



The Highball

Official Publication of
Railroad Workers United

Tentative Agreements Under Fire at Amtrak and NCCC

In late June it was announced that the engineers (BLET) at Amtrak had voted down their tentative agreement (TA). And by early July, a full-blown movement opposed to the United Transportation Union (UTU) -- National Carriers Conference Committee (NCCC) TA had blossomed.

Both of these developments are significant for a number of reasons. First, both are national in scope. While the vote of the Amtrak engineers was for an on-property stand-alone contract, it was voted on by rails from all parts of the U.S. Likewise, the vote of UTU members will be from all 48 states, representing members on the major Class I carriers and many smaller properties as well.

Second, while certainly nothing special, these TAs were not toxic like some TAs of the past decade. Full back-pay was awarded and no contracting out or other major erosion of work rules were proposed in either TA. Wage increases average from 2.5% to 3% a year. Both are generally considered to be "status quo" contracts.

Third, and perhaps most significantly, the rebellion comes at a time of deep recession. And at least in the case of Amtrak, workers are under the gun and facing threats of privatization, funding and service cutbacks. So why the discontent, the rejection, the refusal to go along with business-as-usual?

In the case of the UTU-NCCC TA, the answer probably lies in the fact that it is common knowledge that the rail carriers have made record profits for so many years now, this trend even accelerating into and throughout the recession. Expectations are that this pattern will continue throughout the next few years. There is deep pent up anger and frustration that during such a period, the carriers would have the audacity to offer paltry wage increases and demand give backs in health care. Many UTU members were layed-off during the recession, and have only recently been called back to work, and still feel the sting and hardship of their furlough.

In the case of the Amtrak -- BLET TA, one can only speculate. In the last round of bargaining, outraged Amtrak engineers led the charge against a draconian TA which allowed for massive contracting out, denial of most back pay, and other insults. At that time, Amtrak hogheads

voted 2-to-1 against the agreement, and went on to win an all-around acceptable status quo contract before a Bush PEB. Perhaps that rejection and ultimate victory gave the engineers strength and confidence going into this round.

Whatever the basis for the discontent, we might just be witnessing the long overdue beginnings of an across-the-board fightback by railroad labor. The engineer vote at Amtrak, and what appears to be a looming rejection by freight conductors at the NCCC, make a bold statement to the carriers: you cannot take us for granted, we are not doormats to be walked all over at contract time. Likewise, rails have put their unions on notice too: you can no longer spring TAs on the rank & file and expect us to follow like sheep and vote yes when we know that we are worth more and deserve better. See *Page 4 for more thoughts on contract bargaining.*



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All Rails Encouraged to Take the RWU "Safety Survey"

In late spring, RWU put together a "Safety Survey" to poll railroaders of all crafts as to what they think on a series of important questions with regard to workplace safety. The survey consists of 26 questions.

Previous to this survey, RWU polled nearly 400 rails on questions about their thoughts on the Rail Safety Improvement Act. (See *The Highball* Spring 2011 for the results of that survey). While that survey was directed at T&E employees and the specifics of the new law, the new survey is directed to railroaders from all crafts and asks a series of questions about safety and safety programs.

All railroad workers are asked to please take a few minutes and complete the new survey, which can be found on the home page of the RWU website at www.railroadworkersunited.org.

The results of the survey will be printed in the Fall issue of *The Highball* and on the website.

The views of the rank & file all too often go unsolicited and unheeded by both the carrier and the union. RWU plans to conduct surveys every quarter on key issues in order to better learn what the workforce thinks on a number of key issues. The more railroaders who respond to these surveys the more accurate representation we will get. Maybe our unions will even agree that polling the members is a good idea. With easy, user friendly and often free means to poll the membership on-line, there is simply no reason not to make use of this technology to better represent the union membership.

For more info, contact J.P. Wright at jp333@insightbb.com.

RWU Writes UTU & BLET Presidents on Single Employee Crews

In May, 2011 RWU wrote letters to the presidents of both unions of the operating crafts -- Mike Futhey of the UTU and Dennis Pierce of the BLET, in an attempt to find out their position on the vital issue of single employee crews. Included with the letter was RWU's leaflet and resolution in opposition to the practice.

A few years ago, RWU mailed similar letters to the respective union presidents applauding their joint effort to seek an FRA emergency order to outlaw the practice of single employee RCO operations. At that time, former BLET president Paul Sorrow did respond to the letter. But unfortunately, to date we have not heard back from either union official. In the coming weeks, RWU will once again post the letter, flyer and resolution to these officials in the hope

of eliciting some kind of response. The issue of single employee crews is of vital concern to all operating craft employees. The carriers continue to erode the multi-employee crew, and have made it clear that their intention is to operate most jobs -- yard and road -- with a lone employee.

RWU considers any attack upon the two-employee crew a declaration of war. Because the UTU and the BLET have the option to resist or to acquiesce to the carriers' desires, we feel that it is only fitting that each of these union leaders make clear what his position is on this crucial issue.

We hope to hear back from Pierce and Futhey by Labor Day. Should they fail to respond to our request, then perhaps the membership might wish to pursue the matter.

Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank-and-file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call or email the address below.

Statement of Principles

- Unity of All Rail Crafts
- An End to Inter-Union Conflict
- Rank-and-File Democracy
- Membership Participation & Action
- Solidarity Among All Railroaders
- No to Concessionary Bargaining

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International Steering Committee

Penny Artis	IBEW #813	NS	Roanoke, VA	
Steve Desavouret	TCU #6608	CN	Chicago, IL	
Jon Flanders	IAM #1145	CSX	Selkirk, NY	
Robert Hill	BLET #75	BNSF	Vancouver, WA	
Ron Kaminkow	BLET #51	Amtrak	Reno, NV	
Mike Matson	UTU #911	CP	St. Paul, MN	
Ed Michael	UTU #979	BLET #724	UP	Salem, IL
Jen Wallis	BLET #518	BNSF	Seattle, WA	
Matt Weaver	BMWED #2624	CSX	Toledo, OH	
Chet Whyers	UTU #979	UP	Salem, IL	
John Wright	BLET #78	CSX	Louisville, KY	

Railroad Workers Memorial Day Focuses on Pacific Northwest

Railroaders observed Railroad Workers Memorial Day in a number of terminals on Friday, June 17th. Begun by RWU in 2008, the day is designed as a day of action for rails across North America to remember our fallen brothers and sisters, and pledge ourselves to fighting for a safer workplace.

Since March 23rd, ten railroaders have lost their lives, while a number of others have been critically and severely injured. RWU believes that a response to these injuries and fatalities is needed, far more than simply listing possible rules violations and returning to business as usual. Hence, Railroad Workers Memorial Day.

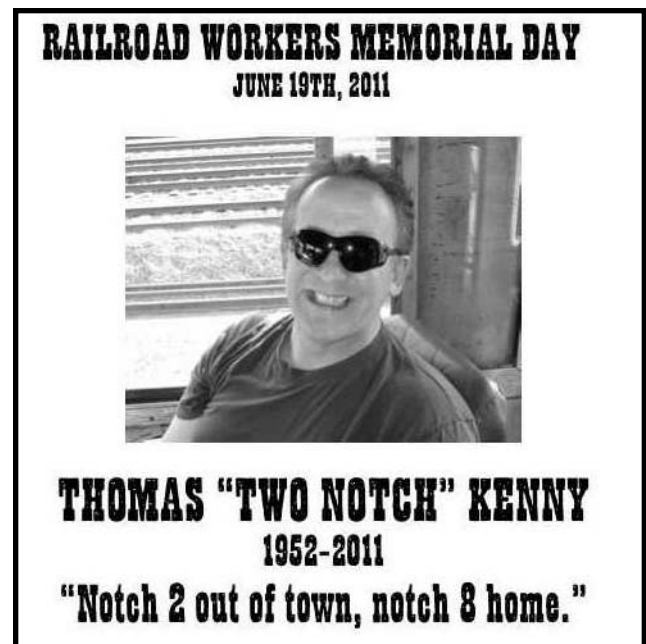
In Selkirk, NY, where Jared Boehlke was killed in a single employee RCO accident two years ago, a number of workers wore their RWU black shirts to work. "Participation was pretty good in my shop," according to IAM #1145 member Jon Flanders who works at the CSX diesel shop there. "I think that we have very possibly started an accepted annual tradition in rail." The Louisville, KY Service Center diesel shop also took part in the day, as did the car knockers in Nashville, TN. Around the country, numerous trainmen and engineers wore black shirts to work.

While there was support scattered across the land, the focus of this year's effort was in the Pacific Northwest, where a few months earlier on March 23rd, a tragic accident took the lives of two railroad workers along with a crew van driver, and left another rail critically injured (see [The Highball](#), Spring 2011 for news and commentary of the wreck). Throughout Washington state, scores of workers observed the day with black shirts, many of them donning their "Tommy Two-Notch" shirts in honor and remembrance of the popular hoghead killed in the March 23rd tragedy (see graphic above and to the right).

RWU member Jen Wallis, a member of BLET #518 designed the T-shirts together with co-workers in the Seattle, WA terminal. RWU had a hundred of the striking shirts printed up and shipped to terminals in the Pacific Northwest, where they sold out. Scores of workers wore their shirts leading up to Black Shirt Friday as well as on the day itself, proud to honor their deceased co-worker.

In related news, a group in Durand, Michigan has established a monument to railroad workers and is seeking designation from the U.S. Congress as "The National Railroad Memorial". The group is raising funds across the country and has plans for the various rail unions to assist in designing the monument and surrounding park. RWU is looking into the prospects of potentially assisting the foundation in this endeavor.

Meantime, RWU plans to continue to observe Railroad Workers Memorial Day each Fathers' Day Friday and build support among railroaders from coast-to-coast.



We invite the rail unions to join us in this effort, and work toward making this day a truly universally recognized day of remembrance and struggle for railroad workers everywhere. Rank and file union members from every craft may want to work inside their locals, lodges, divisions, general committees and national unions to see that Railroad Workers Memorial Day gains broad observance. It's high time that our fallen brothers and sisters get the recognition they deserve. And it's time for railroad workers to join the fight.



Coordinated Bargaining -- An Idea Whose Time Has Come

The recent tentative agreements negotiated by a lone rail labor organization – first with the National Carriers Conference Committee (NCCC) and then with Amtrak -- shine a spotlight on all that is wrong with historical “go-it-alone” rail labor bargaining patterns. In each case, a single union approved a tentative agreement without consultation with or concern for the other dozen U.S. rail unions that are likewise engaged in bargaining with the carrier.

Once the terms of the deal cut between the UTU and the NCCC were made public, a storm of protest erupted from the other unions. Six of them – Engineers (BLET), Track Workers (BMWED), Signalmen (BRS), Firemen & Oilers (NCFO), Boilermakers (IBBO), and Sheet Metal Workers (SMWIA)-- organized as the “Rail Labor Bargaining Coalition” (RLBC) -- were extremely hostile to the deal which both the UTU and the NCCC proclaimed would “set the pattern” for the industry in the coming years. Another group of unions, which have bargained informally as a coalition this round - Machinists (IAM), Transportation Communications Union (TCU), Dispatchers (ATDA), Electricians (IBEW) and Transport Workers (TWU) - likewise blasted the agreement.

EDITORIAL

Meanwhile in separate on-property negotiations, another agreement, between the BLET and Amtrak, was released to the membership in late May for ratification. Despite the fact that other major crafts at Amtrak were not close to a settlement, the BLET saw fit to submit the TA to its members for ratification, much to the chagrin of the other unions. As it turned out, the engineers at Amtrak – just as in 2007 -- voted down the unacceptable TA.

So this latest round of bargaining has witnessed more of the same; i.e., one union or incomplete group of unions settling for a substandard deal which the remaining unions find unacceptable. This almost always leaves the other unions hanging out to dry, setting a “pattern” that the other unions must now fight against having shoved down their collective throats under the binding terms of the Railway Labor Act. And the only outfit that really comes away with a victory once again is ... you guessed it, the rail carriers!

Railroad Workers United believes there is a better way. At our founding convention we adopted a resolution in support of “coordinated bargaining” of ALL rail unions. We abide by the slogans, “An injury to one is an injury to all!” and “No union settles until ALL settle!” Only by a quirk of history do we even have all these different unions on the railroad. Many industries – steel, mining, auto – have but one, CIO style “industrial union”. We in rail however evolved into a myriad of ancient “craft” unions that date

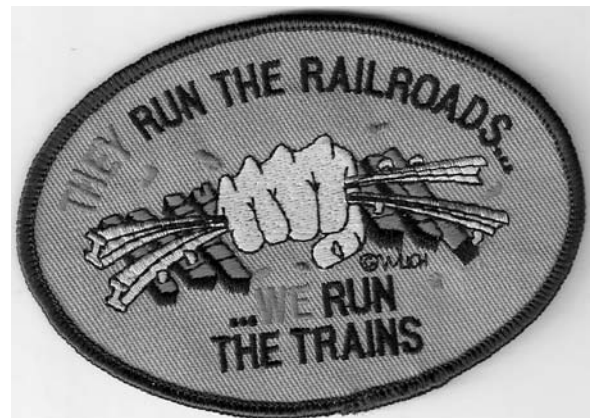
back in many cases to the 19th century. This means that rail workers are divided into separate unions based solely on the job they perform. This division has historically allowed the railroads to play one against another.

However, even in industries or within employers where there are multiple unions, there are numerous examples where those unions have been able to band together, organize a single bargaining coalition, and stand united in bargaining with the company and/or the industry. The case at General Electric stands as a shining example of where 13 unions led by United Electrical (UE) have taken part in such a coalition for nearly half a century now.

Even some leaders of the rail craft unions are beginning to see the light in the face of this latest debacle. In a statement released by the RLBC on June 26th, the leadership of those unions jointly proclaimed “If we do not stand together on this point, we can look forward to additional burdens being put on those of us who are least able to shoulder them, while the railroads continue to obtain record profits. Brothers and Sisters, the RLBC will resist that result with all of its collective might and with the assistance of every union in the coalition led by the TCU. United, we cannot be defeated.”

Given the rhetoric, are we on the threshold of One Big Bargaining Coalition in rail? It should be obvious that it is a long overdue solution. Rank & filers must demand that the union posturing, the infighting, backstabbing, and deal cutting stop now. It’s time to put an end to currying favor with the carriers to the detriment of other brothers and sisters. It’s time we look to each other for support and solidarity, and not play politics with our bosses. We must no longer be sucked into the carriers’ game of divide-and-conquer, pitting one rail union against the other.

The choice is clear to everyone. We can remain divided and alone, powerless and weak, incapable of winning the contracts we deserve. Or we can overcome this sectarian divide and stand united as railroad workers. We can pledge to stick together and stand up for each other in bargaining – all of us, and win!



Commentary: Crew Fatigue - A Hazard that Can Be Eliminated

In the first six months of 2011, we have witnessed a series of railroad accidents that have led to serious injuries and the deaths of at least a dozen rail workers. And while the 2011 Railroad Workers Memorial Day focused on the tragedy in Longview-Kelso, WA., we would be remiss if we failed to analyze some other fatal accidents of Spring 2011.

While the Longview-Kelso accident was certainly the most blatant example of a railroads' failure to eliminate an extreme hazard, other accidents were assuredly the result of the rail carrier's failure to maintain a safe workplace. The April 23rd rear-end collision on the BNSF near Red Oak, IA, like the rear-ender on the CSX in Union County, NC three weeks later, may have a fatigue element. If these accidents are the direct result of fatigue, then we must ask the question: why do railroaders fall asleep? Especially when they know – better than anyone – what dire consequences might await them. Rather than look at the limitations and shortcomings of the hours-of-service law here, we will focus on train operations, crew staffing and attendance policies to shed light on this question.

Train Operations

Most North American railroads handle their customers' goods and base subsequent train operations on a computer-generated schedule. Unfortunately, those schedules are always modified for a myriad of reasons, some of which are: arbitrary management decision, track maintenance problems, locomotive or crew availability, terminal delay difficulties, train dispatching decisions, and the inclemencies of weather. As a result, the vast majority of road freight trainmen and engineers, most of whom receive only a few hour notice of their required time to show for work, have little idea from day-today when they are next going to work, how long they will be there, how long they will rot in the motel at their away-from-home terminal, what time of day they will be called to return home, and of what duration that trip will be. **How to Eliminate this Hazard:** Railroads should commit resources to maintain accurate train line-ups and/or give their train & enginemen at least an 8 hour advance notice of work time.

Crew Staffing Levels

Short staffing is chronic on countless railroads across the continent. There are often too few established crews and a limited extra board to cover vacancies, sick calls, medical leaves, vacation, union business, safety meetings (ironically), other mark offs, extra trains, etc. The railroads of course have a vested interest in keeping the boards trimmed to the bare bones. While we see continuous "turning and burning" as a major safety hazard, a powder keg waiting to go off, the carrier sees dollar signs. The fewer employees on the payroll moving the same tonnage, the more "efficient" the railroad appears on paper to stock owners, analysts, and CEOs.

The railroads tolerate occasional acute shortages in order to generate the "efficiencies" of chronic, ever-present crew shortages that last months and even years. Ironically, all during the recent recession, with thousands of T&E furloughed, numerous terminals worked short-handed while their fellow workers starved on unemployment. **How to Eliminate this Hazard:** Hire and retain more employees in order to maintain adequate staffing year round. For acute crises, the carriers could easily set up "float pools", bargained collectively with the operating craft unions to use as temporary help when there is a critical demand.

Availability Policies

All employees need regularly scheduled time off. But most all road freight workers lack any scheduled off days at all! In addition, most have few or no holiday/personal days off, nor do they accumulate paid sick leave. Yet even in lieu of any of these benefits, which most union workers (and many non-union) take for granted, T&E crews are subject to the most draconian attendance policies in order for the railroads to generate higher "efficiency" ratings.

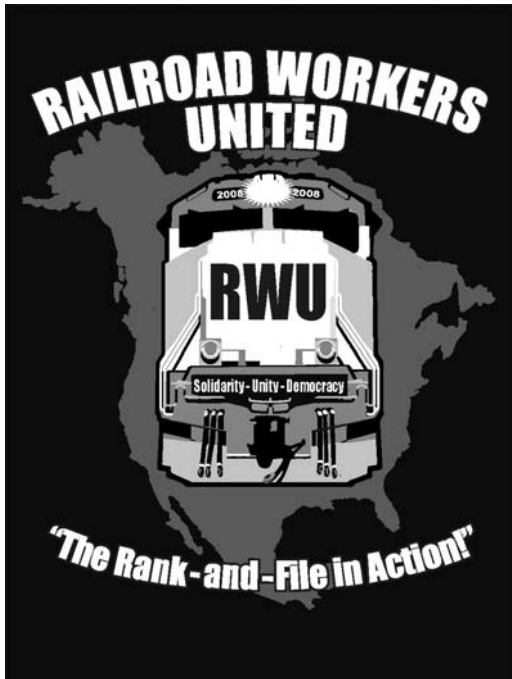
For example, CSX recently introduced a new policy whereby a worker who marks off more than once in any 30-day period is subject to disciplinary charges. BNSF has long utilized similar policies. Under these horrendous practices, trainmen & engineers are required to be available for duty, 24 hours per day, 7 days per week. (Interestingly, the rear-end collisions this spring that took the lives of four railroaders, took place on these two properties. **How to Eliminate this Hazard:** Immediately abolish all draconian availability policies; provide all trainmen and engineers with regularly scheduled time off work; and allocate sick time for all T&E.

It is irresponsible at best and downright criminal at worst, to simply blame the victims after each and every fatigue related accidents. In order to generate higher profits and greater "efficiencies" railroads simply counsel employees to be alert and maintain situational awareness, while doing nothing to abate crew fatigue.

Do the Right Thing

Should the carriers continue on in this archaic manner of train operations, short staffing and draconian attendance policies, then we will know that they are not really serious about safety. Chronic crew fatigue will continue to be the invariable result, the health and safety of T&E workers will continue to suffer, and tragic and unnecessary incidents are bound to continue. It is long past time for the rail carriers to live up to their sloganeering about safety. If they are serious about eliminating the sorts of tragic accidents that have beset the industry this past spring, they will do the right thing and immediately implement these simple, common sense and cost effective measures.

Get Your RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Gray or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (15.00 for RWU members **BUT FREE WHEN YOU JOIN RWU BETWEEN NOW & LABOR DAY**)

Postage Paid By RWU if mailed to addresses in the U.S.

Make your check to RWU and mail with your order to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

OR

Order and pay with your paypal or credit card via our website at
www.railroadworkersunited.org



Railroad Workers United

Membership Application



Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other; If you believe that we need real safety programs based upon hazard elimination; if you want to fight back against single employee operations; and if you want to see an active, informed, unified and mobilized union membership -- of all rail labor -- *then RWU is for you!*

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

Union Position (if any) _____

I'd like to join for (check one): 1 year \$50.00 2 Years \$90.00 3 Years \$120.00

Clip and mail together with your dues to:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505
 OR join on-line at www.railroadworkersunited.org