to half staff when a fatality occurred.

To view a story on the Safety Strike at CSX in 1997: www.ble-t.org/pr/newsletter/0697newsletter/page1.htm

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**LETTERS**

funeral services of those fallen workers? Policemen and Firemen from surrounding states bring their police cars and fire equipment to the funeral services. Vehicles are lined up for miles. One wonders who is watching the service needs voiced by those absent attendees.

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**CSX Southern Region L&N Asking Questions**

John Wright, BLET #78, CSX, Louisville, KY

Many on the L&N working for CSX are asking why? Why when we stood strong, voted down a bad TA, are we facing the possibility of accepting a rotten agreement? Some general committees are celebrating the yes vote and waiting for the decision while others are wondering: Who is representing us? Many want to know what we can do now. It seems that if CSX gets its way, the on-property local crew consist agreement will be the victim of a Section 4 attack on all side letters and local agreements. The carriers had tried to open crew consist agreements on a national level and lost. Now with this Single System style of contract, CSX can eliminate crew consist by setting a date for the scope rule to expire. When the Single System is up for negotiations, so will the scope rule as included in the Agreement.

The carrier seems to have its heart set on job combination/elimination. The Section 4 would tend to eliminate former L&N jobs, and favor former SCL routes and terminals. (Note: The SCL General Committee was the only one to vote in favor of the Single System agreement). Some feel that this Section 4 is a scare tactic from CSX Labor Relations to browbeat the L&N into submission. Some are so angry at the lack of representation that they are suggesting leaving the UTU if the L&N guys are forced to submit to this raw deal.
The Struggle on the KCS -- Their Fight is Our Fight!

Trainmen and engineers on the Kansas City Southern, members of both the UTU and the BLET, have joined hands across craft and across union lines to support and defend each other (see article on Page 1). Their struggle is important and deserves the support of each and every rail worker in North America.

EDITORIAL

Most of you reading this commentary do not work for the KCS. Some of you do not even reside in the U.S. A number of you work in passenger or commuter service. Many of you are not in train and engine service. So you may ask, “Why should I be concerned about a small group of train and enginemen from a smaller carrier?” Here’s why.

For those who are fellow workers on the KCS, on other parts of the system or from crafts other than train and engine, the reason why we need to support these brothers and sisters should be obvious. If the carrier can get away with complete and total disregard for the union contract with these members, then they no doubt have you in their sights as well. You are bound to be next.

For those railroaders who do not work for the KCS, don’t think that you are immune. The rail carriers watch each other’s policies, procedures, bargaining stances, etc., and see what the others are able to achieve, what they can cram down our throats and up our ass. Just look at NS, known as the “Nazi Southern” by some. For years they led the way in harassment and intimidation of their employees. They got away with it. Now most Class I Carriers seem to vie for the title of “most hostile property”. A quick glance at the “Benefits Paid to BR&CF Members” from a recent newsletter makes the point. Total monies paid out to BR&CF members have shot up 400% in the last 10 years. In the case of CSX, there is a 5-fold increase, while at KCS it is 6-fold and at CN-IC 7-fold!

And if you are a Canadian or Mexican railroader, you should have cause for alarm as well. As North American railroads become more and more international (CN and CP have greatly increased their holdings in the U.S. in recent years, and UP and yes, KCS, have become major players in Mexico), the carriers achieve more potential to “whipsaw” one country’s railroad workers against another’s. Specifically, KCS has grand designs for cross-border traffic in the coming decade, and there is speculation of some type of merger with another road, possibly the Canadian Pacific, creating a true “NAFTA” railroad.

The modern labor movement was originally predicated on the premise that “An injury to One is and Injury to All!” If an employer mounts and attack upon a single worker, the rule of thumb is that this represents an attack upon all of us, and we are obliged to act to defend that union brother or sister. This is basic trade unionism. Unfortunately we seem to have forgotten this basic truism. All too often our unions have come to be run like businesses, where the bottom line has come to be: “How profitable is this or that section of the union?” We have seen this behavior when UTU jettisoned its CN members once they had the audacity to go out on strike against the wishes of the leadership. We see this outlook when unions organize shortline properties, but then fail to follow through and defend and protect the new dues paying members. And we see it when both unions of the operating crafts ignore the exploitation of our KCS brothers and sisters on the former MidSouth property and fail to offer leadership in the fight.

Whenever a group of railroad workers emerges unafraid and confident in the righteousness of their cause, willing to stand up and fight back, we need to unite behind them, lend them our support, our advice, our encouragement and our solidarity. Their victory will be our victory, and just as assuredly, their defeat would be ours as well.

The heroic union members involved in this struggle need your help. Traditionally, organized labor has been weak in the South, a region that’s long been the achilles heel of U.S. labor movement. Our failure to “Organize the South!”, once a key slogan of the CIO, has kept working people in the Southern states -- Black and White -- under the thumb of corporate control. In turn, workers and their unions the country over have been weakened as a result. Let’s not continue the mistakes of the past. Support the struggle of the KCS workers!

...
Railroad Workers United
Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers’ “Behavior Based Safety” Programs do more harm to us than good, and if you want real union-based safety committees built upon cross-craft solidarity and rank-and-file control, then RWU is for you. If you want to help reform Railroad Retirement; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you.

JOIN RWU BETWEEN NOW AND LABOR DAY
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Union Position (if any) ______________________________________________________________

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