

THE **BMWED** Journal

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
of the International Brotherhood of Teamsters



COVID-19 Information for
BMWED Members Inside

Negotiations with National Carriers' Con-
ference Committee Slowed by Pandemic



ARBITRATION DIRECTOR SHANAHAN TESTIFIES TO U.S. HOUSE RAIL COMMITTEE CITING BMWED CONCERNS

BMWED Dir. of Arbitration Robert J. Shanahan Jr. went to Capitol Hill March 4 to testify on the state of the nation's crumbling railroad infrastructure and the rail carriers' propensity to contract out much-needed track maintenance and construction work away from Brotherhood members.

Invited as an expert witness by chairman, U.S. Rep. Daniel Lipinski (D IL-03), Brother Shanahan's testimony at the House Subcommittee of Railroads, Pipe-lines, and Hazardous Materials' "Funding a Robust Freight and Passenger Rail Network" hearing highlighted issues our Union has been battling for some time. Citing his experience both as a laborer with Metra Railroad in Chicago and as the director of the Brotherhood's arbitration office, Brother Shanahan spoke to the urgent need to repair our country's railroad tracks and bridges and emphasized the importance that BMWED members perform the vital work.

"There is no question that BMWED members are the most qualified and highly-trained to perform this work," Brother Shanahan told

the committee. "My experience in the field at Metra shows the urgent need for greater infrastructure funding for passenger railroads but any infrastructure package needs to have protections to ensure that the work is performed by Union members who have been properly trained on FRA safety rules."

In his capacity as Arbitration Director, Brother Shanahan also drew focus to the railroad carriers' proclivity to use contractors to do BMWED work, something that Congress must stop if it elects to spend \$55 billion on a massive nationwide railroad infrastructure improvement project.

"Multiple carriers are now electing to assign non-Union contractors to perform on-track protection," Brother Shanahan said. "Last month, Amtrak assigned on-track protection work for a major project occurring in Chicago to non-Union contractors. The problem with this decision is that the non-Union contractors are subject to a qualification process that minimally complies with FRA regulations. Looking to achieve a minor cost savings, Amtrak is putting anyone in the immediate



A full viewing of Brother Shanahan's testimony is available on the BMWED website and YouTube page.

vicinity of this project at risk. We should not be putting profitability ahead of safety.”

Brother Shanahan further testified that BMWED are more-qualified and better-equipped to do rail work than any counterparts because of the frequency and intensity of our training. He testified to the stringent training and testing that is included in our jobs and the daily reiteration of safety rules that proceed each day's work project.

“Nothing shakes my confidence in Amtrak more than hearing that they are dividing the work force by bringing in people who are less qualified to work on rail projects,” U.S. Rep. Stephen F. Lynch (D MA-08) said. “With all the challenges we have, do you really want to pick that fight by bringing in less-trained workers who do not have the experience and regular, on-going training on working on a rail system?”

Along with Brother Shanahan, other witness invited to share Congressional testimony were:

*Mr. Stephen Gardner,
Senior Executive Vice President
and Chief Operating
and Commercial Officer, Amtrak*

*Dr. Sandra Bury, Mayor,
Village of Oak Lawn, Illinois*

*Mr. Kevin Corbett, President
and Chief Operating Officer,
NJ TRANSIT Corporation*

*Mr. Kevin Artl, President
and Chief Operating Officer,
American Council of
Engineering Companies of Illinois*

*Mr. Ian Jefferies, President,
Association of American Railroads*



AROUND THE Brotherhood



Lodge 908

BMWED BurNor System Fed Lodges 908 and 144 gathered for their separate local union meetings earlier this year. The two lodges hope to see continued attendance and participation when the Covid pandemic eases. Solidarity, Brothers!



Lodge 144



BMWED Allied Federation Lodge 1323

Brothers with BMWED Northeastern System Federation

Local Lodge 1323 gathered for a regular meeting earlier this year.

Great to see the attendance and participation.

BMWED DIVISION THE JOURNAL

FIRST QUARTER 2020
Volume 2 • Number 5

Freddie N. Simpson
President and Editor

David D. Joynt
Secretary-Treasurer

C. Clark Ballew
Associate Editor

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Local Lodge 249



AROUND
THE
Brotherhood

BMWED Burlington Northern System Federation Local Lodge 249 has seen good attendance at its last few meetings before the pandemic.

A HELPING HAND

Financial Assistance for Families of Deceased Railway Employees

The John Edgar Thomson Foundation, established in 1882 and endowed by the will of Mr. Thomson, third President of the Pennsylvania Railroad, offers limited financial assistance to daughters of a deceased parent. The parent, regardless of gender, must have been in the active employ of a railroad in the United States at the time of death. The cause of death need not be work-related and the parent, while on the active role of the railroad, may have been receiving disability or sick leave benefits. Whatever grant is awarded usually serves to benefit all members of the family. Eligibility is dependent upon the daughter and surviving parent remaining unmarried.

The monthly allowance made under the grant may cover the period from infancy to age 18, under certain circumstances to age 24, to assist grantees who are pursuing higher educational goals. The Foundation also offers special health care benefits.

The funding for the work of the Foundation is completely independent of any railroad. It neither solicits nor receives funds from the public. Further information and applications may be obtained by writing to:

Linda Dezenski, Director

The John Edgar Thomson Foundation
201 S. Eighteenth Street, Suite 318
Philadelphia, Pennsylvania 19103

Telephone

(215) 545-6083

(800) 888-1278

Fax (215) 545-5102

E-mail: sjethomson@aol.com

www.jethomsonfoundation.com



**Learn more about the
Teamsters Human Rights Commission**
and how you can participate.

Contact BMWED Vice President, Roger Sanchez

281-923-7960 or email: lodge1507@aol.com





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Brotherhood of Maintenance
of Way Employees IBT

SIGN UP for BMWED News Alerts and get the latest news sent directly to your email account. To sign up visit the BMWED webpage at www.bmwe.org, or send your name and email address to dinclima@bmwe.org, along with a request to be added to the BMWED News Alert list.

JUST A REMINDER Change of Address Request

Please remember to notify your System Office or the National Division of any change of address or telephone number. It is vital that this information be kept current.

Railroad employers do not always provide this information to the BMWED.

Phone numbers can be found at BMWE.org.

DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING JANUARY, FEBRUARY, AND MARCH 2020

| <u>NAME</u> | <u>CITY/STATE</u> | <u>LODGE/SYSTEM/RR</u> | <u>D.O.D.</u> |
|-----------------------|--------------------|------------------------|---------------|
| MICHAEL PAULOSKY | DOYLESTOWN, PA | 2780/CRSF/LIFE | 06/04/19 |
| GEORGE L. RIPLEY | HIXSON, TN | 0075/AF-SE/LIFE | 01/02/20 |
| HENRY J. STROCK | WILLITS, CA | 0407/USD/LIFE | 01/05/20 |
| HAROLD M. THOMASON | DALLAS, GA | 0665/AF-SE/LIFE | 01/15/20 |
| HARRY R. VANCE | MAN, WV | 0551/ALL-ASF/LIFE | 12/28/19 |
| IGNATIUS VANDERZANDEN | BEAVERTON, OR | 1763/BURNOR/LIFE | 07/18/18 |
| PAUL E. WOLFE | MITCHEVILLE, IA | 0342/USD/LIFE | 01/10/20 |
| JAMES H. WYCKOFF | SENTINEL BUTTE, ND | 0297/BURNOR/LIFE | 01/10/20 |

PAID JANUARY 1, 2020 THROUGH MARCH 31, 2020\$4,000.00
 AMOUNT PREVIOUSLY PAID\$45,582,807.75
 TOTAL AMOUNT PAID TO DATE.....\$45,586,807.75
 NUMBER OF CLAIMS PAID -8

REPORT OF DEATH NOTICES RECEIVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2019

| | | | | |
|----------------------|------------------|------|-------------|----------|
| BRANDON J. BEARD | PERRYVILLE, MD | 3005 | PENN/NRPC | 12/28/19 |
| STEVEN BUSH II | PHILADELPHIA, PA | 2910 | CRSD/SPTA | 02/10/20 |
| DOUGLAS A. DAVIS | MARYSVILLE, WA | 1426 | BURNOR/BNSF | 02/18/20 |
| JOE LUCERO, JR | BELEN, NM | 2415 | AT&SFF/BNSF | 03/21/20 |
| JAMES E. O'NEILL | CHICAGO, IL | 4129 | USD/UP | 03/13/20 |
| MARCELLO MORENO | BELTON, TX | 2410 | AT&SFF/BNSF | 01/22/20 |
| VINCENT S. PELLA | TECUMSEH, NE | 1316 | BURL/BNSF | 12/31/19 |
| DANIEL J. RYAN | PIPESTONE, MN | 0144 | BURNOR/BNSF | 02/19/20 |
| COLIN TIPPING | GLEN MILLS, PA | 3012 | PENN/NRPC | 12/22/19 |
| JONATHAN E. TRUJEQUE | BELEN, NM | 2415 | AT&SFF/BNSF | 01/22/20 |
| THOMAS K. VAN WINKLE | BELLEVILLE, IL | 1700 | ALLASF/TRRA | 02/03/20 |

Secretary-Treasurer's **REPORT**

David D. Joynt



*THE FOLLOWING Q&A IS BASED ON ACCURATE INFORMATION AT PRESS TIME. CIRCUMSTANCES AROUND COVID-19 AND CORRESPONDING LEGISLATION CAN RESULT IN CHANGES. ALWAYS STAY INFORMED BY CHECKING **BMWE.ORG**, SIGNING UP FOR BMWED NEWS ALERT EMAILS OR FOLLOWING THE OFFICIAL BMWED FACEBOOK PAGE.*



COVID-19 Questions and Answers

Q 1. Is the Union working on hazardous pay through legislation?

A 1. BMWED National Division is working with Congress for legislation that protects the safety of BMWED Members who continue to work during the pandemic, as well as pay protection for BMWED Members that are off sick or furloughed because of the pandemic. Discussion continues with members of Congress regarding hazardous pay while we maintain focus on Members' safety, and the needs for Members that are sick and/or unemployed.

Q 2. What is the course of action if the Carriers violate CDC guidelines on transport employees?

A 2. Several of the System Division/Federations, as well as various National Division representatives, have conducted and continue to conduct routine status calls with the rail carriers regarding Member safety and work-related issues during the pandemic. There are also status calls that are conducted on an "as needed" basis, particularly when issues

regarding health and safety of employees develop. The System Divisions/Federations will continue to engage the Carriers about following CDC guidelines as much as possible and practicable.

Q 3. How do we socially distance when working in a machine that requires two operators?

A 3. The CDC's recommended social distancing guidelines may not always be possible in cabs and machines, as well as other track and bridge maintenance, repair, construction and inspection work. However, other abatement methods should be observed to limit interactions if possible. For example, if two people must be in proximity, they should only stay in close proximity for the time necessary to complete their work. Additionally, they should wear a face covering as recommended by the CDC, along with their required personal protective equipment.

Q 4. If I get COVID-19 while at work, do I have a lawsuit?

A 4. BMWED National Division continues to analyze this subject. However, as a threshold matter, every case/lawsuit is unique and will require a case by case analysis. Accordingly, if you feel you have a viable lawsuit, you should contact a BMWED-designated attorney. You can find a list of BMWED-designated attorneys at our website under the FELA section.

Q 5. Do I have health insurance if I self-quarantine? If so, how long?

A 5. It depends on the Carrier you work for, as they have not adopted a "universal policy" for addressing this. Accordingly, extension of coverage will otherwise be governed by the National Plan requirements and will require a case by case analysis.

Q 6. What is the CARES Act?

A 6. The Coronavirus Aid, Relief, and Economic Security Act (CARES) is bipartisan legislation signed into law by President Trump on March 27, 2020. The CARES Act seeks to provide economic support to working Americans and businesses in the form of expanded paid leave, employer retention tax credits and business loans, personal stimulus checks, increased unemployment benefits, improved access to sickness benefits and the like. For example, under the CARES Act, railroad employees can receive an additional \$1,200 in unemployment benefits per two-week period. Additionally, railroad employees can receive an extension of unemployment benefits. Unfortunately, however, there are several provisions of the CARES Act that do not pertain to many railroad workers because of exclusions within the law that regard the size of the employer. For example, the expanded paid leave provisions of the CARES Act are not applicable to employers that have 500 or more employees.

Q 7. What is the total weekly amount members will receive on unemployment benefits and sick benefits?

A 7. Unemployment

The current biweekly maximum unemployment benefits for most eligible unemployed Railroad workers is \$733.98. Because of the CARES Act, unemployed Railroad workers are also eligible to receive an additional \$1,200 biweekly benefit. Therefore, eligible

CONTINUED ON PAGE 16





NATIONAL MEDIATION BOARD IS SWIMMING IN TRUMP'S SWAMP NMB BOARD MEMBER GERALD FAUTH, III DUMPS STOCK AT THE SAME TIME AS HIS BROTHER IN LAW REPUBLICAN SENATOR RICHARD BURR



ProPublica recently broke the story that Republican Senator Richard Burr of North Carolina dumped stock on February 13 - shortly before the stock market crashed due to Covid-19. Burr's brother-in-law, Gerald Fauth, III. was appointed by Donald Trump to the National Mediation Board (NMB) in 2017. Fauth also dumped enormous amounts of stock on February 13.

ProPublica went on to report that:

Fauth avoided between \$37,000 and \$118,000 in losses by selling off when he did, considering how steeply the companies' shares fell in recent weeks, according to an analysis by Luke Brindle-Khym, a partner and general counsel of Manhattan-based investigative firm QRI. Brindle-Khym obtained Fauth's financial disclosure from the Office of Government Ethics and shared it with ProPublica. Government forms only require that the value of stock trades be disclosed in ranges. After the February sales, the total value of Fauth's individual stock holdings appears to be between \$680,000 and \$2 million.

used classified information they had access to as members of the Senate Intelligence and Health Committees to enrich themselves, and in Burr's case, his family.

The alleged crime here is that Burr and other Senators used classified information they had access to as members of the Senate Intelligence and Health Committees to enrich themselves, and in Burr's case, his family. Shortly after their stock dump, the NYSE fell 30%. ProPublica then notes that:

Before his sell-off, Burr had assured the public that the federal government was well-prepared to handle the virus. In a Feb. 7 op-ed that he co-authored with another senator, he said "the United States today is better prepared than ever before to face emerging public health threats, like the coronavirus."

As of this writing, the FBI is investigating. Burr has resigned his position as Chairman of the Senate Intelligence Committee in shame. He won't run for reelection.

Let us now consider brother-in-law Gerald. On that fateful day (February 13), Fauth sold off stock in petroleum and retail firms which were likely to take a hit as Covid-19 impacted the economy.

This hits close to home for us in the BMWED, as the National Mediation Board plays a central role in how we negotiate with the Railroads. Fauth's presence on the Board is very problematic, and reflects the great lie that Donald Trump ran on in 2016 –that he would "drain the swamp" in Washington, DC. Rather than drain it he just made it deeper with more and more corruption.

Gerald Fauth III is one of the latest of thousands of examples. We need to clean house in the November 2020 elections and ensure that the present government is replaced if Rail Labor is to find success in this round of bargaining with the freight carriers and with the coming round on Amtrak.

BARGAINING UPDATE: NATIONAL CARRIERS CONFERENCE COMMITTEE GIVES BARGAINING PRESENTATION

The National Carriers Conference Committee (NCCC) gave a presentation about its bargaining proposals to the Brotherhood of Maintenance of Way Employees Division (BMWED) and SMART-Mechanical Department (SMART-MD) Coalition on April 15, 2020.

While approximately 30,000 of Maintenance of Way and SMART-MD railroad workers are risking their lives during the global COVID-19 pandemic to keep American rail infrastructure maintained and safe for the continued transportation of necessary supplies nationwide, the railroads are working to cut your pay, slash your healthcare benefits, assign more of your work to outside contractors and diminish your quality of life.

Railroad management is pretending that rail workers are paid in excess of 40 percent more than the rest of the U.S. workforce. This is based on false comparisons. The railroads are also purporting that one-third of railroad workers' healthcare claims are unnecessary, excessive, fraudulent and inefficient. We find fault in that statement, as well. And a proposal to reduce access to health care is especially foolish in a time of an unprecedented global pandemic. The railroads are also alleging that several of the rules of each of your

collective bargaining agreements, such as your seniority and seniority districts, the 40-hour work week, limitations on contracting out, and craft line boundaries, need to be changed so the railroads can make even more profits off of your labor.

"The railroads' proposals are disturbing, because they are a direct attack on – what should be – their most valued asset: railroad workers. But their proposals are not surprising," BMWED President Freddie N. Simpson said. "The BMWED/SMART-MD Coalition will carefully examine each of the NCCC's proposals and prepare a response. Being a railroader is a full-contact sport. I would encourage the railroads to put their helmet on and buckle their chin strap for this round."

Further information regarding national negotiations will be provided as information develops. To stay involved and up to date with information, please follow updates at bmwe.org, sign up for our email News Alerts at the top of our website, or find updates on Facebook at facebook.com/BMWEDIBT.

National Carriers Conference Committee (NCCC) presentations can be found under the "News" section of the Brotherhood's website at www.bmwe.org

SHEET METAL | AIR | RAIL | TRANSPORTATION
SMART
Bargaining Update

The National Carriers Conference Committee (NCCC) gave a presentation about its bargaining proposals to the Brotherhood of Maintenance of Way Employees Division (BMWED) and SMART-Mechanical Department (SMART-MD) Coalition on April 15, 2020.

NCCC GIVES BARGAINING PRESENTATION

ATTENTION ALL LOCAL LODGE SECRETARY-TREASURERS:

IMPORTANT INFORMATION REGARDING FILING LM REPORTS



This is in reference to Report Form's LM-3 or LM-4, which are required to be filed with the U.S. Department of Labor, containing financial information about your local lodge for the fiscal year ended March 31, 2020. Form LM-3 is required to be filed by local lodges that had \$10,000.00 or more in total annual receipts for the fiscal year. Form LM-4 is required to be filed by local lodges that had less than \$10,000.00 in total annual receipts for the fiscal year. All LM forms must be filed and signed electronically with the Department of Labor's Office of Labor Management Standards using the OLMS Electronic Forms System (EFS).

No matter which LM report your lodge is required to file, National Division can complete the report for you as long as we have a full fiscal year of quarterly audit reports, whether they were completed by you or a National Division Auditor. The audits must cover the period April 1, 2019 to March 31, 2020. Simply contact National Division Auditors Joe Corley at (586) 942-0547 or Eric Rose at (734) 731-6055 and request that we complete your lodge LM report. If you would rather complete your own lodge LM report, please provide National Division with a copy or contact Joe or Eric for assistance.

The Lodge President and Secretary-Treasurer are the officers who are required to electronically sign the LM Report. National Division can assist you with this process as

well. Electronic signatures are obtained by applying for an EFS User ID and Password on the OLMS website at www.olms.dol.gov. If you previously applied for a User ID and Password, you do not need to apply again. The User ID and Password you previously received remains in effect as long as you are a lodge officer. If your lodge officer title has changed, simply log into your EFS account and edit your account information.

For those Lodge President's and Secretary-Treasurers who have taken office since April 1, 2019, click on 'FileFormsLM-2/3/4/10/20/21/30' in the 'OLMS Reports' section and proceed to 'Access the OLMS EFS'. Do not obtain a Union PIN as National Division will apply for it on your behalf. If the Lodge President is unavailable to sign the report, the lodge Vice-President, Local Chairman or another lodge officer must obtain an EFS User ID & Password in order to sign it. An explanation would also need to be entered in Item 19 stating the reason the Lodge President did not sign the report, (i.e., President position is currently vacant, etc.). Once both electronic signatures have been applied to the report, it must be submitted for processing by hitting the "Submit" button on page one. If the LM report is accepted, a confirmation number will be provided for your records. You may also want to print out a hard copy of the LM report for your records.

If you have any questions, contact one of the National Division Auditors listed above.

USD AND ICGF SYSTEM/FEDERATIONS ANNOUNCE DEAL IN PLACE TO MERGE

Two System/Federations of the Brotherhood of Maintenance of Way Employees Division have an agreement in place to merge.

The Unified System Division, which represents roughly 4,300 members on Union Pacific, the DM&E subsidiary of Canadian Pacific and Amtrak, along with several railroads mostly in the West, and the Illinois Central & Gulf Federation, which represents approximately 1,100 members on UP, CN, Kansas City Southern and Chicago's METRA commuter rail, amongst other roads, plan to merge, according to BMWED Western Region Vice President Louis Below.

The merger, which has been agreed to in principle by the general chairman and other officers of the two systems, awaits the final approval of the Joint Protective Board of the USD and the official approval of merger from BMWED President Freddie Simpson, per System and National Division bylaws.

The USD will absorb and maintain the fulltime officers of the ICGF and members will retain their current local representative. USD General Chairman Tony Cardwell will lead the new system, while current ICGF General Chairman Hayward Granier will remain on to assist the merger process until his planned retirement on Dec. 31, 2020.



Additional details of the merger agreement will be provided as they advance through the official processes.

Call your system officer if you have additional questions.



Secretary-Treasurer Report

CONTINUED FROM ON PAGE 11

unemployed Railroad workers can receive up to \$1,933.98 in biweekly benefits through July 31, 2020, unless the funds providing the increased \$1,200 biweekly benefits are exhausted prior to said date.

Sickness

The current biweekly maximum sickness benefit for most eligible Railroad workers is \$733.98. The additional \$1,200 biweekly benefit unfortunately does not apply to sickness benefits. However, several BMWED members have access to the Maintenance of Way Employees Supplemental Sickness Benefit (SSB) Plan that is administrated by Aetna. The amount of SSB you receive is based upon a schedule of benefits, which are currently:

| CLASS | HOURLY RATE OF PAY | MONTHLY EARNINGS | DAILY RATE OF SSB w/ RUIA | DAILY RATE OF SSB w/o RUIA | MAX MONTHLY AMOUNT OF SSB w/ RUIA |
|-------|--------------------|-------------------------|---------------------------|----------------------------|-----------------------------------|
| 1 | \$29.91 or More | \$5,204.00 or More | \$63.72 | \$116.92 | \$3,508.00 |
| 2 | \$27.81 - \$29.90 | \$4,839.00 - \$5,203.00 | \$57.15 | \$110.35 | \$3,311.00 |
| 3 | \$27.80 or Less | \$4,838 or Less | \$49.85 | \$103.07 | \$3,092.00 |

Please be certain to file your notice of claim for SSB within 60 days of the start of sickness/disability, or as soon as your serious mental or physical injury or illness permits you to do such. Failure to file your SSB notice of claim within the 60-day time period will likely result in your SSB claim being denied.

For more guidance and information regarding SSB, please review the SSB Summary Plan Description, which can be located at www.ytth.com.

Q 8. Is there still a 7-day waiting period for unemployment and sickness benefits?

A 8. No. The CARES Act temporarily eliminated the one week waiting period before being eligible to receive unemployment and/or sickness benefits.

For more guidance and information regarding Railroad Unemployment Insurance Act (RUIA) Unemployment and Sickness Benefits during the COVID-19 Pandemic, please visit: <https://www.rrb.gov/Benefits/Coronavirus>

**- David D. Joynt,
Secretary-Treasurer**



REMOTE-OPERATED DRAW BRIDGES CREATING UNNECESSARY PROBLEMS

Four major drawbridges in the Mississippi Gulf region operated by CSX Railroad will be controlled remotely, posing significant safety concerns for the communities nearby.

Mobile River Bridge, Bayou Sara Bridge, Pascagoula River Bridge, and the Biloxi Bay Bridge will no longer have bridgetenders on site, with operations moving remotely to a control center in Mobile. There, CSX plans to have four operators manning 11 sections of drawbridges, beginning April 28. The Bay St. Louis Bridge will go remote-operated in the Fall 2020.

The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters represents the CSX employees currently assigned to tending duties on all four bridges. The union feels that removing the bridge tender from the bridge poses a variety of safety problems.

For starters, barge captains, tug and shrimp boat captains, recreational boaters and anyone operating in the waterways beneath these bridges have not been properly advised to the new protocols and will no longer have a person located onsite to consult in case of emergency. In the case of bridge strikes, which happen periodically, there will no longer be an employee manning the bridge to witness the boat striking the bridge, assess the damage to the bridge and/or track. This potentially exposes an oncoming train to track conditions that could lead to a catastrophic derailment.

CSX, like many of their rival railroad companies, has implemented a Precision Scheduled Railroading operation strategy that includes, among other self-described “efficiencies,” longer trains. Train lengths have doubled to nearly two miles in length. If problems occur with remotely-controlled drawbridges while a train is approaching, there presents a great possibility that the

train could be stopped for an hour or more awaiting a bridge tender to be dispatched to address the problem. Because the trains are so much longer under PSR, a two-mile long train stopped for two hours could cause serious disruptions to road crossings that normally are only stopped for a few minutes. Removing bridge tenders leaves the public vulnerable to potential track problems causing the halting or slowing of trains on road crossings, creating public safety (police, ambulance, fire) emergencies.

The bridges will have one less person onsite to deter trespassing and potential terrorist activity. Trespassers will feel more emboldened to walk out on dangerous bridges.

There is, of course, the reality that CSX is also cutting jobs during an economic crisis, a problem of deep concern for our Union and its members. These are well-paid, highly-skilled, pandemic “essential” positions that help create a robust and healthy economy within the Gulf Coast region. It is imperative that we save all these jobs, not cut them.

The BMWED will continue to encourage CSX reconsider its plan to operate drawbridges remotely.





Freddie N. Simpson, BMWED President



President's PERSPECTIVE

THE SIGNIFICANCE OF WORKERS' MEMORIAL DAY DURING A GLOBAL PANDEMIC

If you asked most Americans, they wouldn't be too familiar with Workers' Memorial Day. It happens every year (April 28) but it doesn't get the headlines that other earmarked days on the calendar do. It's because it's not something CEO's like to talk about.

At the time of this printing, we've lost three BMWED brothers to Covid-19. Others have gotten sick. As the months go on, and the virus lingers, the risk will hang in the air with it. Railroading is dangerous, even during better times. Add a pandemic to the equation and it becomes clear who does the real work in this country.

Companies can sing our praises, purchase commercials on television, cut their salaries while hanging on to their stock options, place sweet-sounding memes on their Facebook

pages. But the fact is, there are some people who hang their neck on the line, and they are the ones Americans depend on to put equipment in the hospital, food on the table, and pick-up the garbage every week. And they are underpaid and undervalued.

“ At the time of this printing, we've lost three BMWED brothers to Covid-19. ...Add a pandemic to the equation and it becomes clear who does the real work in this country.

Employers are still hell-bent on skirting safety regulations, denying hazard pay, eliminating paid sick leave, diluting health insurance. They cut corners everywhere they can, and they have a government and a judicial system in place that makes it far too easy.

We hear that “essential workers are heroes” but we see working people treated as sacrificial pawns. Strategies to change that imbalance are quickly dismissed as “pie in the sky” by those who are eating every crumb of it. If anything good comes of the pandemic, maybe it will be an honest assessment of this strained economic system. We can hope.

“Pray for the dead and fight like hell for the living,” was the famous mantra of the prominent Union organizer Mother Jones. Our Brotherhood will miss the three Brothers we have lost this year to Covid-19, and we continue to mourn all those who lost their lives in the line of duty. Then, we will unite, all of us, together, to win the fight and secure a future for the living.

- **Freddie N. Simpson,**
President



The BMWED is attempting to move forward in the digital age and we hope that you find our efforts to reach you via social media and the internet advantageous and informative.

BMWED DIVISION **THE JOURNAL**

FIRST QUARTER 2020
Volume 2 • Number 5

Freddie N. Simpson
President and Editor

David D. Joynt
Secretary-Treasurer

C. Clark Ballew
Associate Editor

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A Reminder of Holiday Events

If you are a furloughed employee of a railroad covered by the U.S. National Agreement with at least 60 days of seniority or 60 calendar days of continuous service preceding a covered holiday, and if you had compensation paid by the carrier credited to 11 or more of the 30 calendar days immediately preceding the holiday, you may be entitled to pay for that holiday even though you are furloughed.



EVENTS

See What's Coming Up For BMWED



- **July 2020:**
Burlington System Division
Quadrennial Convention
- **October 2020:**
Allied Federation Quadrennial Convention

IMPORTANT NOTE:

"The BMWED is grateful for the dedication of our members. Those who are attending the three upcoming system/federation quadrennial conventions should take all necessary precautions to avoid the transmission of the COVID-19 virus. This includes staying six-feet apart when possible and wearing a face covering to prevent the passage of the virus. Thank you to all the delegates who plan to attend and carry out the business of our Union. We hope you have successful conventions!"

ONLINE STORE

Place Your Local / Lodge Orders For Masks for Everyday Wear

REUSABLE FACE MASK • NOT INTENDED FOR CLINICAL USE
MUST BE LAUNDERED BEFORE USE

WE CAN ALSO PROVIDE UNION PRINTING:
NEWSLETTERS • MAILING • BUMPER STICKERS • SIGNS • MUCH MORE!



BMWED Custom Face Masks

Exterior: Drop Needle Check (DNC), 100% Dry Wicking Poly
Lining: 100% Cotton Jersey
Filters: 100% Polypropylene, Washable



\$10.00 each
delivered (USPS)



Your Team Representatives:

Debbie Lassiter
Sales Consultant

Direct Phone: 615-427-1416
debbie.lassiter@outlook.com

Patty Passons

Client Support Representative

Direct Phone: 615-864-4238
ppassons@americanmin.com

USA / Union
Quality

USA Made • Union Decorated • Environmentally Friendly
Includes 5 Additional Replacement Filters
Non-Medical Grade • Machine Washable
Washable Filter Lining Included • Extra Filters Available

PLACE YOUR ORDER AT BMWED.ORG <STORE>

ROLL OF HONOR



DEMETRI ADAMOPOULOS ... PENN 3005 ... 2010
 MARK D ANTON PENN 3095 ... 2010
 ARNALDO I AYALA USD 0591 ... 2010
 DAMIEN A BAILEY ALLASF 0598 ... 2010
 WARDELL BARBER ALL 0201 ... 2010
 IRA P BAYS ALLASF 2434 ... 2010
 JACOB C BELLAMY USDIC 1539 ... 2010
 RASHID A BERNARD CRSD 2910 ... 2010
 JEFF M BLACK ALLASF 1700 ... 2010
 MICHAEL T BURDETT JR EJ&E 0358 ... 2010
 SCOTT W BURKHART ALL 2780 ... 2010
 STEPHEN F BURNS ALL 0201 ... 2010
 NIALL E BYRNE CRSD 2910 ... 2010
 JOSEPH A CARIOTI CRSD 2910 ... 2010
 ANTHONY P CHELOTTI PENN 3095 ... 2010
 VINCENT E CIESIELSKI CRSD 2910 ... 2010
 KENNETH COFIELD ALLASF 0594 ... 2010
 WAYNE COLANTUONO PENN 3095 ... 2010
 FRANK A COLLIER PENN 3089 ... 2010
 ED E COMMONS AF-SE 0547 ... 2010
 DANIEL COSTELLO PENN 3014 ... 2010
 PAUL A CREEK SOU 2838 ... 2010
 ISAAC DAVE N E 0228 ... 2010
 SIGEBERTOV DEL VALLE SOU 0660 ... 2010
 NICHOLAS J DI LORENZO N E 0228 ... 2010
 JOSEPH J DOORDON PENN 3095 ... 2010
 RONDEL C DORSEY PENN 3068 ... 2010
 TIMOTHY EICHINGER PENN 3039 ... 2010
 JASON A FAULSTICK USDIC 0654 ... 2010
 JEFFREY F FLEISCHUT PENN 3011 ... 2010
 ADRIAN A GARRIQUES PENN 3082 ... 2010
 DOUGLAS E GAYMAN PENN 3098 ... 2010

MARK GOEDECKE PENN 3005 ... 2010
 RODNELL L GRAHAM PENN 3095 ... 2010
 BRYAN HALE ALLASF 0599 ... 2010
 JOHN W HAYES PENN 3095 ... 2010
 HARRY R HILL JR PENN 3095 ... 2010
 JOHN D HOLLINGSWORTH ... PENN 3005 ... 2010
 ALLEN J HOLMES ALL 0347 ... 2010
 DUSTIN C HORST PENN 3011 ... 2010
 DAVID D HUTCHERSON SOU 0546 ... 2010
 BRYAN JOHNSON PENN 3095 ... 2010
 JAMES A JOURDAN III PENN 3005 ... 2010
 RASHID C KIBWASSALI N E 1718 ... 2010
 JAMES E KITNER PENN 3098 ... 2010
 ERIC L LAWSON ALLASF 2434 ... 2010
 CRAIG O LUND USD 0941 ... 2010
 PHILIP C LYNN ALL 2225 ... 2010
 STEPHEN L MANSELL SOU 2838 ... 2010
 BERNARD P MARASIAK PENN 3095 ... 2010
 RYAN J MATLAGE EJ&E 0358 ... 2010
 STEPHEN C MAYNARD N E 0090 ... 2010
 JEFFREY O MC ELWEE ALLASF 0662 ... 2010
 MARK A MC GEORGE ALL 1396 ... 2010
 PAUL J MC GRATH EJ&E 0358 ... 2010
 SHERMAN C MILLER N E 0228 ... 2010
 BRANDON R MILLER PENN 3095 ... 2010
 NICKOLAS MONTEDRISIO PENN 3011 ... 2010
 STEVEN A MOWBRAY ALL 0201 ... 2010
 SCOTT OLLER PENN 3095 ... 2010
 BRADLEY J PEDERSEN PENN 3095 ... 2010
 MARK PELLEGRINO N E 1718 ... 2010
 JESSE J PETRI ALLASF 1700 ... 2010
 CHARLES A PITMAN ALL 0201 ... 2010
 WILLIAM E PLUT USD 0591 ... 2010
 ROY S POSADNY PENN 3017 ... 2010
 JOSEPH S PULVER ALL 1356 ... 2010
 LESTER G RANREW AF-SE 0624 ... 2010
 STEPHEN B REESE ALLASF 2434 ... 2010
 MICHAEL C ROSSMAN PENN 3098 ... 2010
 JAMES F RUDZINSKI JR CRSD 2910 ... 2010
 JESSE E RUND PENN 3005 ... 2010
 BRADLEY A RUSH EJ&E 0358 ... 2010

RICHARD SCHUCK SR ALLASF 1700 ... 2010
 JOSHUA J SCHULTZ PENN 3011 ... 2010
 NICHOLAS A SILVAS ALL 0507 ... 2010
 SCOTT SMITH N E 0228 ... 2010
 JAMES E SMITH II N E 1718 ... 2010
 JOHN E SPICER ALL 0201 ... 2010
 ALBERT A STANLEY EJ&E 0358 ... 2010
 JONATHAN D STETSON ALL 0347 ... 2010
 BRADLEY A STROH EJ&E 0358 ... 2010
 BRENT T SULLIVAN USD 0941 ... 2010
 JAMIE S SUMRALL USDIC 1539 ... 2010
 KEVIN G TARVER USDIC 1539 ... 2010
 DANIEL E TATTERSALL N E 0090 ... 2010
 ERIC L TAYLOR USDIC 0652 ... 2010
 PERRY C THOMPSON USDIC 0652 ... 2010
 JUAN VELEZ ALL 0201 ... 2010
 DARNELL VINSON AF-SW 1540 ... 2010
 MICHAEL J WEAVER PENN 3098 ... 2010
 THOMAS E WILLIAMS N E 1718 ... 2010
 RICHARD F WILSON PENN 3095 ... 2010
 REGINALD S WILSON USDIC 0637 ... 2010
 JEFFREY A WISE ALL 0991 ... 2010
 MICHAEL J ZIN ALL 0305 ... 2010



HENRY H CURRINGTON AF-SE 0725 ... 2000
 JARED E DAHLKE USD 1227 ... 2000
 TALMADGE J DIAL AF-SW 1715 ... 2000
 ROGELIO K EUSEBIO USD 1227 ... 2000
 JEREMY E FARRELL USD 0473 ... 2000
 CRAIG J FERRIER AF-SW 0564 ... 2000
 ELISEO GARCIA EJ&E 0358 ... 2000
 SHANNON GAY PENN 3005 ... 2000
 JOSEPH M GIBBONS AF-SE 2912 ... 2000
 BILL J GLAZE AF-SE 1509 ... 2000
 CARLOS A GONZALEZ ARTEAGA ... USD 0407 ... 2000
 RANDY G GOWER II ALLASF 1700 ... 2000
 JACK B GREENE JR USD 0377 ... 2000
 PETER B HERRERA USD 1002 ... 2000
 CLIFF R HOLDREN USDIC 0694 ... 2000
 JAMES A KNIGHT AF-SW 0564 ... 2000
 JOSHUA O LA FONTAINE AF-SE 0916 ... 2000
 TROY L LLOYD USD 1402 ... 2000
 SALVADOR LOPEZ JR USD 0407 ... 2000
 ULYSSES LYKES JR AF-SE 0562 ... 2000
 DANIEL C MAGANA USD 0918 ... 2000
 SAMUEL A MARQUEZ USD 0407 ... 2000
 EDUARDO MARTINEZ JR USDIC 0694 ... 2000
 CURT A MC CORD USDIC 0694 ... 2000
 R S MC CURLEY AF-SE 0992 ... 2000
 DAVID J MC GRORY PENN 3039 ... 2000
 RUSSELL W MC MURTRY USD 0134 ... 2000
 DON E MEEGAN BURL 1903 ... 2000
 JEFFREY S MILLER USD 0473 ... 2000
 JEFF L MORGAN USDIC 0694 ... 2000
 PETER J MORRISSEY USD 0216 ... 2000
 MICHAEL NINO AF-SE 0025 ... 2000
 CLEMENT J ORSAK JR AF-SW 1021 ... 2000
 C R OWEN AF-SE 0670 ... 2000
 JEFFERY D OXFORD USD 0686 ... 2000
 DONALD L PENN USDIC 1393 ... 2000
 DAVID J RANUS EJ&E 0358 ... 2000
 B K ROBERTS AF-SE 1857 ... 2000
 CHAD A ROMBACH ALL 1037 ... 2000
 MICHAEL A ROMERO AF-SW 0564 ... 2000
 MARK A ROTH USD 0686 ... 2000

Pennsylvania Federation Northeastern System Federation



Anthony Sessa
General Chairperson
Pennsylvania Federation

Dale Bogart
General Chairperson
Northeastern System Federation

UPS Overnight Mail

May 12, 2020

National Railroad Passenger Corporation
William Flynn, President
1 Massachusetts Avenue, NW
Washington, D.C. 20001

Dear Mr. Flynn:

Re: Covid 19 Testing Procedures

We are writing to you regarding our members and your employees who are essential workers who put themselves at risk every day in their efforts to maintain the railroad infrastructure. We are at risk as a result of the pandemic, Covid 19, which is highly contagious and as of this writing has taken the lives of more than 70,000 American citizens with no end in sight. Despite this extreme risk to ourselves and our families we are proud to perform this vital service to Amtrak and to America but as this crisis deepens we must do more to protect essential workers and the public.

For essential workers maintaining self-isolation is impossible. We are keeping the railroad operational but at tremendous risk. We are calling upon you to immediately implement a policy that contains the following:

1. **Testing.** All BMWED members are tested for the Covid 19 virus once a month and if they test positive they are quarantined under the Covid Paid Leave policy (see page 26).
2. **Tracing.** That if the member tests positive for the Covid 19 virus that their activities are traced and all members who had contact with these members quarantined under the Covid Paid Leave policy and must test negative before they return to work.

3. **Temperature Testing.** That at the start of each work shift every member should have their temperature taken and if they are running a fever that they should be sent home under the Covid Paid Leave policy and tested with a negative result before they are permitted to report for work.
4. **Holiday Pay.** In general we think that the Covid Paid Leave policy is positive but it does penalize an employee from holiday pay because the paid leave is not considered by Amtrak to be bridging the holiday. While we respectfully disagree, we would urge you to reconsider Amtrak's position on this matter and save us a lot of time and trouble with the grievance arbitration procedure and the further erosion of good will between management and the employees.

We are available to meet any time to further discuss these very important issues of life and death for our members with you.

Yours truly,



Anthony Sessa, General Chairperson
Pennsylvania Federation
Brotherhood of Maintenance of Way
Employees Division - IBT



Dale Bogart, General Chairperson
Northeastern System Federation
Brotherhood of Maintenance of Way
Employees Division - IBT

cc Fred Simpson, President BMWED
Jed Dodd, Vice President BMWED



Know Your Rights!

See COVID Paid Leave Policy on Page 26

Contact us at any time to further discuss important life and death issues that effect our members.



COVID Paid Leave

The purpose of COVID paid leave is to provide relief for employees who are sick or who need to be isolated due to COVID19. Amtrak outlined conditions for paid COV leave up to 14-days in March 2020 (COV paid leave grid). As the pandemic evolved, so did individual circumstances. The following grid is intended to clarify the applicatoin of the COV paid leave.

| SCENDARIO | RESPONSE |
|---|---|
| Employee is out on COV leave due to being a close contact of a COVID position person, then tests positive during this time. | Employee will receive additional COV leave once tested until meet CDC clearance up to a max of 14-days. The second COV leave starts when symptoms develop or test is positive for 14-days. |
| Employee is sick and in quarantine and does not get tested until the end of the 14-day period and test results are not back on day 14. | Transition to MLOA pending the results. |
| Employee is in quarantine due to being a close contact, does not have symptoms and gets tested toward the end of the 14-day period. No symptoms when the incubation period is over but test not back. | Employee is cleared to return to work. |
| Employee is waiting for COVID test results but is not sick and not a close contact of a COVID positive person. | Employee can continue to work. No COV leave. |
| Employee on COV leave, sick and is COVID POS, then meets CDC criteria to stop isolation and returns to work. After this time, the employee developes new symptoms. | MLOA. Employee needs to produce medical documentation linking new symptoms to COVID in order to get additional COV paid leave. |
| Employee is sick, tests COVID POS, recovers and returns to work. Employee is retested for other reasons, no symptoms but is still POS. | Additional COV leave but will apply CDC criteria for asymptomatic person which is 10 days, not 14 days. |
| Employee on COV leave for sympton, tests negative, returns to work and wants COV leave for underlying health condition. | No COV leave should remain out from first leave and move to MDQ/MLOA. |
| Employee tests positive after 14 days and has not been able to return to work. | Move to MLOA. |
| Employee has COV leave, has a negative test and returned to work. Now has new symptoms. | Second COV leave and follow process as per usual. |
| Employee out on MLOA for non-related issue and is cleared to return to work. Requests additional 14-day paid leave for underlying health conditions. | No. RTW clearance means employee can return to work. |
| Employee received 14 day paid COV leave due to underlying health conditions which is supposed to transition to unpaid, protected leave status. Presented medical documentation to return to work. | Employee returned to work but forfeits further COV leave during this round of the pandemic. |

Coronavirus (COVID-19): Protect Yourself and Others

Help prevent the spread of respiratory illness like COVID-19

Avoid close contact with people who are sick

Wash your hands often with soap and water for at least 20 seconds

Clean your hands with an alcohol-based hand sanitizer with at least 60% alcohol

Cover your cough or sneeze with a tissue, then throw it in the trash

Avoid touching your eyes, nose and mouth

Disinfect frequently touched objects and surfaces

Stay home if you are sick, except to get medical care

Stay informed! The coronavirus outbreak is continually changing.

Seek medical advice if you develop symptoms

- ✓ Fever
- ✓ Cough
- ✓ Shortness of breath

Call your healthcare professional if you develop symptoms and have been in close contact with a person known to have COVID-19, or if you have recently traveled from an area with widespread or ongoing spread of COVID-19.



To get updated information, visit:
[cdc.gov/COVID19](https://www.cdc.gov/COVID19)

Source: Centers for Disease Control and Prevention (CDC)

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Web: HealthAdvocate.com/members

HealthAdvocateSM

We stand with Sen. Elizabeth Warren and Rep. Ro Khanna in demanding
The Essential Workers Bill of Rights



In normal times, we work hard, dangerous jobs. COVID-19 has made our working conditions even more lethal.

With the help of the BMWED and other unions, Senator Elizabeth Warren (MA) and Rep. Ro Khanna (CA-17) are fighting for all essential workers in Congress. The Essential Workers Bill of Rights includes:

- **Hazard Pay.**
- **Broader occupational safety, with adequate PPE.**
- **Health care security.**
- **Protections for Union Contracts.**
- **Whistleblower protections.**
- **And more...**

Please call Congress TODAY: **[855] 300-3836**



An Injury to One is an Injury to All!



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Brotherhood of Maintenance of
Way Employees IBT



OBJECTION PROCEDURES FOR EXPENDITURES NOT GERMANE TO COLLECTIVE BARGAINING

Sec. 1. An individual residing in the United States who is represented by the Brotherhood, and who has elected to become an agency fee payer may become an objector to expenditures not related to collective bargaining, contract administration, or other chargeable expenditures. An agency fee payer, who elects to become an objector through these procedures, shall pay a fee calculated in accordance with Section 5 of this Policy.

Sec. 1. To become an objector, an employee represented by the Brotherhood, shall notify the National Division Secretary-Treasurer of his or her objection in a separate envelope by certified mail postmarked during the month of March each year. An employee who desires to object but is unable to make a timely objection because he or she is not subject to a Union Shop Agreement in March must make an objection within thirty (30) days after becoming subject to Union Shop obligations and receiving notice of these procedures. The objection shall be signed and shall contain the objector's current home address and the Subordinate Lodge number, if known. The objector shall keep the Brotherhood informed of any change in address. Objections may only be made by individual employes; no petition objections will be honored.

Sec. 3. The following categories are examples of chargeable expenditures to the extent permitted by law:

- a. All expenses concerning the negotiation of agreements, practices and working conditions;
- b. All expenses concerning the administration of agreements, practices and working conditions, including grievance handling, all activities related to arbitration, and discussion with employes in the bargaining unit or employer representatives regarding working conditions, benefits and contract rights;
- c. Convention expenses and other normal union internal governance and management expenses;
- d. Social activities and union business meeting expenses;
- e. Publication expenses to the extent coverage is related to chargeable activities;
- f. Litigation expenses related to contract administration, collective bargaining rights and internal governance;
- g. Expenses for legislative and administrative agency activities closely related to the negotiation of administration of contracts and working conditions;
- h. All expenses for the education and training of members, Officers and staff intended to prepare the participants to better perform chargeable activities;
- i. All strike fund expenditures and other costs of group cohesion and economic action, e.g., demonstrations, general strike activity, informational picketing and the like;
- j. A proportional portion of all overhead and administrative expenses.

Sec. 4. In the first quarter of each year, the Brotherhood shall publish these policies and procedures in the Journal to provide notice to employes represented by the Brotherhood of their right to object and the procedures for objecting. The Brotherhood shall also send a copy of these policies and procedures to each person who objected the previous year to inform the person of his or her right to renew the objection for the current year.

Sec. 5. The Brotherhood shall retain a neutral auditor to perform an independent audit of the records of the Brotherhood and to submit an annual report for the purpose of determining the percentage of expenditures that fall within the categories specified in Section 3. The amount of the expenditures during the previous fiscal year that fall within Section 3 shall be the basis for calculating the reduced dues or fees and assessments that must be paid by the objector for the current fiscal year.

Sec. 6. The neutral auditor shall complete the report for each fiscal year. This report shall include an analysis of the major categories of union expenses attributable to chargeable and non-chargeable activities. A copy of the neutral auditor's report shall be sent to each person who made an objection in the current previous year.

Sec. 7. Each person entitled to receive the audit report may challenge the legal and arithmetic bases of the calculations in the neutral auditor's report by filing an appeal with the National Division Secretary-Treasurer. Such appeal must be made by sending a signed letter to the Secretary-Treasurer postmarked no later than thirty (30) days after the date that the audit report was mailed.

Sec. 8. All appeals received by the union within the time limits specified above shall be determined by expeditious referral to an impartial arbitrator chosen through the rules of the American Arbitration Association (AAA) for the impartial determination of union fees. The Brotherhood shall notify the AAA that challenges to the calculation of its fees and assessments have been received from one or more persons and include the names and addresses of the persons who filed the appeals and who must be notified of the proceedings. Thereupon, in accordance with its rules, the AAA will appoint an arbitrator and notify the Brotherhood and the challenger. In addition, the following rules shall apply:

- a. All appeals shall be consolidated and heard as soon as the AAA can schedule the arbitration and shall be at a location selected by the AAA to be the most convenient for those involved in the proceeding.
- b. Each party to the arbitration shall bear its, or their own, costs. The challengers shall have the option of paying a pro rata portion of the arbitrator's fees and expenses. The balance of such fees and expenses shall be paid by the Brotherhood.
- c. Challengers may, at their expense, be represented by counsel or another representative of their choice. Challengers need not appear at the hearing and shall be permitted to file written statements with the arbitrator instead of appearing. Such statements shall be filed no later than the beginning of the hearing before the arbitrator. Post-hearing statements may be filed in accordance with the provisions of Section 8(g).

d. Fourteen (14) days prior to the start of the arbitration, challengers shall be provided with copies of all exhibits or a list of all such exhibits intended to be introduced at the arbitration by the Brotherhood and a list of all witnesses the Brotherhood intends to call, except for exhibits and witnesses the Brotherhood may introduce for rebuttal. When a list of exhibits has been provided, any challenger shall have a right to receive copies of such exhibits by making a written request for them to the National Division Secretary-Treasurer. Additionally, copies of all exhibits shall be available for inspection and copying at the hearing.

e. A court reporter shall make a transcript of all proceedings before the arbitrator. This transcript shall be the official record of the proceedings and may be purchased by the challengers. If challengers do not purchase a copy of the transcript, a copy shall be available for inspection by challengers at the National Division during normal business hours.

f. The arbitrator shall have control over all procedural matters affecting the arbitration in order to fulfill the dual needs of an informed and expeditious arbitration. The arbitrator shall set forth in the decision the legal and arithmetic bases for the decision, giving full consideration to the legal requirements limiting the amount that objectors may be charged.

g. The parties to the arbitration shall have the right to file a post-hearing statement within fifteen (15) days after both parties have completed submission of their cases at the hearing. Such statements may not introduce new evidence or discuss evidence not introduced in the arbitration. The arbitrator shall issue a decision within forty-five (45) days after the final date for submission of post-hearing statements or within such other reasonable period as is consistent with the AAA rules and the requirements of law.

h. The decision of the arbitrator shall be final and binding on all findings of fact supported by substantial evidence on the record considered as a whole and on other findings legally permitted to be binding on all parties.

i. Upon receipt of the arbitrator's award, any adjustment in favor of the challenger will be made from the Union escrow account. Any adjustments in favor of the union shall be due and owing within thirty (30) days. An individual failing to pay any adjustments in full within the prescribed thirty-day period will be considered as being in non-compliance with provisions of the Union Shop Agreement.

Sec. 9. The National Division Officers will have the authority to amend this policy, as it deems appropriate.

Sec. 10. The provisions of this procedure shall be considered legally separable. Should any provision or portion be held contrary to law by a court of an arbitrator, the remaining provisions or portions thereof shall continue to be legally effective and binding.

RETIREMENT CHANGES DURING 01/01/2020 TO 03/31/2020

*** FEBRUARY 2019 ***

MANUEL OLIVERAS PENN 3039 NRPC
02/01/2019
HUMBERTO V TAPIA USD 0134 UP
02/15/2019

*** MARCH 2019 ***

GARY R WRAMBEL CRSD SPTA
03/04/2019
CARLTON C MAYNE ALL 1664 NS
03/06/2019

*** APRIL 2019 ***

TERRY L ALTLAND PENN 3075 CSXT
04/01/2019
STEVEN W O BRIEN PENN 3098 NS
04/01/2019

*** JUNE 2019 ***

MICHAEL R ARNOLD BURL 2857 NIR
06/01/2019
JAMES J HOAGLAND PENN 3039 NRPC
06/01/2019
MIGUEL A PALMA BURL 2857 NIR
06/04/2019
GUILLERMO PALOMO BURL 2857 NIR
06/04/2019

*** JULY 2019 ***

JOSEPH BROWN SR PENN 3014 NRPC
07/01/2019
EDWARD TROY PENN 3063 CSXT
07/01/2019

*** AUGUST 2019 ***

JAMES K CLARK PENN 3068 NRPC
08/01/2019
NICOLAS E LOPEZ USD 0107 UP
08/01/2019
B J GRIEGO AT&SFF 2415 BNSF
08/09/2019
RONALD L KOORS ALL 1362 NS
08/31/2019

*** SEPTEMBER 2019 ***

SIEGFRIED MOSES CRSD 2907 NJT
09/02/2019
ERNEST S JIM USD 0918 UP
09/25/2019

*** OCTOBER 2019 ***

R L SEARS PENN 3017 CSXT
10/01/2019
VAN G GARCIA USD 1020 UP
10/01/2019
NORMAN G WHITCOMB JR AF 0547 CSXT
10/31/2019

*** NOVEMBER 2019 ***

JAMES T RYAN BURNOR 0735 BNSF
11/01/2019
STEPHEN C COLDWELL PENN 3009 NS
11/01/2019
LARRY L MINGES PENN 3017 CSXT
11/01/2019
ROBERT L MOSSER PENN 3080 NS
11/01/2019
FRED SALLIS PENN 3004 NS
11/01/2019
NELSON BOYD USD 1020 UP
11/01/2019
GARY L MURLATT PENN 3098 NS
11/05/2019
MARK C MILES USD 0519 UP
11/16/2019
ALEXANDER SHIELDS AF 2921 UP
11/23/2019
DAVID R FISCHER USD 0899 UP
11/26/2019
RALPH A BEARD ALL 0571 NS
11/27/2019
DONALD C STAHL AF 1365 UP
11/29/2019
T W GIBSON SOU 0546 NS
11/30/2019

*** DECEMBER 2019 ***

WILLIAM J HIMEL AF 1048 BNSF
12/01/2019
DAVID BENAVIDEZ BURL 0961 BNSF
12/01/2019
MICHAEL G KETTLEBOROUGH BURL
1108 BNSF 12/01/2019
BRIAN D ASSELIN USD 1046 UP
12/01/2019
RONALD B HUMPHRIES USD 1227 UP
12/01/2019
KEVIN G WEIMER BURL 0961 BNSF
12/02/2019
MARK A WELCH ALL 0551 NS
12/03/2019
KENNETH L FREDERICK BURL 1965
SOO 12/03/2019
TERRY J GUNNINK BURL 2852 BNSF
12/03/2019
JAMES M MOORE BURL 0230 BNSF
12/03/2019
GARY G PFORTMILLER BURL 0961
BNSF 12/03/2019
MICHAEL V RENNER BURNOR 0306
BNSF 12/04/2019
DARRELL YAZZIE USD 1020 UP
12/05/2019

GARY TEFTELLER BURL 1903 NICT
12/06/2019
BENJAMIN TOLEDO USD 1020 UP
12/08/2019
MARK R JACOBS USD 1402 UP
12/10/2019
CHARLES UNDERWOOD ALL 0551 NS
12/12/2019
LEROY C BERG JR BURNOR 0320
BNSF 12/13/2019
RICHARD W MADESEN BURL 1108
BNSF 12/14/2019
DONALD J GRAY BURL 2852 BNSF
12/16/2019
MICHAEL B CARTER N E 0228 NRPC
12/19/2019
DOUGLAS R FRALEY ALL 1362 NS
12/20/2019
WAYNE NEZ USD 1020 UP
12/20/2019
PAUL TSOSIE USD 0085 UP
12/23/2019
SHAYNE J JONAS BURNOR 0297 BNSF
12/27/2019
ROYCE H FRANKLIN AT&SFF 2405 WTA
12/30/2019
Marc G Koprivec BURNOR 0706 BNSF
12/30/2019
RALPH SHIFFLETT AF 0563 CSXT
12/31/2019
RONALD L PETERS BURL 0788 BNSF
12/31/2019
JOHN B MANN SOU 2838 NS
12/31/2019
EARL R MARK SOU 0034 NS
12/31/2019
LORENZO BARRIOS USD 0134 UP
12/31/2019

*** JANUARY 2019 ***

JAMES D MARCUM ALL 1464 NS
01/01/2020
RANDY L QUATTLEBAUM AT&SFF 2413 BNSF
01/01/2020
R B RUNNELS AT&SFF 2410 BNSF
01/01/2020
DALE N BOGART BURNOR 1426 BNSF
01/01/2020
DERRICK L ANDERSON SOU 1618 NS
01/01/2020
EDDIE E GAINES SOU 0636 NS
01/01/2020
B F GORE SOU 0536 NS
01/01/2020
JACKIE D LOWERY SOU 0636 NS
01/01/2020

RETIREMENT CHANGES DURING 01/01/2020 TO 03/31/2020

***** JANUARY 2019 Continued *****

JOSELITO C ANDRADA USD 0407 UP
01/01/2020
JACK W MILLER USD 1381 UP
01/01/2020
MARIO L PUPPO USD 0922 UP
01/01/2020
HARVEY L CASH ALL 0599 NS
01/02/2020
RONALD I JACOBS ALL 0301 NS
01/02/2020
ALBERT C REYES AT&SFF 2417 BNSF
01/02/2020
MIKE D BOOKER BURL 1108 BNSF
01/02/2020
MARC R LONGSINE BURL 1214 BNSF
01/02/2020
JOHN M MC GUIRE BURL 1320 BNSF
01/02/2020
GEORGE C MOLDOVAN PENN 3094 NS
01/02/2020
J A HAYNES SOU 0660 NS 01/02/2020
THOMAS K BULLOCK AF 0564 KCS
01/03/2020
JESUS GONZALES ALL 0224 NS
01/03/2020
HENRY J MILLER ALL 2307 NS
01/03/2020
MACKLIN D NEAL ALL 0598 NS
01/03/2020
TIMOTHY E SMITH ALL 0594 NS
01/03/2020
MICHAEL COAD BURNOR 1763 BNSF
01/03/2020
DAN R STEWART BURNOR 1426 BNSF
01/03/2020
LLOYD L KONKEL USD 2853 UP
01/03/2020
CURTISS W FLETCHER AF 2162 CSXT
01/07/2020
TODD M ECKROTH BURNOR 0303
BNSF 01/07/2020
ROBERT D LARSON USD 2853 UP
01/07/2020
Bruce E MC CURDY PENN 3008 NS
01/08/2020
DOUG R BROWNING ALL 0076 NS
01/15/2020

Donald G Lewis BURNOR 0272 BNSF
01/18/2020
Michael D Kent BURNOR 0104 BNSF
01/26/2020
RONALD A GILCREASE AF 1715 KCS
01/29/2020
GEORGE M GUTBROD AF 0498 CSXT
01/31/2020
JOHN P WOOD AF 0737 CSXT
01/31/2020
GARY R BRANDT USD 0473 UP
01/31/2020
KENNETH ROTH USD 1246 UP
01/31/2020

***** FEBRUARY 2020 *****

JAMES W ASHBY AF 0564 KCS
02/01/2020
JAMES J VESTAL ALL 0301 NS
02/01/2020
G A MONTANO AT&SFF 2405 BNSF
02/01/2020
HAROLD P CONRAD SOU 0636 NS
02/01/2020
CLEVELAND FADDIS SOU 0585 NS
02/01/2020
STEVE L JENKINS USD 1788 UP
02/01/2020
TIMOTHY L FRENCH ALL 1362 NS
02/02/2020
JOHN A MC CARTHY CRSD 2910 SPTA
02/03/2020
GARY F PADILLA USD 0686 UP
02/04/2020
VICTOR G CONTRERAS USD 0922 UP
02/05/2020
MICHAEL W ARTIS AT&SFF 2411 BNSF
02/07/2020
THOMAS L ELLIOTT BURL 0230 BNSF
02/07/2020
JOHN M ROTNESS BURL 1108 BNSF
02/07/2020
FELIPE R LEYVA ALL 1363 NS
02/08/2020
ANTONIO G MARTINEZ ALL 1362 NS
02/08/2020
ALBERTO OCHOA ALL 0224 NS
02/11/2020

JESUS ALAMO USD 0968 UP
02/12/2020
JOSE J COVARRUBIAS BURL 1320 BNSF
02/15/2020
LARRY GATES BURL 2621 BNSF
02/15/2020
WILLIAM W LILES AF 2163 CSXT
02/18/2020
DENNIS J HANSEN BURNOR 0320 BNSF
02/19/2020
JEFF C SCHAFER BURNOR 1296 BNSF
02/21/2020
MANUEL MONTANO USD 0941 UP
02/21/2020
ROGER L GRACEY USD 0899 UP
02/25/2020
ROSENDO GAMEROS AT&SFF 2419 BNSF
02/28/2020
ARNE K OLSON BURNOR 0104 BNSF
2/28/2020
JEFFREY S OSTERMAN BURL 1214 BNSF
02/29/2020
STEVEN R SCHEERER BURL 0800 BNSF
2/29/2020
MICHAEL W LEGLER USD 0473 UP
02/29/2020

***** MARCH 2020 *****

PHILLIP A GARCIA AT&SFF 2404 BNSF
03/01/2020
JOHN W WILKINS PENN 3095 NRPC
03/05/2020
TIMOTHY D CROSS CRSD 2905 NJT
03/16/2020
STEPHEN L BIRCH PENN 3095 NRPC
03/28/2020
ABRAHAM N URQUAHART PENN 3011 NRPC
03/28/2020



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