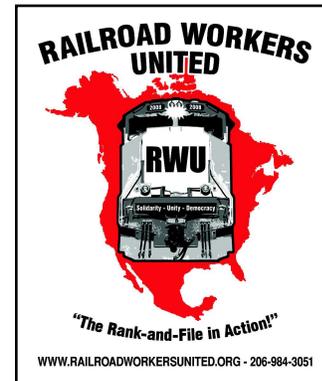


# The Highball

## The Newsletter of Railroad Workers United



### Come to the Railroad Workers United Founding Convention April 11th!

Fellow railroad workers, change is in the air! The convention to found Railroad Workers United is making rail labor history! Not since the 1920s has a real national, cross-craft, inter-union, cross-carrier rank-and-file action organization been formed in our industry.

No longer must we be divided from those we work alongside of everyday. For too long, we have been imprisoned in these tiny craft lodges – too weak and isolated to effect real change. We are tired of the poisonous lies that have been spread about each other by our entrenched “leaders”. No more shall we suffer in silence watching fellow workers of our trade get hammered by the company. Whether we work on the road or in the yard, in the shops or on the tracks – we will once again be able to proudly hoist the banner that had formerly been raised by generations of our forefathers, “An Injury to One is and Injury to All!”.

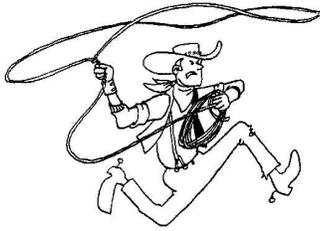
We realize that many of you are struggling to carry the burden of 70 hour a week slavery and cannot come to Detroit. Others of you may be so cynical and bitter that you will not come because you have long ago given up on the cause of labor in despair and disgust. But those of you who can attend, please make your arrangements immediately. Participate in

any way you can. Those of us able to be there pledge to do all in our power to bring the fight for better working conditions, respect and dignity back into every shop, yard, terminal, hub, and division!

The timing will be none too soon. As the economy slows down, the rail bosses will no doubt attempt to take the wealth created out of our blood and sweat and stash it away as they find ways to replace us and lay us off. The lessons learned by *not* organizing are plain to be seen in the faces of sisters and brothers and their families from auto, steel and other industries laid waste in the name of greed.

There are those who counsel us to wait -- wait for the leadership, wait for better times, or wait for the politicians. We refuse to heed their cautions any longer. It is time for *every* rail worker to become an educator, an agitator, an organizer! No one will do it for us. This we have learned through bitter experience. Collectively, we have enormous economic and social power. Together we can achieve our rightful place in society as workers worthy of respect, dignity, decent wages and working conditions. Join RWU, come to the Founding Convention of Railroad Workers United, and help build the movement!

## SOLIDARITY ROUNDUP!



**In this issue of The Highball, we introduce a new regular feature called “Solidarity Roundup”. Below are just a few examples of inter-union cross-craft solidarity that are taking place in rail terminals across North America. Yes - it can be done, as these and future articles will attest to. It is our hope that the efforts of these brothers and sisters featured each issue will serve to motivate and inspire others – like you! – to take similar action. Please submit your story! Send articles (400 words or less) to:**

### TOLEDO AREA LOCAL CHAIRMAN'S ASSOCIATION

In the Toledo area, local chairman activist and rank-and-file union members who work on the CSX property actively cooperate and work together on issues of mutual concern. While the group has not formally met at this point, plans are in the making for a founding meeting sometime this year. More than three dozen members have signed on at this point from a number of unions including the BMWED, TCU, IASMW, ILA, UTU and BLET, including the crafts of track workers, clerks, plumbers, engineers, longshoremen, electricians and trainmen.

According to BMWED Local 2624 Local Chairman Matt Weaver, “The workforce here is tired of accepting the in-fighting and the divide-and-conquer tactics of the carrier, who has been able to play one crafts against the other. Our ‘Association’ is an

effort to unite all the crafts and build power for all union members in their fights with the carrier.”

In recent years, this informal coalition has assisted each other in numerous ways. For example, when non-union contractors appear on the property to perform work within the scope of the BMWED contract, BLET members and members of the other crafts have informed the BMWED of these contract violations! Weaver then submits claims for the work performed. In another case a few years ago, the BMWED stood together with other unions to prevent the rebuilding of Stanley yard with outside contractors after the yard had been suddenly closed and the Midwest became bottlenecked. In an interesting twist, rail union members at both Stanley and Walbridge yards shut down both for the better part of

the day a few years back when striking Northwest Airlines workers picketed the CSX property (airline workers fall under the Railway Labor Act). Engineers and trainmen refused to cross the picket line and the yards came to a grinding halt in a fine show of labor solidarity!

In April, a sizable contingent of BLET and BMWED members is expected to attend the RWU Founding Convention in nearby Dearborn, Michigan on April 11<sup>th</sup>. According to Weaver, “I would hope that the local chairmen and other rank-and-file members from this area would be happy to play a role in RWU.”

**For more information**, call Matt Weaver at 567-277-0210 or email [mattweaver@verizon.net](mailto:mattweaver@verizon.net) [bmweaver2624@verizon.net](mailto:bmweaver2624@verizon.net)



### ATLANTA BLET-UTU UNITY

BLET Division 316 Local Chairman Hugh Sawyer and UTU Local 1245 Local Chairman John Weber are showing what can be accomplished when union officials representing different crafts work together instead of against each other on the Norfolk Southern railroad. Both men, representing engineers and conductors, respectively, have joined forces to create a better work environment for the operating crafts on locomotives.

The crews have been moved to a much better hotel in Chattanooga. Crew utilization issues have improved and

the two locals are working as a team to hammer the Chief Dispatcher's office, which is the source of most of the problems, into some semblance of compliance with the contracts. “The carrier has a problem with us cooperating together,” says Weber. “They are accustomed to pitting the UTU against the BLET and vice versa. They don't know how to handle us.”

Early this year, Division 316 and Local 1245 jointly pulled out of all committees -- including safety committees -- set up by the carrier, as well as participation in the alternate discipline program known as S.T.A.R.T. *(cont'd next page)*



## ATLANTA UNITY (CONT'D)

This move has attracted the attention of senior management, and a meeting will occur in mid-April to discuss the issues.

“The straw that broke the camel’s back for me,” says Sawyer, “was when a train crew was pulled out of service for reporting a signal failure after safely stopping their train. In my opinion, the carrier is trying to hide signal failures from the FRA and is attempting to intimidate crews into not reporting problems by claiming that the signal failure didn’t occur and that the crew merely wasn’t paying attention.”

Both locals feel that NS couldn’t care less about safety of operations. The company would rather blame train crews instead of address the

increasing number of signal failures observed on the line of road. Meanwhile the locals have set up alternate safety committees and will report safety issues directly to the FRA, if necessary and appropriate.

The contempt with which the crews are treated by the dispatchers is another issue that is being addressed. Train crews are operating in fear of their lives at this point.

In the past, the carrier has approached the unions, asking for their help in addressing individual concerns of the carrier. The two locals are now refusing to address isolated concerns and are demanding a comprehensive quid pro quo on all issues, most of which revolve around safety and are interlocked with each other.

Atlanta is a major hub and choke point on the NS system, and the two locals hope ultimately to bring NS to the bargaining table with an unprecedented local agreement which would include pay increases and pay parity regardless of seniority, as well as scheduled, predictable off time, and better quality of life items.

As Benjamin Franklin once said, “We must all hang together, or assuredly we shall all hang separately.”

**For more information**, contact BLET Local Chair Hugh Sawyer at 404-909-0348 or [hlsawyer@earthlink.net](mailto:hlsawyer@earthlink.net) Or UTU Local Chair John Weber at 404-697-2985 or [Northrail@aol.com](mailto:Northrail@aol.com).

## BLET PRESIDENT REMOVED FOR MISUSE OF UNION FUNDS

The Teamsters removed BLET National President Don M. Hahs from office on March 20 based upon the recommendations of a hearing panel appointed under Article XIX of the IBT Constitution.



The panel would not actually say that Hahs committed embezzlement; but it did determine that Hahs violated his fiduciary duties to the BLET and its members in connection with his misuse of Cleveland Cavaliers basketball tickets purchased with union funds, travel expenses for his wife, and other personal expenses.

Under the decision by IBT General President James P. Hoffa, Hahs is fined \$44,963.97 and is removed from office in the BLET and prohibited from holding any office or employment with the BLET or any affiliated benefit fund, the IBT or any IBT affiliate, until the current term of office for BLET National President has expired in 2010. Hahs is also suspended from membership in the BLET and IBT for one year, during which time he is barred from having any contact with officers, employees and members of the BLET and IBT and any affiliated entities. Hahs has appealed the decision.

IBT President Hoffa must submit his decision to the Independent Review Board and the IRB will determine if Hoffa’s penalty for Hahs is adequate.

BLET First Vice President, Ed Rodzicz has subsequently assumed the office of BLET National President.

## SMART MERGER COURT CASE CONTINUES

Currently, the court case attempting to halt the merger between the Sheet Metal Workers and the United Transportation Union to form SMART (Sheet Metal, Air, Rail and Transportation Workers) is being fought in two courts.

Even though the UTU and the Plaintiffs have agreed upon a stipulation that would honor the democratic rights of UTU members, Paul Thompson and the seven UTU Vice Presidents are acting as Proposed Interveners and are using an attorney paid for by the Sheet Metal Workers in an effort to deny members their statutory rights. Thompson and the seven VPs want the merger to continue and they want the UTU membership to give them a "blank check" to write the SMART Constitution.

The stipulation between the UTU and the Plaintiffs would allow a SMART Constitution to be negotiated and submitted to the UTU members for a legal ratification vote.

The case is being heard in the Ohio Northern District Court in Akron, OH, but Paul Thompson and the seven UTU Vice-Presidents have filed a Petition for a Writ of Mandamus and a Motion to Stay Preliminary Injunction in the Sixth Circuit Court of Appeals.

Judge Adams in the District Court has ordered Discovery to show exactly who is paying whose fees. A hearing is scheduled for April 25th on the Discovery and then the Judge will rule on Thompson and the seven VP's Motion to Intervene as Defendants.

There is no way of knowing when the Sixth Circuit will rule on the appeals.

**Have a feature story, news flash, cartoon, or any other ideas for this newsletter? We want to hear from you! Drop us a line at [newsletter@railroadworkersunited.org](mailto:newsletter@railroadworkersunited.org), or RWU P.O. Box 1053 Salem, IL. 62881.**

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## LESSONS FROM THE AMTRAK STRUGGLE

### EDITORIAL

For eight long years, Amtrak engineers have labored on under the terms and conditions of the old contract, negotiated back in the 1990s. Apart from Harris COLA increases, they did not receive a wage increase during this time. The story for most of Amtrak's other union employees was very much the same over this time frame. Finally in summer of 2007, the BLET announced there was progress in negotiations and an agreement was near at hand. When it was submitted by the union leadership to the rank-and-file it was met by anger, resentment and even disbelief. How could the leadership propose such an agreement to the members?

The Tentative Agreement (TA) was preceded by a 17 page letter from General Chairman Mark Kenny. In his letter, Kenny attempted to coax, cajole, threaten and otherwise convince the members to vote for the TA. Railroad Operating Crafts United (ROCU), a predecessor organization of RWU, was derided as "the lunatic fringe" because of its opposition to the terms of the TA. A barrage of emails to BLET members, urging a "Yes" vote, followed Kenny's letter. The emails exhorted members to not be "puppets of the UTU" and not to do the dirty work of "another labor organization" (presumably the BMWED, who was very opposed to the contracting out language in the TA). Despite the additional admonishment of some regional and local BLET officials, rank-and-file members had the determination and the audacity to vote the TA down by a margin of two-to-one! (*cont'd on next page*)

**AMTRAK LESSONS (CON'TD)**

Given the facts that Amtrak engineers had been without a contract for nearly eight years, that the carrier was offering a \$4500 “signing bonus” (read: bribe), and that a hard sell approach was used by the union leadership bent on achieving a “Yes” vote (“This is the best you’ll get! You better vote for this or you will get nothing else and probably a lot less under the terms of the Railway Labor Act!”), this was no small feat. Once the tentative agreement was voted down, little was heard from the BLET General Committee.

At this point the focus shifted to the other unions at Amtrak, who themselves were now close to impasse with the carrier. Taking heart from the engineers’ strong vote to reject the TA, a “bargaining coalition” of nine unions, which included most of the unions at Amtrak (not the BLET and the UTU), set to work to negotiate a contract. The track workers (BMWED), the signal maintainers (BRS), carmen (TCU) and others pushed the terms of the Railway Labor Act to the limit. With a strike imminent by the end of November, the Bush administration appointed a Presidential Emergency Board (PEB) under the terms of the Act. A strike was averted and the PEB was directed to issue its findings within 30 days.

The PEB issued its report in late December. While it was flawed in a number of ways – primarily in its denial of back pay to all employees who had retired prior to November 30, 2007 – the terms were more favorable to labor than was the TA rejected by rank-and-file BLET engineers the previous summer. Within a few weeks, the nine unions who were party to the PEB all initialed Tentative Agreements with the Carrier and soon thereafter submitted the respective TAs to their members for ratification. (At the time *The Highball* goes to print, most of the unions have settled. The BLET vote is scheduled to be counted March 28, and a “Yes” vote is expected among the engineers as well).

These contracts are far from perfect. Largely patterned upon the national master freight agreements of last year, they contain sizable medical cost sharing, a drastic increase in drug co-pays, doctor visits and deductibles, the elimination of the COLA, and wage increases that barely keep pace with inflation if at all. For the Train and Engine crafts, no progress to speak of was made in meal allowance, certification pay, training pay, entry level rates, or sick time, largely mimicking the national freight agreements.

Nevertheless, the Amtrak agreement has some positive lessons for rail labor for the following reasons:

1. The engineers’ rank-and-file defied their leadership’s same old scare tactics and voted en masse against a sub-standard agreement, proving that:
  - It can be done, and that union members do not have to submit to authority, whether from the carrier or their union officials.
  - Union members are willing to mount a fight against the carrier instead of passively accepting lousy contracts.
2. Had rank-and-file BLET members not rejected the original TA and set the stage for the other unions to push the envelope, the outcome would most likely have resulted in the same contract being forced by a PEB on the other unions. Instead, all the unions emerged with agreements that are better than the original BLET Tentative Agreement.
3. The prevailing wisdom that a PEB will result in far worse terms and conditions than what can be gained through bargaining has been smashed. It will be much harder in future bargaining rounds for union officials to use the threat of a negative PEB to intimidate the rank-and-file into accepting substandard agreements.
4. The universally accepted notion that railroad workers do not have the right to strike under the Railway Labor Act is called into question by the actions of the nine union coalition who pushed the limits. We do have the right to strike, and while it may be true that the U.S. Congress has the right to order us back to work, we must be ready, willing, and able to threaten and carry out a strike in order to have power at the bargaining table. The unions’ determination to push it to the limit should be an encouragement to each and every rail union member.
5. Finally, all of the above has the potential to translate into the beginnings of a broad movement to build towards the next round of bargaining. The process will commence November 1, 2009.

The task for all of us in the coming months is to prepare for this next round of bargaining. We need to build unity and solidarity between the unions and the rank-and-file from all crafts and all unions. We must build a movement of rail labor activists to share information and to educate each other about the issues before us. Finally we must build a network of active members who are committed to backing their bargaining teams with broad and determined actions. Then the carriers will understand that we mean business. Railroad Workers United intends to do its part to further rail labor’s agenda in the next bargaining round.

# RWU Founding Convention Highlights

The members present at the RWU Founding Convention will debate and discuss the basics of building this new organization of rail labor. The all day conference won't allow for a dull moment. Those present will have a full day of activities ahead of them. We will:

- Adopt a Statement of Principles and a set of Bylaws to govern the organization.
- Formalize the name and dues structure of the organization.
- Elect an International Steering Committee and officers.
- Strategize about building RWU and local Chapters.
- Debate and discuss numerous proposed resolutions on various subjects including:

**International Solidarity \* Coordinated Bargaining \* Building RWU Chapters \* Contracting Out Single Employee Operations \* Rail Strikes \* The Iraq War \* Single Payer Universal Health Care \* Inclusivity and Diversity \* Wage Escalator Clauses \* Universal Labor Solidarity**

Once the proceedings have drawn to a close, RWU will host a Railroaders Hospitality Room at the Convention Center open to all participants at the RWU Convention and the Labor Notes Conference. Labor troubadour Anne Feeney will be on hand to rabble rouse and provide entertainment. Light snacks and beverages will be provided.

The remainder of the weekend, for those rails who elect to stay, will be devoted to the Labor Notes Conference entitled "Rebuilding Labor's Power". Major themes include fighting back against concessions, organizing, grassroots solidarity, and international solidarity vs. competition. Over 40 workshops will be offered, everything from Labor History to Contract Campaigns, Running for Local Union Office to Fighting Phony Health and Safety Programs. Prominent labor union leaders and rank-and-file activists from various unions and industries will make presentations.

Please join us!! Don't miss this opportunity to take part in this historic event to build unity, solidarity and democracy in the rail labor movement!

**To register for the RWU Convention, please call 206-294-3051 or email [info@railroadworkersunited.org](mailto:info@railroadworkersunited.org). To register for the Labor Notes Conference, call 313-842-6262. Or see their website at [www.labornotes.org](http://www.labornotes.org).**

## RWU T- SHIRTS: Available Now!

SHOW YOUR PRIDE



Available in S,M,L, XL, XXL, XXXL, or XXXXL. Shirts are \$15 a piece. You can pay with check made out to RWU and mail to: RWU P.O. Box 1053 Salem, IL. 62881. Or use your PayPal account and pay to: [treasurer@railroadworkersunited.org](mailto:treasurer@railroadworkersunited.org)

Order as many as you like. Give them to your coworkers, friends and family! For online orders, please check out our website at [www.railroadworkersunited.org](http://www.railroadworkersunited.org).



**Sign Me Up!!** I want to join Railroad Workers United and help build rail labor unity, democracy & solidarity!

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email Address \_\_\_\_\_

Union \_\_\_\_\_ Local # \_\_\_\_\_ Employer \_\_\_\_\_

Terminal \_\_\_\_\_ Years of Service \_\_\_\_\_

Union Position \_\_\_\_\_

I'd like to join for (check one):

\_\_\_ 1 year \$50.00 \_\_\_ 2 Years \$90.00 \_\_\_ 3 Years \$120.00

Clip and mail together with your dues to:  
**RWU P.O. Box 1053 Salem, IL 62881**  
 Or join on-line at [www.railroadworkersunited.org](http://www.railroadworkersunited.org)