



UNIFIED SYSTEM DIVISION
QUARTERLY NEWSLETTER
VOLUME 20-October 2011

A Strong Labor Force is the Ultimate Stimulus Package



BARGAINING UPDATE

Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

October 6, 2011

PRESIDENT OBAMA NAMES PRESIDENTIAL EMERGENCY BOARD AVERTING NATIONAL FREIGHT RAIL STRIKE

Southfield, MI – President Obama appointed a five member Presidential Emergency Board (PEB-243) today, narrowly averting a national freight rail strike, or lock-out. On September 6, 2011, the National Mediation Board (NMB) released the Brotherhood of Maintenance of Way Employees Division of the Teamsters (BMWED/IBT), and ten other rail labor unions from mediation, and, pursuant to Section 5 of the Railway Labor Act, the parties were in a 30 day cooling off period that would have expired at 12:01 AM, October 7, had the President not appointed the PEB. President Obama announced that he intends to appoint the following members to Presidential Emergency Board 243;

Ira F. Jaffe – Chair, Roberta Golick-Member, Joshua Javits-Member, Gil Vernon-Member, Arnold M. Zack-Member

The Presidential Emergency Board will hear arguments from the eleven labor unions, and the rail carriers, then issue a report and make recommendations. It is expected the Board will convene beginning October 17, in Washington, DC. The PEB will issue non-binding recommendations for a settlement by November 7, 2011. Following release of the PEB report, the parties will be subject to another 30 day cooling off period before the BMWED or the other unions could strike. President Simpson recently polled members of the BMWED National Association who unanimously approved authorization for a national strike. “The BMWED, along with our brothers in the other ten rail labor unions have made it clear that we will not stand by and allow the rail carriers to gut our healthcare and deny our members a decent standard of living while they continue to reap record profits,” offered BMWED President Simpson. “A voluntary agreement would have been preferable, but we look forward to making our case to the Board”.

October 7, 2011

Southfield, MI – The hearings before Presidential Emergency Board (PEB) 243 will commence with opening arguments on Thursday, October 13, 2011. The hearings will be held in Washington, DC, and the formal proceedings are scheduled to continue through October 20, 2011. PEB 243 will issue a report and non-binding recommendations for a settlement by November 7, 2011. Following release of the PEB report, the parties will be subject to another 30 day cooling off period before the BMWED or the other unions could strike.

Read the full news release and President Obama’s Executive Order on our web site at:
WWW.USDBMWED.ORG

NEVER FORGET. THE QUOTE BELOW SAYS IT ALL.

“I can hire one-half the working class to kill the other half.”

Jay Gould (1836-1892), financier, railroad businessman, on not worrying about an impending strike at Southwestern rail system,
1886



UNIFIED SYSTEM DIVISION HAS BRAND NEW WEB SITE

We are very pleased to announce to our members and the public that the Unified System Division has a brand new web site. The web address hasn't changed, just the content. You can still find us at www.usdbmwed.org. The web site is a product of a company named "Union Active" and is an extensive upgrade from our old site with many new and union designed features built in. We are even more pleased to announce that the web site product is sold by, hosted by and supported by fellow Teamsters who are members of the Graphic Communication Division. The Union Active Graphic Team worked closely with our web administrator to create the custom graphic you see at the top of this article and our home page. Working with Union Active and their excellent product is another example of Union Members supporting Union Members here in the United States of America and we are proud to be included in the Union Active family.

With our new site we are able to communicate with our members in ways not contemplated before. We have the ability now to send press releases and important information via an "Immediate Release" email messaging system to members who have signed up to receive them. We can also send blast text messages to our members' cell phones for an even quicker distribution of important news or events. We can target important messages and news releases to our members by local lodge, location (city, county, state, zip code) and trade/class or group. There is a special section of the site for members who have signed up which is not accessible to the public. There you will find craft and/or railroad specific information as well as internal news and memos. In order to see the "members only" page you must sign up for access. After signing up the web administrator will check to make sure you are a member of the Unified System Division. If your information matches our records you will be granted access to the secure section of our web site within 24-48 hours. **USD members please visit our site and sign up today.**



Transportation Labor Applauds Confirmation of Walt Barrows to Railroad Retirement Board

WASHINGTON, DC – *Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, issued the following statement today in reaction to Senate confirmation of Walter A. Barrows as Labor Member on the Railroad Retirement Board:*

"Transportation labor commends the U.S. Senate for confirming Walt Barrows to serve on the Railroad Retirement Board. With Mr. Barrows' arrival at the Board, active and retired railroad employees can look to the future knowing that a forceful voice will serve at the Board advocating for a financially sound and healthy Railroad Retirement system.

Walt Barrows has a long and distinguished career in the railroad industry. He brings a wealth of knowledge and experience to the job of ensuring reliable and efficient delivery of retirement, unemployment, disability and survivor benefits to several hundred thousand railroad employees, retirees and their families. These individuals and families could not be better served than by having one of their very own in this vitally important position."

As the International Secretary-Treasurer to the Brotherhood of Railroad Signalmen, a position he's held for 11 years, as well as in his role as Trustee on the National Railroad Retirement Investment Trust, Mr. Barrows has worked with distinction and diligence. We have no doubt that Mr. Barrows will continue his long path of service and commitment to railroad employees and retirees during what we're sure will be a distinguished career as the Board's Labor Member."

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The Transportation Trades Department, AFL-CIO, represents 32 member unions in the aviation, rail, transit, motor carrier, highway, longshore, maritime and related industries. For more information, visit www.ttd.org.

IMPORTANT REMINDERS

IT'S ELECTION TIME AGAIN

NOMINATION AND ELECTION OF LOCAL LODGE OFFICERS

In accordance with Article XVIII, Section 9, of the Bylaws of the Brotherhood of Maintenance of Way Employees Division of the IBT, local lodge officers are required to be elected once every three years. Elections for the ensuing three-year term must take place at the first regular meeting of each local lodge during the last quarter of this year. The elected officers are to assume office effective January 1, 2012.

All officers shall be elected from duly nominated candidates. Write-in candidates are not permitted and all elections must be conducted by secret ballot. If only one candidate is nominated for a given office, he/she may be declared elected by acclamation. Otherwise, a majority of the votes cast for each office is necessary to elect. If three (3) or more candidates are nominated for a particular office and no candidate receives a majority of the votes cast, the candidate receiving the lowest number of votes shall be dropped and the balloting continued until one candidate receives a majority of the votes cast.

The offices of each Local Lodge that must be filled are President, Vice President, Secretary--Treasurer, Recording Secretary, Auditing Committee of three (3) members and Grievance Committee consisting of a Local Chairman and Alternate Local Chairman and at least one (1) member or Committees composed of at least one (1) member from the different departments coming under the jurisdiction of the Brotherhood.

The position of Past President is honorary and should be filled by the nomination and election of a member who formerly held the office of President of the Lodge. The offices of Secretary--Treasurer and Recording Secretary may be consolidated into a single position at the option of the lodge.

ELIGIBILITY REQUIREMENTS TO VOTE IN LODGE ELECTIONS

The IBT Constitution provides that members are eligible to nominate and vote only if, as of the date of nominations or election, they are members in good standing through the month prior to the month of nominations or elections. **However, a member not in good standing may restore good standing for the purpose of attending meetings, nominating, voting and participating in the affairs of the lodge by the payment of delinquent dues prior to said meeting.** Retired members, who are paying full dues, retiree dues of \$16.00 per year, or National Division dues to protect their death benefit, are not eligible to vote in lodge elections. The issuance of unemployment cards or withdrawal cards by the BMWED does not satisfy the requirement to maintain "member in good standing" status under the IBT Constitution for the purpose of being eligible to vote.

ELIGIBILITY REQUIREMENTS TO RUN FOR LOCAL LODGE OFFICE

BMWED members are eligible to run for election only if they are in continuous good standing for a period of twenty-four (24) consecutive months prior to the month of nomination and election. In general, "continuous good standing" means the timely payment of dues for each of the twenty-four months during the applicable period. Timely payment of dues is accomplished by actually paying dues for the month by the last day of that month. This requirement is also satisfied if a member is on dues check-off and has earnings during the month from which dues could have been deducted.

The issuance of unemployment cards or withdrawal cards by the BMWED will not satisfy the requirement to maintain "member in good standing" status under the IBT Constitution for the purpose of eligibility to run for office.

Provided that full dues and assessments are properly paid, Local Lodge Secretary-Treasurers holding office as of January 1, 2005 shall remain eligible to continue to run for and hold the office of Secretary-Treasurer. Retired State Legislative Directors holding such office, and all other BMWED retirees are not eligible to run for local lodge office.

WATCH FOR YOUR MEETING NOTICE IN THE MAIL. SHOW UP AT YOUR LODGE MEETING. PARTICIPATE. GET INVOLVED. VOTE. SPEAK OUT. SUPPORT YOUR UNION.

RAILROAD RETIREMENT BOARD INFORMATION

Working After Retirement

Retirees, and those planning retirement, should be aware of the railroad retirement laws governing benefit payments to annuitants who work after retirement. The following questions and answers describe these railroad retirement work restrictions and earnings limitations on post-retirement employment, and how these rules can affect retirees engaging in self-employment.

What are the basic railroad retirement work restrictions and earnings limitations that apply to post retirement work?

Neither a regular railroad retirement annuity (whether based on age and service or on disability) nor a supplemental annuity is payable for any month in which a retired employee, regardless of age, works for an employer covered under the Railroad Retirement Act, including labor organizations. This is true even if only one day's service is performed during the month and includes local lodge compensation totaling \$25 or more for any calendar month. Also, work by a local lodge or division secretary collecting insurance premiums, regardless of the amount of salary, is railroad work which must be stopped.

A spouse annuity is not payable for any month in which the employee's annuity is not payable, or for any month in which the spouse, regardless of age, works for an employer covered under the Railroad Retirement Act. (A divorced spouse can receive an annuity even if the employee has not retired, provided they have been divorced for at least 2 years, the employee and divorced spouse are at least age 62, and the employee is fully insured under the Social Security Act using combined railroad and social security earnings. A court-ordered partition payment may be paid even if the employee is not entitled to an annuity provided that the employee has 10 years of railroad service or 5 years after 1995 and both the employee and former spouse are 62.) A survivor annuity is not payable for any month the survivor works for an employer covered under the Railroad Retirement Act, regardless of the survivor's age.

Also, like social security benefits, railroad retirement tier I benefits and vested dual benefits paid to employees and spouses, and tier I, tier II and vested dual benefits paid to survivors are subject to deductions if an annuitant's earnings exceed certain exempt amounts.

These earnings deductions do not apply to those who have attained full social security retirement age. Full retirement age for employees and spouses ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later. Full retirement age for survivor annuitants ranges from age 65 for those born before 1940 to age 67 for those born in 1962 or later. Deductions for all annuitants, however, remain in effect for the months before the month of full retirement age during the calendar year of attainment. (The attainment of full retirement age does not mean an annuitant can return to work for an employer covered under the Railroad Retirement Act. As explained above, no annuity is payable for any month in which the annuitant works for a railroad employer, regardless of the annuitant's age).

What are the current exempt earnings amounts for those annuitants subject to earnings limitations?

For those under full retirement age throughout 2011, the exempt earnings amount is \$14,160. For beneficiaries attaining full retirement age in 2011, the exempt earnings amount is \$37,680 for the months before the month full retirement age is attained.

For those under full retirement age throughout the year, the earnings deduction is \$1 in benefits for every \$2 of earnings over the exempt amount. For those attaining full retirement age in 2011, the deduction is \$1 for every \$3 of earnings over the exempt amount in the months before the month full retirement age is attained.

Earnings received for services rendered, plus any net earnings from self-employment, are considered when assessing deductions for earnings. Interest, dividends, certain rental income or income from stocks, bonds, or other investments are not generally considered earnings for this purpose.

Additional deductions are assessed for retired employees and spouses who work for their last pre-retirement nonrailroad employer and special restrictions apply to disability annuitants.

How can individuals get more information about these railroad retirement work restrictions and earnings limitations?

There is much more information about working after retirement than can be printed here. Claimants with questions about railroad retirement work restrictions and earnings limitations should contact an RRB office by calling toll-free at [1-877-772-5772](tel:1-877-772-5772).

ARE YOU FURLOUGHED?

If you become furloughed do you know what to do? The 1st thing you should do is file for your Railroad Retirement Board Unemployment Benefits. How much do I get? Most claimants receive \$66.00 per day for a 14 day claim period. Payment is for 10 of the 14 days, or, \$660.00. How do I qualify? The current benefit year began July 1, 2011. You would need earnings of \$3,325.00 in calendar year 2010 to qualify-counting earnings of no more than \$1,330.00 per month. New employee needs 5 months' creditable service if base year (2010) is 1st year as a railroad employee. If railroad employee's 1st year of railroad service was 2011, he/she is not eligible for unemployment or sickness benefits until July 1, 2012. Also, he/she must have 5 months creditable service in 2011 to qualify. How do I file? You can file applications by mail or online with the Railroad Retirement Board. Contact the RRB at 1-877-772-5772 or www.rrb.gov. (To file online you will 1st have to establish an online account.) Applications must be received by an RRB office within 30 days of becoming unemployed. The RRB will mail you an application with detailed instructions and timelines on how to file a claim properly.

WE NEED TO HEAR FROM YOU

Your Union needs to hear from you. If you are furloughed and home without a job we need to know who you are and what your qualifications are. We may be able to include you on a time claim against outside contractors performing your work. We file numerous claims against contractors performing maintenance of way work each year. You may be home furloughed but often times the outside contractors continue working. Did you know that furloughed employees are, more often than not, the best employee for a time claim against a contractor? This is especially true during periods of seasonal layoffs or downsizing. What should you do? **Stay in touch with us.** Your experience and knowledge is important and may make the difference of winning or losing a contracting claim. If we don't know you're furloughed, how can we submit a time claim against contractors for you? **Contact your union headquarters at 1-800-525-1833 to let us know you are furloughed and wish to stay active and involved in the fight against outside contractors performing your work.**

VERY IMPORTANT REMINDER

Recently some UPRR employees have forfeited their seniority in the classification because they bid down in class from their assignment prior to the passing of 90 calendar days of their assignment to that position. It is extremely important that you acquaint yourself with and understand Rule 22 of the UPRR\BMWED Agreement. This is especially important if you are working on a Consolidated System Gang pursuant to Appendix T of that agreement. Please review the rule below as well as the entire agreement. **Your job is at risk if you do not know your agreement.**

RULE 22 - RETENTION OF SENIORITY

(a) Unless otherwise agreed to by the designated Carrier Officer and General Chairman, an employee who applies for and accepts a bulletined assignment in another class to establish seniority or qualifications will remain in the assignment involved for a period of not less than thirty (30) working days except in those instances where the employee is disqualified; recalled to a higher class; or the position is abolished or acquired by a senior employee in the exercise of displacement rights in which event the employee may exercise seniority pursuant to Rule 21. Bids will not be accepted from employees who are working in a lower classification pursuant to Rule 22(a) until the thirty (30) working day period has expired.

(b) Unless otherwise agreed to by the designated Carrier Officer and the General Chairman, an employee assigned to a Group 6, 20, 21, 26 or 27 position pursuant to Rule 20 (d) or (e) **will forfeit seniority in the classification of that position if, within ninety (90) calendar days of the assignment he voluntarily vacates the position to accept an assignment in a lower class.**

Employees who apply for and accept bulletined assignments in the Foreman and Assistant Foreman classifications will be excluded from the forfeiture of seniority provisions of this section.

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Quarterly Newsletter
Volume 20
October 2011

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Walter Reuther

"There's s a direct relationship between the ballot box and the bread box, and what the union fights for and wins at the bargaining table can be taken away in the legislative halls."

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President John F. Kennedy

"The American Labor Movement has consistently demonstrated its devotion to the public interest. It is, and has been, good for all Americans."



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