



UNIFIED SYSTEM DIVISION
NEWSLETTER
VOLUME 28 - January, February, March 2016

Right to Work....code words for busting unions.



BARGAINING UPDATE

National Bargaining a Slow Moving Train

January 27, 2016

The BMWED/SMART-Mechanical bargaining coalition met with the National Carriers' Conference Committee (NCCC) on January 27, 2016 at the NCCC's offices in Sunny Isles, Florida. The parties met to continue national handling of the coalition's wages, benefits, and rules notices. The meeting agenda was to include a updated presentation of a continuing research project that was to be conducted by the working group which is comprised of two labor and two management representatives. The working group presented their findings to date which clearly demonstrate the necessity of further exploration into the administration of the plan and viable ways to save the plan money without placing the burden on the Organizations members. The Organization has invested a great deal of time and resources into this project and continues to believe there are many avenues to save the plan money without shifting the cost burden on the members. The parties agreed that the project warranted further exploration which would be further discussed at the next scheduled meeting. The BMWED/SMART-Mechanical bargaining coalition and the NCCC have set the next bargaining meeting for March 29 to April 1, 2016 at which time the parties will continue to discuss alternatives for healthcare savings.

2015 BMWED Scholarship Winner

Congratulations to Erik Vazquez son of Octavio Vazquez Sr. from Lodge 1216 of the USD. Mr. Vazquez was one of the two winners of the 2015 BMWED Scholarship. Erik has plans to attend Fort Hays State University. The USD Officers and Staff would like commend Erik for his Academic Achievements to Date and wish him the Best of Luck with his Future Endeavors.

“Union Membership is like a Gym Membership. Dues are necessary to operate. And just like a gym, if you don't show up and participate you don't become stronger”

UNIFIED SYSTEM DIVISION NEWS

Things You Should Know

IBT Convention

The International Brotherhood of Teamsters Convention is scheduled for June 27, 2016 through July 1, 2016 in Las Vegas Nevada. The Unified System Division of the Brotherhood of Maintenance of Way holds a voting strength of 6 delegates and 2 alternate delegates. The nomination meeting for delegates was held January 6, 2016 at the Unified System Division Headquarters in Lyman, WY. The nomination process resulted in a "White Ballot" meaning the number of nominations for delegates and alternate delegates equaled the amount allowed per the IBT by-laws. The following individuals were nominated and elected to serve as delegates for the Unified System Division at the IBT Convention: 1st Delegate: Renne Perez, 2nd Delegate: Andrew Murphy, 3rd Delegate: Galen Owen, 4th Delegate: Mike Hallgren, 5th Delegate: Tony Cardwell, 6th Delegate: Brian Rumler. The following individuals were nominated and elected to serve as alternate delegates for the Unified System Division at the IBT Convention: 1st Alternate: Marlon Gallardo and 2nd Alternate: Adam Allen. The order of Delegates and Alternate Delegates was determined by Lottery. Because the number of nominees for delegate and for alternate delegate do not exceed the number to be elected to those positions, such nominees have been declared elected, and the delegate election scheduled for March 30, 2016 has been cancelled.

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DEATH BENEFICIARY-MET LIFE

Do you know who your beneficiary is? Many of our members signed a beneficiary form for life insurance when their employment began several years ago. Changes come about due to deaths, marriage, divorce, and birth of dependents. If you are unsure who your beneficiary is for this policy, you can obtain a change of beneficiary form by calling Met Life at the toll free number 1-800-310-7770 and listening to the prompts.

Beneficiary Forms can also be obtained by logging on to the Unified System Division Website @ www.usdbmwed.org and clicking on the Your Track to Health in the middle of the home page, then clicking on Life under the Benefits List in the lower left hand corner of the page.

This Plan provides minimal life insurance of:

\$20,000 per active employee, an additional \$16,000 if accidental and \$2,000 per retired or disability annuity employees.

Furloughed employees are covered for life insurance for 1 month following the month you last rendered service or received vacation pay and 4 months for Accidental Death & Dismemberment benefits. Coverage for certain accidental loss of limb or vision is also provided for in this policy.

IMPORTANT REMINDERS

Seniority Rosters

Seniority Roster are being distributed and it is your responsibility to assure your Seniority Placement is correct and the dates are accurate.

UPRR – Each employee should be sent a Letter regarding Seniority in January of each calendar year. Each employee should review this letter as well as the newly posted roster to ensure his or her Seniority dates are accurate and their place on each respective roster are correct.

Employees must protest under the UPRR CBA before March 31st of the Calendar Year.

Employees must Protest within ninety (90) Calendar days of the date of distribution under the Former CN&W CBA.

Employees must protest within sixty (60) calendar days from distribution under the Former SP CBA.

DM&E - Rosters will be posted in January of each calendar year in a place where all employees will have access. Employees will have thirty (30) calendar days to protest any inaccuracies in the posted roster. Employees may only challenge inaccuracies for the previous calendar year.

If you should have questions regarding Seniority Rosters or Protest Process please contact one of your system officers

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UPRR Personal Leave Days

This is a reminder that the Unified System Division reached an agreement with UPRR December 6, 2013 wherein the parties agreed that all USD-BMWED employees who are entitled to a personal leave day or days would be paid at the same rate as the gang is scheduled at the time the PLD is observed. Meaning 8, 9, 10, 11, or 12 hours depending on the schedule for the gang which you are apart of at the time the PLD is observed. Employees are reminded the default PLD in the SAP Time entry Portal is at 8 hours a day therefore if your gang is working in excess of 8 hours a day when you observe your PLD all time which you are entitled to in excess of 8 hours will need to be entered at the allotted rate under pay codes 141 or 144.(EXAMPLE: The gang you are a part of is working a 96 hour half which equates to 12 hours a day when you observe your personal leave day, you would enter 8 hours 011 Personal Leave Day and 4 hours 141 or 144 which are miscellaneous codes for paid time off.)

Your System Officers at a Glance Tony D. Cardwell

This quarters featured Officer is Vice Chairman at Large West Tony D. Cardwell. Tony began his railroad career in 2000 on the Former Southern Pacific Railroad property . Brother Cardwell served in the capacities of Lodge Local Chairman and Joint Protective Board Member as a member of Local Lodge 1054 chartered in Eugene, OR. Tony was elected as a full time System Officer in 2010 where he served as Region 3 Vice Chairman until being elected to Vice Chairman at Large West in October 2014 where he currently still serves the membership of the Unified System Division. Tony is the proud husband of his wife Michelle. The Cardwell's reside in Bend OR where they are the parents of 4 children. Michelle is a stay at Home Mom. Their children are all involved and excel in athletics and academics.

The Importance of a Current Connection for Railroad Retirement Benefits

Under the Railroad Retirement Act, a “current connection with the railroad industry” is one of the eligibility requirements for occupational disability annuities and supplemental annuities, and is one of the criteria for determining whether the Railroad Retirement Board (RRB) or the Social Security Administration has jurisdiction over the payment of monthly benefits to survivors of a railroad employee. The following questions and answers describe the current connection requirement and the ways the requirement can be met.

1. How is a current connection determined under the Railroad Retirement Act?

To meet the current connection requirement, an employee must generally have been credited with railroad service in at least 12 months of the 30 months immediately preceding the month his or her railroad retirement annuity begins. If the employee died before retirement, railroad service in at least 12 months in the 30 months before death will meet the current connection requirement for the purpose of paying survivor benefits.

However, if an employee does not qualify on this basis, but has 12 months' service in an earlier 30-month period, he or she may still meet the current connection requirement. This alternative generally applies if the employee did not have any regular employment outside the railroad industry in the period between the end of the last 30-month period including 12 months of railroad service and the month the annuity begins, or the month of death if earlier.

A current connection established at the time the railroad retirement annuity begins is permanent. The employee never loses it no matter what kind of work is performed thereafter.

2. Can non-railroad work before retirement break a former railroad employee's current connection?

Full or part-time work for a non-railroad employer in an interim between the end of the last 30-month period including 12 months of railroad service and the beginning date of an employee's annuity, or the date of death if earlier, can break a current connection.

Self-employment in an unincorporated business will not break a current connection. However, if the business is incorporated, compensated service may break a current connection. Federal employment with the Department of Transportation, the National Transportation Safety Board, the Surface Transportation Board (the former Interstate Commerce Commission), the National Mediation Board, the Railroad Retirement Board, or the Transportation Security Administration will not break a current connection. State employment with the Alaska Railroad, as long as that railroad remains an entity of the State of Alaska, will not break a current connection. Also, non-creditable railroad service in Canada for a Canadian railroad will neither break nor preserve a current connection.

3. Are there any exceptions to these normal procedures for determining a current connection?

A current connection can be maintained for purposes of supplemental and survivor annuities if the employee completed 25 years of railroad service, was involuntarily terminated without fault from his or her last job in the railroad industry, and did not thereafter decline an offer to return to work in the same class or craft as his or her most recent railroad service, regardless of the location of the work offered. If all of these requirements are met, an employee's current connection may not be broken, even if the employee works in regular non-railroad employment after the 30-month period and before retirement or death. This exception to the normal current connection requirement became effective October 1, 1981, but only for employees still living on that date who left the rail industry on or after October 1, 1975, or who were on leave of absence, on furlough, or absent due to injury on October 1, 1975.

4. Would the acceptance of a buy-out have any effect on determining whether an employee could maintain a current connection under this exception provision?

In cases where an employee has no option to remain in the service of his or her railroad employer, the termination of the employment is considered involuntary, regardless of whether the employee does or does not receive a buy-out.

However, if an employee has the choice of either accepting a position in the same class or craft in the railroad industry or termination with a buy-out, accepting the buy-out is a part of his or her voluntary termination, and the employee would not maintain a current connection under the exception provision.

5. An employee with 25 years of service is offered a buy-out with the option of either taking payment in a single lump sum or of receiving monthly payments until retirement age. Could the method of payment affect the employee's current connection under the exception provision?

The employee must always relinquish job rights in order to accept the buy-out, regardless of whether it is paid in a lump sum or in monthly payments. Neither payment option would extend the 30-month period. The determining factor for the exception provision to apply when a buy-out is paid is not the payment option. It is whether or not the employee stopped working involuntarily. An employee considering accepting a buy-out should also be aware that if he or she relinquishes job rights to accept the buy-out, the compensation cannot be used to credit additional service months beyond the month in which the employee severed his or her employment relation, regardless of whether payment is made in a lump sum or on a periodic basis.

6. What if the buy-out agreement allows the employee to retain job rights and receive monthly payments until retirement age?

The RRB considers the buy-out to be a dismissal allowance. When a monthly dismissal allowance is paid the employee retains job rights, at least until the end of the period covered by the dismissal allowance. If the period covered by the dismissal allowance continues up to the beginning date of the railroad retirement annuity, railroad service months would be credited to those months. These railroad service months would provide at least 12 railroad service months in the 30 months immediately before the annuity beginning date and maintain a regular current connection. They will also increase the number of railroad service months used in the calculation of the railroad retirement annuity.

7. Could the exception provision apply in cases where an employee has 25 years of railroad retirement coverage and a company reorganization results in the employee's job being placed under social security coverage?

The exception provision has been considered applicable by the RRB in cases where a 25-year employee's last job in the railroad industry changed from railroad retirement coverage to social security coverage and the employee had, in effect, nonchoice available to remain in railroad retirement covered service. Such 25-year employees have been deemed to have a current connection for purposes of supplemental and survivor annuities.

8. Where can a person get more specific information on the current connection requirement?

Railroaders and former employees can contact the nearest field office of the RRB for information on how their eligibility for benefits is affected by this requirement. Most RRB field offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday, except on Federal holidays.

1-877-772-5772 – TOLL FREE

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USD Newsletter
Volume 28
Jan, Feb, Mar, 2016

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