

THE **BMWED** Journal

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



**BMWED Alliance System
Federation Reelects Graham
as General Chairperson**

**BMWED and BNSF Reach
Deal on Paid Sick Leave**

**BMWED Partners with Union First to Provide
E.A.P. Services to Membership**

**2023 BMWED Scholarship Award
Winners Announced**



The BMWED has received a vote in favor of the September 8, 2023 Executive Board Ballot, approving \$500 and \$2,000 Disaster Relief Benefits to Members who suffered certain losses due to Hurricane Idalia, with no duplication of benefits being paid to an individual member.

The BMWED will provide \$2,000 to those members who lost immediate housing at their primary residence and their jobs; and \$500 to members who lost their jobs but who have immediate housing OR has lost immediate housing, but has their job, as a result of this natural disaster.

Members who believe they qualify for the disaster relief should submit their completed form (linked below) and appropriate documentation to disasterrelief@bmwe.org

To find the applicable forms please click the link below:

<https://www.bmwe.org/secondary.aspx?id=850>



BMWED STANDS IN OPPOSITION OF AMTRAK FUNDING CUTS PROPOSED BY U.S. HOUSE BILL

BMWED officers and members joined recently with other rail allies at the Hudson, N.Y. Amtrak station to oppose funding cuts currently proposed in a U.S. House allocations bill.

The drastic cuts would severely undermine operations including those on the Amtrak's Northeast Corridor, which sees high passenger rail volumes. The bill currently proposed in the House dramatically reduces funding which jeopardizes thousands of jobs and would curtail all momentum that Amtrak has built in the last decade as Americans seek better ways to travel.

Attending the rally from the BMWED was National Division Secretary-Treasurer Dale Bogart, a resident of the upstate New York region; Assistant to the National Division President Kevin Evanski; Vice Chairperson of the United Passenger Rail Federation Renato Rufo; Lodge 1934 President Nate Butler; Lodge 1934 Vice President Ivan Garcia; and Lodge 1934 members Dominick Cinatti and Jason Coyle.

BMWED AND BNSF REACH DEAL ON PAID SICK LEAVE

BMWED members on BNSF will receive four paid sick days annually as part of a new agreement reached by General Chairmen representing the property, yet another success for Brotherhood members following a very public campaign on the issue last year. The deal is pending upon final ratification from BMWED membership on BNSF.

BNSF and BMWED General Chairmen George Loveland, John Mozinski, Tim Bunch and Dennis Albers ironed out the language Friday. In the agreement, the carrier will provide four paid sick days annually to every qualifying MOW employee. Additionally, three paid personal days can also be used as paid sick time off.

If a BMWED member does not use the entirety of their entitled paid sick leave it can either be contributed to their 401(k) contributions through the carriers' retirement program or cashed out for straight time wage.

"This agreement took a lot of hard work and diligence from the membership and notably from the four General Chairmen on the property and I want to thank them for their steadfast commitment to seeing this across the finish line," BMWED Northwest Vice President Staci Moody-Gilbert said. "This is obviously a great success for our Union and I am glad that BNSF recognized the importance of this issue. Our members can now take time to properly address health issues as they arise without worry of financial repercussions. This agreement brings BNSF in line with the other Class I carriers who have entered into similar agreements and is a welcomed development. I congratulate the General Chairmen and the membership for obtaining this victory."

BMWED members on BNSF will have the opportunity to vote on ratification of the deal in the coming weeks. For more information on the agreement, please contact your local representative or system federation office. Contact information can be found on the Brotherhood's website www.bmwe.org under the directory link.

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BMWED AND BNSF REACH DEAL ON PAID SICK LEAVE



BMWED MEMBERS ATTEND TEAMSTER WOMEN'S CONFERENCE

More than 1,500 Teamster Women – including several BMWED Sisters and members of the Diversity Committee – gathered in Nashville in late August for the annual Teamster Women's Conference. The annual conference is an opportunity to learn and strategize to strengthen and grow the union in sisterhood and solidarity.

Attendees were welcomed by Teamster General President Sean O'Brien and General Secretary-Treasurer Fred Zuckerman and heard from several other speakers over the course of the conference, including Women's Conference Director and Local 856 President Ashley Alvarado, International Vice Presidents Lindsay Dougherty and Joan Corey, workers, and organizers.



A variety of workshops were held on issues such as just cause, heat injury and illness prevention, harassment in the workplace, conflict resolution, contract data, collective bargaining and more.

On August 29th the Women's Conference held a massive rally outside of failed trucking company Yellow's corporate headquarters in Nashville to call for bankruptcy reform. The rally came weeks after Yellow's closure left 22,000 union members without work despite Teamsters at Yellow giving back more than \$5 billion in wages and benefits to keep the company afloat since 2009 and \$700 billion from the federal government.

As is tradition, every year BMWED Sister Jennifer Ross hand stitches a commemorative Women's Conference quilt to raffle off to attendees and guests. Proceeds from the raffle are used to help fund a new BMWED Sister to attend the Teamster Women's Conference the following year.





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Hear it from the source...

"Our Federation has been working directly with LECMPA for several years now. We have formed a very solid relationship based on the excellent service they provide to our members. This great service is in addition to the very important income protection they provide to many railroaders. Having been a first-hand witness at many hearings in the railroad industry, I would not be out there without this."

- Brian Rumler, General Chairman USD/BMWED



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BMWED PARTNERS WITH UNION FIRST TO PROVIDE E.A.P. SERVICES TO MEMBERSHIP

Union members can access Union First's services by visiting their website - www.unionfirst.net or by calling 1-855-215-2023. Union First is available seven days a week on-line and via their hotline.



President Tony Cardwell recently announced that the Brotherhood of Maintenance of Way Employees Division (BMWED) will be partnering with Union First to provide Employee Assistance Program (E.A.P.) services to union members and their families.

Cardwell, who has been looking to expand behavioral health services to members, made the announcement at the union's national meeting in Chicago.

"Union First is going to give our members access to services they don't currently have," said Cardwell. "Additionally, they're going to provide advocacy services for members who take a leave of absence to get the care they need, protecting their job in the process. This is a win-win for us."

Union First is an EAP which provides job protection and behavioral health services to union members, public employees, and their family members. Whether you're struggling with alcoholism, depression, drug addiction or trauma, Union First and their team is available to make sure you get the services that you need.

Currently, Union First represents over 600 local unions, covering 300,000 union members. They have a 100 percent success rate. Everyone who has entered the Union First program has completed it and returned to work.

"I entered Union First's program over two years ago and I can honestly say that it has changed my life," said Rebecca S., a teacher from New Jersey. "My son and husband have also taken advantage of the program and, as a result, are both in recovery to this day."

"Union First was built to put a union member's job, health, and family first," said Jeffrey Meyer, the founder. "We're uncompromising and passionate about fighting to ensure that union members get the services and protection that they need."

Union First was founded in 2019 and has been steadily growing since.

Union members can access Union First's services by visiting their website - www.unionfirst.net or by calling 1-855-215-2023. Union First is available seven days a week online and via their hotline.



Union First was built to put a union member's job, health, and family first...



BMWED ALLIANCE SYSTEM FEDERATION REELECTS GRAHAM AS GENERAL CHAIRPERSON



Delegates with the BMWED Alliance System Federation elected leadership today during its first quadrennial convention in Geneva, Ohio, setting the path forward for the next four years.

Brother Jason Graham was reelected to another four-year term as General Chairperson by acclamation. The remainder of the ASF system officer and executive committee positions elected to four-year terms are as follows:

Prior to the election of officers, BMWED President Tony Cardwell and Secretary-Treasurer Dale Bogart presented the group with news from National Division, including budgetary updates and discussion of the next round of National Bargaining including preliminary strategic talk about how to expedite freight negotiations.



Brother Jesse Dewe, First Vice Chairperson

Brother David Ostrum, Vice Chairperson-Secretary-Treasurer

Brother Perry Geller Jr., Vice Chairperson

Brother Nicholas Silvas, Vice Chairperson

Brother Bill Cody, Executive Board Committee Member

Brother Chris Kratzer, Executive Board Committee Member

Brother Jeff Sweeney, Executive Board Committee Member

Brother Eric Rose, Executive Board Committee Member

Brother Vic Burlison, Executive Board Committee Member

“Getting ahead of the moratorium is a big goal for us in this upcoming round of negotiations and we are developing and beginning to implement some strategies that we hope may help solve or at least provide a way forward in that regard,” President Cardwell said.

Some delegates of the ASF in attendance from the Indiana Harbor Belt, Canadian National, and

Keolis passenger rail in the Boston area were advised that paid sick leave campaigns are in full force on those properties with the expressed goal of joining the majority of BMWED-represented members on other carriers who have recently attained that benefit.

“We have been involved in the fight for paid sick days on all the properties we represent,” General Chairman Graham told the delegation. “We are making strides. We are holding firm on our requests. It is our goal to make sure every railroader has sick leave.”

Delegates were also advised of the Designated Legal Counsel rights available to all BMWED members in the event of personal injuries at work. All members are strongly encouraged to contact a designated FELA firm immediately upon an injury. You can find a list of FELA firms on the BMWED website at <https://www.bmwe.org/dlc>.



President's PERSPECTIVE

IT'S TIME FOR REGULATORS TO HOLD FREIGHT RAILROADS ACCOUNTABLE

A railroad is only as good as its word, and if there's any among them capable of it, the Class I freights have a lot of repentance upcoming.

As the North American rail industry trudges along into an ever-consolidated oligopoly, service has degenerated to levels not seen in decades. It's not especially complicated to see why – the entire lot of Class I freights have reneged on promises that run afoul of their addiction to Precision Scheduled Railroading. Those assurances, originally made so to obtain Surface Transportation Board approval for mergers, look increasingly hollow.

There are just six North American Class I freight railroad carriers spanning the entirety of the United States, Canadian and a swath of Mexico. Thanks to consolidation, free market competition is non-existent.

When Norfolk Southern derails a vinyl chloride train within an Ohio town, there is no other carrier to come in with assurances that they can do better. Basic economic theory suggests that competition begets higher quality service and obliterating a small town with a bomb train suggests that perhaps another railroad could provide safer service, but as we all know, there's no one within hundreds of miles who could feasibly step in and compete for the business.

And now, with the recent approval of Canadian Pacific and Kansas City Southern railroads, we see



Tony Cardwell, BMWED President

even more consolidation of an industry that could hardly get more amalgamated.

But what about the assurances made prior to every Class I merger that service would not depreciate and that workforce staffing would not diminish? Were executives blowing smoke to assuage nerves and secure STB approval, knowing full well that such promises were empty gestures that would run contrary to PSR and its requirements? It certainly appears so.

Ever since activist investing and private equity took hold of Class I railroading, instituting PSR into all six of the carriers, there has been a dramatic reduction of employees in all crafts. This has resulted in reduced inspections, maintenance and repair work on rail infrastructure and equipment. It has led to a dwindling workforce handling the same amount of track and infrastructure despite the reduction in staff.

As a further consequence of this fixation on "leanness," reliable service has withered. Shipper needs have not been met and they have been boisterous in their complaints. Insufficient train service, increased network congestion caused by the intentional withering of train crew personnel, the reduction of locomotives and their inspections, the increase of track slow orders due to the inability

to keep up with track maintenance and repairs, combines into woeful mismanagement.

In 2015, the Class I roads employed a little more than 170,000 people all told. By 2019, just shy of the Covid-19 pandemic, that number had been trimmed to approximately 150,000. In January of this year, about 120,000 remain. This is a dramatic downward movement for all departments across the Class I carriers with only incremental upticks over the last year that come nowhere near the employee levels in 2019, let alone prior.

The meager hiring in the last year is but a pittance despite claims by rail management of the contrary. When speaking of their recent hiring “efforts” they never discuss net employment, omitting attrition data. The perception they push is not reality. Their hiring over the last twelve months appears only to give the impression that they plan to bolster workforce density, an attempt to placate critics, though their adherence to the faulty principles of PSR still lead their strategy. Citing the typical pandemic employment problems is also an empty excuse considering the railroads had begun slashing workforce drastically prior to the pandemic, contrary to their common carrier service

requirements and subsequently leaving them vulnerable to reasonably foreseeable emergencies.

Consider Union Pacific’s track slow order status. In October 2022, over 22 percent of UP’s trackage was under slow order, due to an inability to keep up with maintenance and repairs. There isn’t a viable explanation for this other than a willful decision to cut labor expense to satiate Wall Street profitability demands. After all, it is “working” in that regard – Class I profits continue to increase despite the declining ability to service customers.

We have surpassed the juncture where the Surface Transportation Board should exercise its full authority to enforce service standards and common carrier obligations as required by law. Mandate that the carriers restore employment levels to those of a decade prior. Clearly, the railroads will not willfully do so regardless of what they claim, so regulatory muscle must be flexed. If the STB feels compelled to advise Congressional action, then it should do so. Because otherwise, as we have recently seen in New Palestine, the results can be catastrophic.



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2023 BMWED SCHOLARSHIP AWARD WINNERS ANNOUNCED

*A big congratulations to the following winners of this year's scholarships!
In no particular order, they are listed below:*



Skylar Kipka attends North Central College where she studies Health Sciences with a Minor in Psychology. Skylar plays for the North Central College Cardinal's Women's Lacrosse team. She's also involved in Women's Choir, Student Club, and is an Event Coordinator for the Cardinal Dance Company. Skylar has always had a desire to work in the healthcare field. When on break from college, Skylar works in group homes for dementia patients. Skylar recently changed her career goal, originally planning to be a Physician's Assistant, she now wants to utilize her skills by combining both the business/communications and healthcare field. Skylar is the daughter of BMWED member Gregory Kipka. Brother Greg is a member of BURNOR Local Lodge #1296 and is a Mobile Foreman at BNSF Railway. Congratulations Skylar!



Abigail Parker currently attends West Virginia University studying Biology with a minor in Business. She plans to pursue graduate studies at the West Virginia University School of Dentistry, eventually obtaining a Doctor of Dental Surgery in General Dentistry. Her goal is to practice dentistry in her home state of West Virginia, where she intends to provide affordable dental care. Abigail was a member of the National Junior Honor Society and Health Occupations Student of America in high school. She is proud to have volunteered in local food pantries and Toys for Tots while in school. She has held several jobs including dental assisting, lifeguarding, and babysitting. Abigail is the daughter of BMWED member, Jason Parker. Brother Jason is a member of Allied Federation Local Lodge #0130 and is a Water Service Maintainer for CSX-T. Congratulations Abigail!



Daniel Lagunas will be attending the University of Illinois at Urbana-Champaign this year where he plans to get a degree in Accounting and Finance. Daniel is a Senior at Harold L. Richards High School where he was named Captain of the Boys' Varsity Soccer Team. He is also a member of the school's Business Professionals of America Program. Daniel has worked several jobs while in high school. He worked in the fast-paced environment of the food service industry. When he left that job to focus on his schoolwork and sports, Daniel did seasonal work in his neighborhood, mowing lawns and shoveling snow. Daniel aspires to be a Forensic Accountant when he graduates. Daniel is the son of BMWED member, Jose Lagunas. Brother Jose is a member of the United Passenger Rail Federation Local Lodge #0469 and is a Track Welder at Metra. Congratulations Daniel!

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2023 BMWED SCHOLARSHIP AWARD WINNERS CONTINUED

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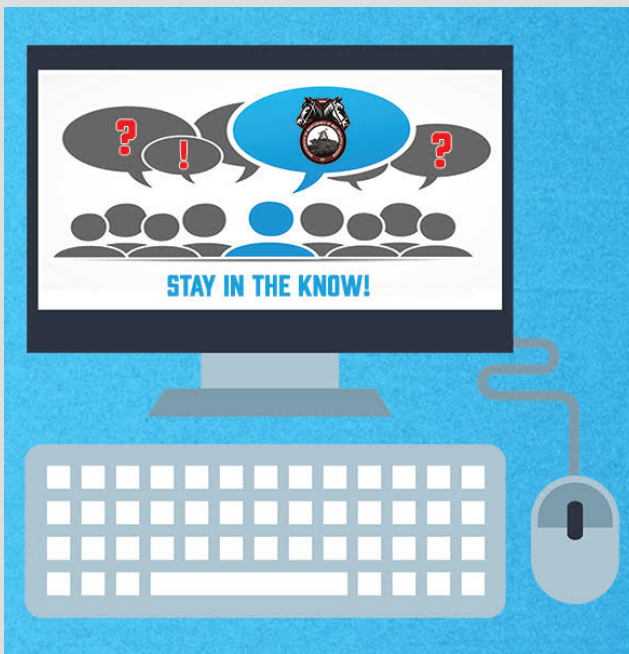
Meredith Johnston will be attending Pensacola State College this Spring where she plans to study Marine Biology with a concentration on marine safety and management. Meredith will be graduating Summa Cum Laude from Northview High School this year. Meredith currently works with her grandfather, a retired US Navy Master at Arms/Master Chief now working in HVAC repair. She has volunteered in the community with several programs such as Relay for Life, Byrneville Festivals, Daniel's Mission, Breakfast for the Barrows, and others. Meredith is the daughter of BMWED member John Johnston. Brother John is member of Allied Federation Local Lodge #0702 and works as a Carpenter for CSX-T. Congratulations Meredith!



Caytlin Lucas currently attends Edgerton High School and is an exemplary student. Caytlin is a member of the four-year Spanish Club, was selected for National Honors Society, and is a member of the school's Prom Committee. When Caytlin graduates, she intends to enroll at Ohio State University where she would like to study something within the Chemistry/Medical field. Caytlin has worked several jobs including as a waitress and in lawn care maintenance. Caytlin is the daughter of BMWED member, Justin Lucas. Brother Justin is a member of American Rail System Federation Local Lodge #1363 and is a Welder at Norfolk Southern Railway. Congratulations Caytlin!



Rosa Rogers will attend Lurleen B. Wallace Community College in the Spring. Rosa plans to obtain an Associate of Science Degree and would like to transfer to Auburn University College of Agriculture for a degree in Agriculture Science. Rosa hopes to have a career in business. Her goal is to assist local farmers in learning techniques that would improve and modernize farming. Eventually Rosa would like to return to her family farm and take over the family cattle business, and perhaps one day open a farm-to-table or wedding venue business. Rosa has been an active and ambitious student. She is the President of the Woodmen Life Butler County Chapter where she has volunteered to provide food for local food pantries, organized events to honor first responders, and provided items needed to local nursing homes. She was also an Alabama Independent School Association Tennis 5th Seed Singles State Runner-Up. Rosa is the daughter of BMWED member Jason Rogers. Brother Jason is a member of Allied Federation Local Lodge #0702 and is a Track Inspector on CSX-T. Congratulations Rosa!



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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. 2. 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.

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of the International Brotherhood of Teamsters

**Brotherhood of Maintenance of Way Employes Division
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