

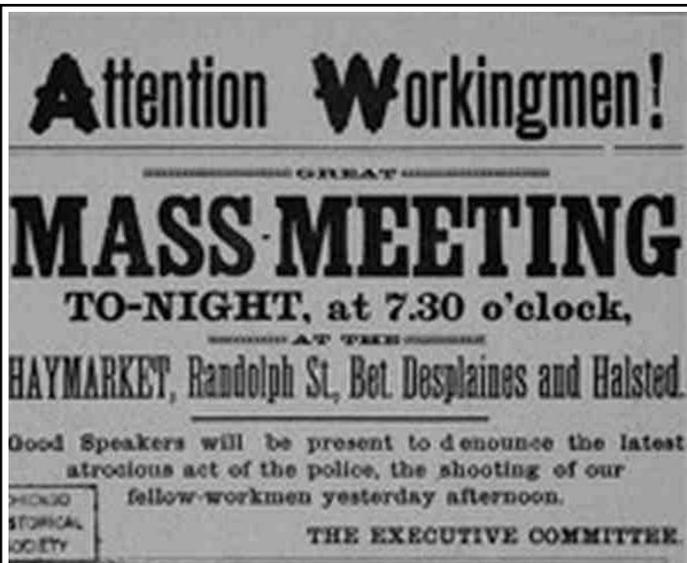


The Highball

Official Publication of
Railroad Workers United

Workers Poised to Take Action Nationwide on May Day, 2012

May First is universally recognized around the world as International Labor Day. In fact, it was here in the U.S., in Chicago in 1886, that we find the origins of the what would soon be known as International Workers Day.



Original handbill promoting a rally at The Haymarket in Chicago during the 1886 strike action in support of the 8-hour day. International Workers Day would grow out of this struggle from 125 years ago.

Yet, ironically the United States is one of the few countries in the world where May Day is not an officially recognized and celebrated holiday. But this all may be about to change.

The historic Wisconsin uprising, together with the development of other workers' and immigrants' rights movements, combined with the Occupy Movement, have the potential to unleash a resurgence of International Workers Day here in the country of its founding. Plan are afoot in cities and towns across the U.S. for rallies, demonstrations and strikes by working people and their allies in the struggle against corporate oppression.

Railroad Workers United supports this upsurge in activity and sees a renewed interest in May Day as a positive development in the growth and effectiveness of the work-

ers' movement in the USA. In March, RWU endorsed a resolution calling on railroaders to support and get behind the various efforts in the works from coast-to-coast.

While mass strikes on the order of Greece, France, England and other countries appear unlikely at this point, it is quite probable that such generalized strikes could eventually develop here if the current level of exploitation and skewed distribution of wealth continue unabated. Workers have shown their displeasure with the existing arrangements throughout the course of 2011, and there is every reason to expect that the outpouring of anger and frustration at a political-economic system that serves the 1% to the detriment of the 99% will continue to grow and deepen as time goes by.

This year could represent "Labor's Turning Point", just like 1934 signalled a shift in the level of struggle. We may be on the threshold of a revitalized and re-energized labor movement. The opportunity is certainly there. A lot of foundation work was laid in 2011. It is up to all of us who work for a living to make it happen. Railroaders have so much to offer, and so much to gain, from such a new and vibrant movement. It's time to stand up and be counted!

In this Issue of The Highball:

- **Rail Safety News** **Page 2**
- **RR Workers Memorial Day** **Page 3**
- **RWU Convention in Chicago** **Page 4**
- **Transport Worker News** **Page 5**
- **Missed Opportunity Bargaining** **Page 6**
- **It's More than Restricted Speed** **Page 7**
- **Join Railroad Workers United!** **Page 8**

“Fatigue Monitor Forms” Now Available

The “Fatigue Monitor Form” is a tool for us rank and file railroaders to document situations where the carriers put our safety and health at risk by not addressing the ongoing question of crew fatigue. There has been study after study on the detrimental effects of fatigue and the deadly effects it can have upon railroad workers. But contributing factors; e.g. the lack of regular time off, restrictive attendance policies, short staffing and inaccurate train line-ups are simply swept under the rug.

In response, some local unions and legislative boards have begun to document situations at work that engender crew fatigue. The form asks a few basic questions to determine the role that poor train lineups play in fatigue:

- Approximate time line up was checked and date
- Time and date lineup indicated you would be called
- Time and date you actually got called
- Number of hours called early or late
- Reason for inaccurate call
- If available, please attach a copy of the lineup every time you checked and a copy of your call slip when called

With the form you can tailor to your state legislative board logo and refer your paperwork to your State Legislative Chairman to forward to FRA and your elected officials at both the state and national level.

For more information on this program feel free to contact RWU Co-Chair Robert Hill at ruh@comcast.net.

OSHA Takes Aim at Programs that Stifle Injury Reporting

In a memo dated March 12, 2012, the Occupational Safety & Health Administration (OSHA) reiterated that Section 11c of the ASH Act prohibits an employer from retaliating against an employee for reporting an injury or illness. The memo, entitled “Employer Safety Incentive & Disincentive Policies & Practices”, notes that “while OSHA appreciates employers using safety as a key management metric, we cannot condone a program that encourages discrimination against workers who report injuries.”

Specifically OSHA condemns the following:

- The practice of taking disciplinary action against employees who are injured on the job;
- The practice of disciplining an injured employee for violating the time and/or manner for reporting injuries;
- The practice of imposing discipline on the grounds that the employee violated a safety rule;

- Management programs that intentionally or unintentionally provide employees an incentive to NOT report injuries.

Most rail carriers are involved in all four of these prohibited and illegal activities on the property on a daily basis. It is high time this stops and it is up to all of us to say “enough!” If your rights or the rights of your co-workers are being violated, and if you are subject to “safety” programs at work that deter the reporting of injuries, say something!

The new whistleblower law has great potential to change things around in the rail industry and make for a safer work environment. In a landmark case in March 22nd, a railroad worker in New Jersey was awarded \$1 million in punitive damages in his lawsuit accusing the railroad of disciplining him for reporting an injury! Please contact the office of whistleblower protections if you have questions 202-693-2199.

Railroad Workers United

Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank-and-file activity which dates back to the 1890s and the time of Eugene V. Debs.

RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call or email the address below.

Statement of Principles

- *Unity of All Rail Crafts*
- *An End to Inter-Union Conflict*
- *Rank-and-File Democracy*
- *Membership Participation & Action*
- *Solidarity Among All Railroaders*
- *No to Concessionary Bargaining*

Railroad Workers United P.O. Box 1053 Salem, IL. 62881

International Steering Committee

Penny Artis	IBEW #813	NS	Roanoke, VA	
Steve Desavouret	TCU #6608	CN	Chicago, IL	
Jon Flanders	IAM #1145	CSX	Selkirk, NY	
Robert Hill	BLET #758	BNSF	Vancouver, WA	
Ron Kaminkow	BLET #51	Amtrak	Reno, NV	
Mike Matson	UTU #911	CP	St. Paul, MN	
Ed Michael	UTU #979	BLET #724	UP	Salem, IL
James Wallace	UTU #305	BNSF	Lincoln, NE	
Matt Weaver	BMWED #2624	CSX	Toledo, OH	
Chet Whyers	UTU #979	UP	Salem, IL.	
John Wright	BLET #78	CSX	Louisville, KY	

www.railroadworkersunited.org

206-984-3051

info@railroadworkersunited.org

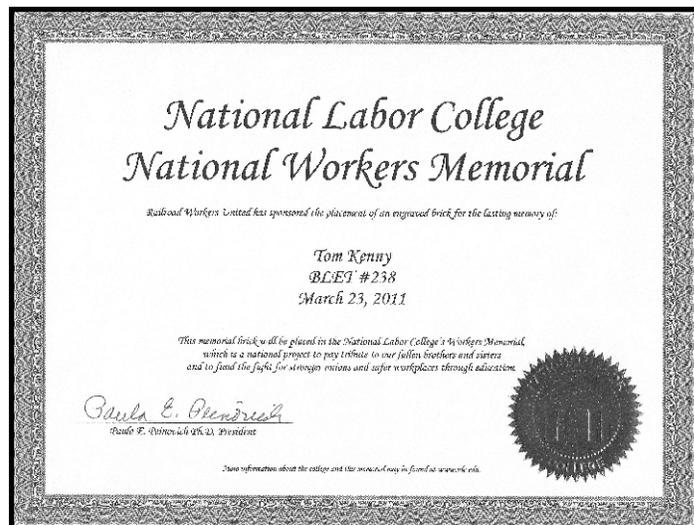
Railroad Workers Memorial Day -- Friday, June 15th, 2012

On Mother's Day, 2009, a young conductor, Jared Boehlke, was killed on the job in Selkirk, NY while working a single-employee RCO job in the hump yard. Like so many other railroad fatalities, Jared's death could so easily have been avoided had the carrier maintained a safe workplace. In response to this tragic accident, Railroad Workers United called for a national day of remembrance a few weeks later, on Father's Day Friday. Urging all railroaders to wear black shirts to work that day, we proclaimed the day "Railroad Workers Memorial Day", and have pledged the organization to observe this day every year in honor and remembrance of those railroad workers who have died on the job.

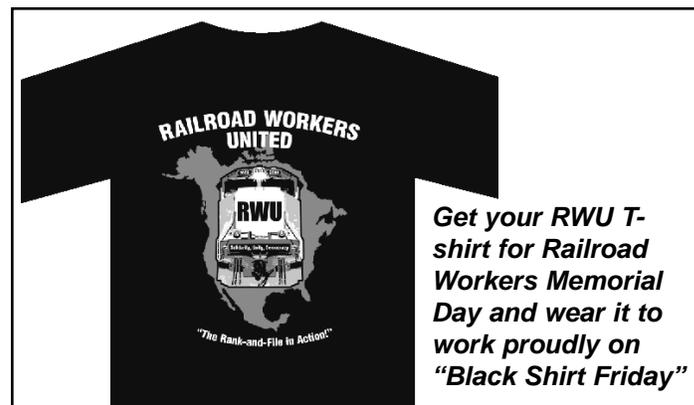
In 2010, we observed the day by honoring and remembering the increasing number of brothers and sisters who were killed on the railroad in the previous 12 months. Despite the recession and the decrease in rail employment by more than 10%, the number of fatalities had risen dramatically. In fact, twenty fellow workers lost their lives on the railroad between Mothers' Day 2009 and 2010!

In 2011 the trend of fatalities continued, as another twenty brothers and sisters lost their lives on the job. In a particularly tragic event, two rails lost their lives along with their van driver, while another was critically injured in a Longview, WA. crossing accident (see The Highball Vol. 4 #2 Spring 2011). In response, RWU focused our campaign last year around this tragedy. We sold T-shirts emblazoned

with a photo of Tommy "Two-Notch" Kenny to memorialize Tom and raise funds for his surviving family. Later, upon legal advise, it was decided to use the funds for engraving memorial bricks for both Tom and Conductor Chris Loehr, to be added to the National Workers Memorial in Silver Spring, MD at a ceremony later this spring (see certificate below). In addition, RWU made a \$250.00 donation to further the work of The National Railroad Memorial in Durand, MI, an ongoing project to build a national museum, park and memorial to the railroad workers of the U.S.



This year we once again call on all railroaders to observe Railroad Workers Memorial Day. RWU members will be wearing our RWU T-shirts to work on June 15th. We ask that ALL railroaders wear a black shirt to work and join with us in standing in solidarity with our fallen comrades. Help us to make a statement to the carriers that we will not go along with business-as-usual corporate sponsored safety programs that only look at our behaviors and fail to take an interest in alleviating the hazards that lead to accident, injury and death on the job. See the RWU website for posters, flyers and more. Contact us at 206-984-3051 or email to info@railroadworkersunited.org.



RWU Third Convention in Chicago, Illinois on May 4th, 2012

On April 11, 2008 rail labor activists from coast-to-coast met in Detroit, MI to conduct the Founding Convention of what would emerge as Railroad Workers United (RWU). After four years of growth, RWU will now conduct our Third Biennial Convention, this time in the rail capital of the world, Chicago, Illinois on Friday, May 4th, 2012.

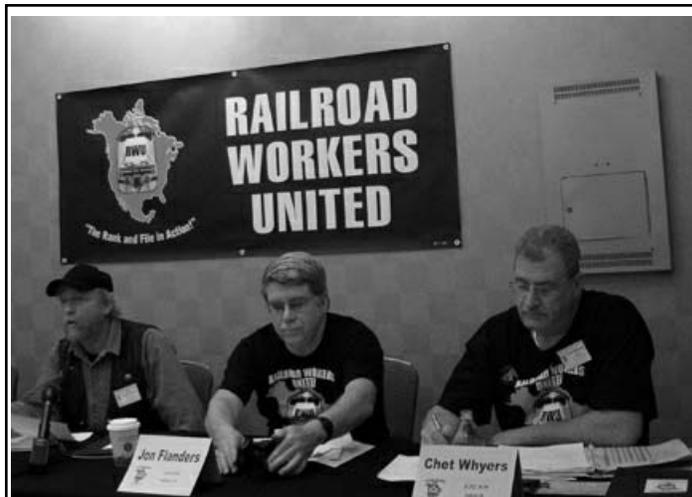
In addition to all of the usual proceedings -- committee reports, proposed bylaws amendments, resolutions, nominations and elections to the Steering Committee, etc. (see [The Highball](#) Winter 2012) -- we will hear from a wide array of guest speakers.

First, Nancy Lessin, longtime labor educator and occupational safety & health advocate, will update us on her work opposing "behavior-based safety" programs and report on developments in the rail industry to build real union-based safety free of carrier interference and cooptation. Second, David Newby, former Wisconsin AFL-CIO President will bring greetings from the workers' struggle in Wisconsin and explain how railroaders are a crucial part of the working class fight-back. Finally, Tieceura Traore, rail union leader from Mali, Africa will speak about the rail workers' struggle in his country against privatization and austerity and the need for global working class solidarity.

Also on hand at the Convention we expect to have guests from the GE diesel locomotive building plant in Erie, PA; Renzenberger drivers from Chicago and New Jersey; Longshore workers from the struggle in Longview, WA, and other brothers and sisters in rail related industries.

The weekend will be devoted to labor education, as many of the Convention attendees will stick around for the Labor Notes Conference, a gathering of over 1000 union

activists from across North America and around the world. In addition to lots of time to socialize and meet and greet, dozens of workshops are planned.

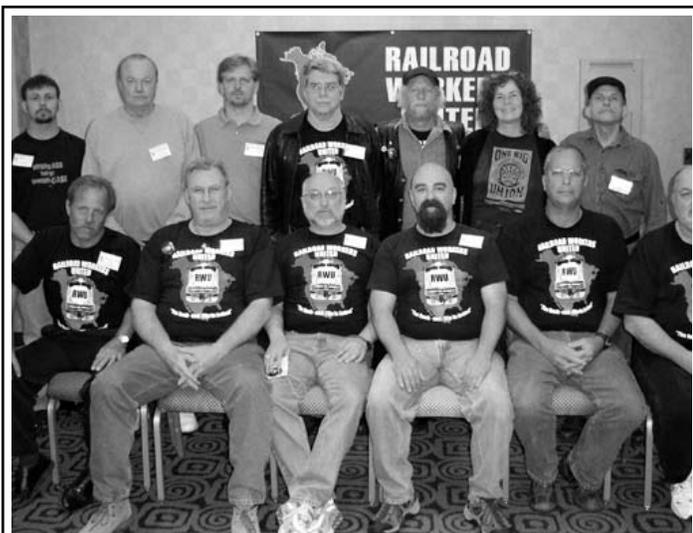


RWU Secretary Ron Kaminkow, Co-Chair Jon Flanders and Treasurer Chet Whyers at the Convention in 2008. Newer and younger rails are expected to be elected to the Steering Committee at this year's event.

Some of the tentative workshop subjects of discussion include: Beating Apathy, Direct Action, Bargaining Table Tactics, Workers Organizing Around the Globe, Blame-the-Worker Safety Programs, Taking on Management's Technology, Developing New Leaders, Occupy and Labor, Lessons from Labor History, Running for Union Office, Now You've Won—Building a Democratic Union, Operating on Your Union's National Level, Secrets of Successful Organizers, Member-Led Organizing Drives, Lessons of Wisconsin, Internal Organizing Member-to-Member, The Short Strike Strategy, Documenting Labor's Stories Using Social Media, Contract Campaigns, Building Labor-Community Coalitions, and Power in the Logistics (Transportation) Industries.

To register for the RWU Convention and the Labor Notes Conference, please see the RWU website where you can join on-line or print out a paper form. For Labor Notes, see the website at www.labornotes.org. All those who register for the Labor Notes Conference will get a \$35 discount if you are an RWU member in good standing and you are also attending the RWU Convention.

Don't miss this historic opportunity to be a part of RWU, meet your fellow rails from a wide variety of backgrounds and locations, and meet dozens of some of the best union activists out there who are fighting the good fight. It promises to be an experience that you will not soon forget. See you in Chicago May 4th, 5th and 6th!!



Steering Committee Members elected at the very first RWU Convention. Many of these same founding members will be present this year together with a host of new members.

Rail Crew Transport Drivers Score Union Victory

Inspired by the successes of their counterparts in Chicago, Renzenberger drivers in New Jersey have voted overwhelmingly to join the United Electrical Workers Union (UE). The vote, in a mail ballot conducted by the National Labor Relations Board (NLRB) that concluded on March 14, was nearly unanimous for the union.

Workers for Renzenberger Inc. drive vans that shuttle railroad workers to work sites within rail yards and between rail yards. The New Jersey group who have now organized into UE include drivers in the Oak Island Yard on the south side of Newark, the Croxton Yard in Jersey City, the Pavonia Yard in Camden, and satellite yards in Port Newark, Port Reading and Metuchen.

Renzenberger drivers in Chicago organized into UE two years ago, winning an NLRB election in February 2010 and negotiating their first UE contract by August of that year. In May, just after the victory, a few of these drivers joined us at the RWU Convention in Detroit and told their story.

Conductors and engineers have a special interest in seeing these brothers and sisters organized into the union family. Our jobs, our safety and our lives are literally in their hands! UTU and BLET members are in close and confidential contact with these drivers every time they come to work. As



Some of the New Jersey Renzenberger workers during a visit by James Hill, vice president of UE Local 1177 and a Chicago Renzenberger driver. Brother Hill is third from the right. Railroaders, especially T&E crews, can play a pivotal role in assisting to organize these workers.

we are in a key position to assist in their organization.

And we don't even have to wait until there is a formal organizing drive on the property. Talk union with the driver every time you get in a crew van. Explain what the union does for you, why it is vital to your work life, and why your driver should consider the benefits of unionisation.

Seattle Truckers Wildcat Strike, Fight for Union Recognition

In February, hundreds of port truck drivers who dray containers to and from rail yards in the Seattle area went on strike. The "wildcat" action erupted due to the frustrations with long hours, low pay, poor working conditions, a lack of benefits and no union representation. On Thursday, February 16th, hundreds of drivers picketed outside the Union Pacific rail yard demanding more money and safer working conditions. The workers are pushing for legislation giving them the right to organize into a union.

In a 2006 study of port drivers in Puget Sound, the survey found that the median income of drivers working at the Port of Seattle was \$28,500 per year. More than half reported working longer than the legal limit of 11 hours per day. The misclassification of port truck drivers as "independent contractors" has allowed the industry to shift the responsibility of the truck purchase and maintenance over to individual workers. These low-wage earners have purchased the only vehicles they can afford: old, dilapidated rigs. Unable to afford proper maintenance, these vehicles are polluting and unsafe, worse every passing year.

As a result, a number of organizations have coalesced around support for the drivers under the umbrella of The Coalition for Clean & Safe Ports, a local and national alliance of environmental activists, truck drivers, faith leaders, labor unions and community advocates fighting for environmental and economic justice at the nation's ports.



Truckers picket at the union Pacific intermodal yard in Seattle in February. Their fight is our fight.

All workers are urged to support these brothers and sisters in their struggle. Railroaders have a special interest in seeing ALL transportation workers organized into strong unions. Let's visibly support these truckers so that when it is our turn to take action in our defense, they will be ready, willing and able to stand with us!

For more information, please check out the website: <http://cleanandsafeports.org/seattletacoma/>

Record Industry Profits -- Missed Opportunity for Rail Labor

The ink was barely dry on most of the freshly ratified national union agreements with the major Class I carriers when the industry announced that the Fall 2011 profits were their greatest in history. This is of course should come as no surprise, as the industry has been raking in money hand over fist for years now, breaking records year after year. And despite knowing and appreciating this

COMMENTARY

fact, we went to the bargaining table disorganized, disunited, and unable to mount an effective campaign to win anything better than a status quo contract.

The past three decades have witnessed a steady erosion of union power on the railroads. Deregulation, technological innovation, shortline spinoffs, abandonments, and massive downsizing of the workforce have all taken their toll. The retrenchment of the 1980s witnessed huge givebacks and concessions by railroaders across North America. In more recent years the freight railroad industry has made a dramatic comeback and have racked up huge profits for the better part of the last decade-and-a-half.

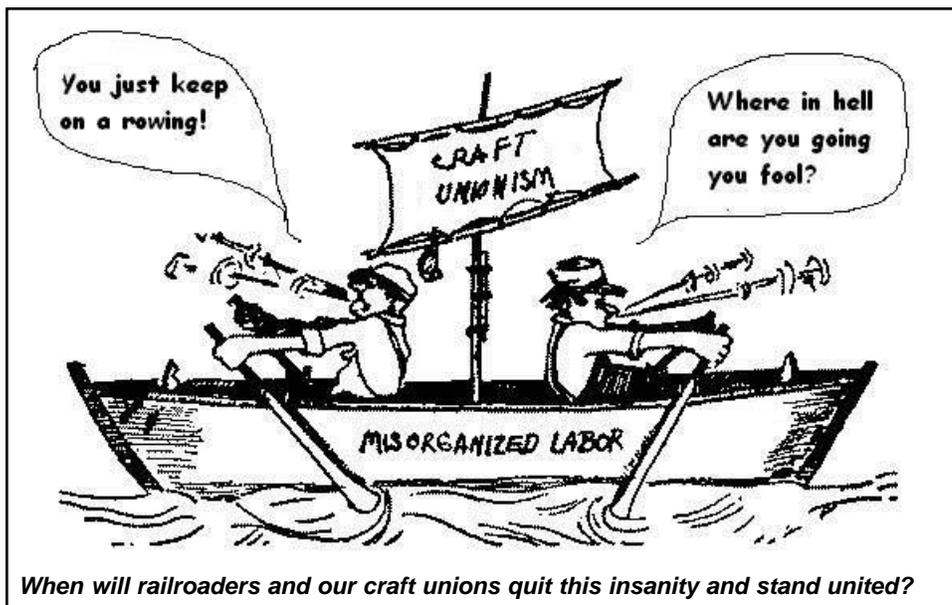
However, during this time period, we have been unable to capitalize on our industry's success, success that has been made possible only through the work that we do. (In fact, U.S. railroaders are by far the most efficient railroaders in the world, moving more tonnage per "man-hour" than any other country!) Instead, coinciding with this period of unprecedented profits, we have witnessed further job consolidations and cuts, the universal implementation of RCO in the yard, escalating levels of harassment and intimidat-

tion, the advent of the single employee crew, rising health care co-pays and deductables, a further degradation of work rules, the implementation of draconian attendance policies, and a rising rate of on-the-job fatalities.

The recently agreed upon contracts are by no means terrible. They do not compare with say "The Halloween Agreement" of 1985, a period when the industry was not so vibrant. But the point is that we have missed an invaluable opportunity to win back some of what we have lost over the last three decades, and perhaps win a few things that many other workers take for granted, like sick time pay. Our failure to do so begs the question: If not now, when?

The next round of bargaining is a number of years off. But now is the time to begin preparations. Projecting three years into the future, we can assume that there will still be the ongoing trucker shortage, high fuel prices and highway congestion, all things that benefit the rail freight industry. We can safely assume that the carriers will continue to rake in record profits.

So let's begin the process of building a united rail labor bargaining coalition of ALL of rail labor NOW. Let's formulate and ironclad list of basic demands that all rail unions can get behind and support and refuse to break ranks around. And let's involve our respective memberships in the process from beginning to end. Let's issue each and every member a "bargaining demand form". Let's solicit their opinions on proposed work rules changes, sick time, personal leave, safety and other subjects of bargaining. And let's keep our members abreast every step of the way through the bargaining process, with regular updates and information about the progress or lack thereof. And finally, let's call upon the members -- of all crafts -- to take



action in order to apply the pressure that is necessary to win a good contract. For in the words of Frederick Douglas, "Power has never conceded anything without a fight. It never has and it never will."

Yes, without a doubt, we squandered a historic opportunity this past year to achieve a great victory at the bargaining table. It was there for us to win. But let's not waste time crying over the "UTU this" or the "BLET that". Let's instead learn from our mistakes, focus on the struggle ahead, and build a united and militant bargaining coalition of all rail labor to take on the carriers in the next round. In the words of Joe Hill, "Don't waste time mourning, Organize!"

The Restricted Speed Tragedies -- More "Blame-the-Worker"

This winter the National Transportation Safety Board (NTSB) revealed that in a 4 month period April 17th to August 19th, 2011, five rear-end collisions of railroad freight trains occurred in which crew members "failed to operate their trains as restricted speed as required". While this statistic is alarming, rear end collisions are nothing new. Had the operating crews of these trains – and many others involved in similar incidents over the years – adhered to the rule on restricted speed, it appears doubtful that any of these wrecks --together with the property damage, injuries and fatalities that accompanied them -- would have occurred.

EDITORIAL

But if we simply blame the operating crews for the failure to abide by the rules, we pass up a valuable opportunity to gain some deeper insight and understanding as to why these disasters took place. It appears that the crews involved made grave mistakes. But rather than simply issue endless "Rules Alerts", subject train crews to a barrage of "efficiency tests", and condemn the errant crews for their failures, we need to ask the question: Why? Why did these crews fail to safely operate their trains, especially in the case of the two crews who were killed in the process?

On March 3rd, the NTSB released its findings, and unfortunately, they come up short. "Failure to abide by the rule concerning restricted speed" is no more of an answer than simply saying "human error." Simply identifying who screwed up, who is to blame, who violated the rules, does little or nothing to assist us in the process of discerning what is most important to us as workers; i.e. what actions do we take, what structures must be modified, what systemic alterations do we make to prevent another brother or sister from suffering the same fate?

Three of the wrecks occurred between the hours of 3 and 7 AM. And both wrecks that resulted in crew fatalities took place during this time period. All of us know that this is the most difficult time of the day to stay awake and alert. It is difficult under any circumstances to function at your peak at these hours. Now throw in the fact that most T & E crews have no set schedule, no shift, work morning, noon and night with no set call times and enjoy at best only a 2-hour call. Now consider how often crews "turn and burn", working day after night after day back and forth across the territory in a state of near perpetual fatigue. Add to all this poor train line-ups, a shortage of employees, no call "windows" (in most cases), harsh availability policies that restrict fatigued employees from taking time off work, and you have a powder keg waiting to explode. Which is just about what happened during this 4 month period.

Take The May 24th rear-ender which took the lives of two CSX employees at Mineral Springs, NC. The time was 3:35 AM. Crews on that district had been "turning and burning". The train hit the rear of a stopped train ahead, when required to operate at restricted speed, at 48 MPH! Or take the rear-ender at Red Oak, IA early morning of April 17th, in which the coal train struck the rear of a stopped MofW train at 23 MPH when the crew was required to operate at restricted speed. Both of these wrecks took the lives of the crew members, and both show tell tale signs that the crews were unconscious. So it seems inaccurate to state that they "failed to operate their train at restricted speed", since the actual cause of the wreck was not their lack of technical proficiency, nor was it their conscious decision to knowingly disobey the rule called restricted speed. They appear to have simply been out of it!

The two remaining incidents which occurred outside of this critical early morning time frame, may still have been the result of fatigue. But as stated earlier, a whole constellation of forces – poor training, inexperience, lack of proper qualification on the territory, etc. – may have contributed to these rear-end collisions. The short answer is always that "the crew messed up." This is the version which the rail carriers prefer that the public, the FRA, the NTSB, the politicians and that we railroaders accept and go along with. But it is our job, as workers, as brothers and sisters, as union men and women to reject this corporate blame-the-worker world view. It is our responsibility to always dig deeper, to ask why, and to demand to know the circumstances behind these wrecks. And then we must demand that the situation be changed – through better work hours and scheduling, adequate staffing, more employee time-off when needed, better training, reasonable qualifying time, more accurate train line-ups and all the rest, so that these tragedies can be averted in the future.



Tragedy at Red Oak, Iowa in the spring of 2011. Simply a question of "failure to comply with restricted speed"? Or is there more to the story behind the scenes?



Railroad Workers United Membership Application

Railroad Workers United needs you! If you believe that our unions should fight the carriers and not each other, then RWU is for you. If you believe that the carriers' "behavior based safety" programs do more harm to us than good, and If you want real union-based safety committees, then RWU is for you. If you want to fight back against job cuts, consolidations and single employee crews; if you wish to see an active, informed and mobilized union membership -- of all rail labor -- then RWU is for you!

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Cell Phone _____

Email Address _____ Union Position (if any) _____

Union _____ Local # _____ Employer _____

Terminal _____ Craft _____ Years of Service _____

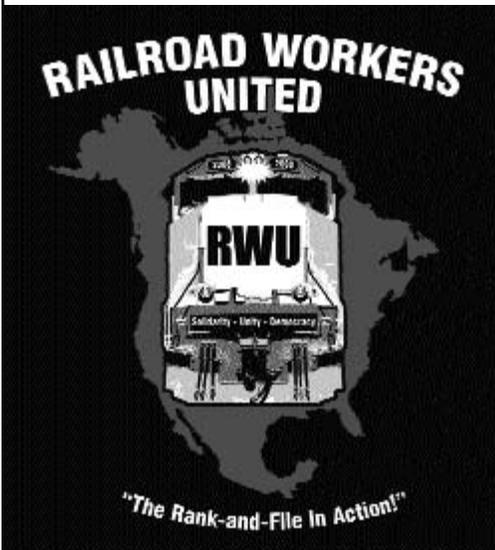
I am a (check one): Railroad Employee Railroad Retiree Railroad Family Member

Please check to affirm this statement: --- I am not a manager or officer of a rail company.

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:
Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505
OR join on-line at www.railroadworkersunited.org

Get Your RWU Union-Made-in-the-USA T-shirts and Hats



T-shirts now available in Black or Gray in S, M, L, XL, 2XL, 3XL, or 4XL. RWU logo at left is on the front of the shirt.

Hats are available in Black, Stone or Red, one-size fits all. RWU Logo on the front is stitched embroidery.

Both T-shirts and hats are union made in the USA, 100% cotton and include the RWU 4-color logo.

T-shirts and hats cost \$20.00 each (\$15.00 for RWU members)

Postage Paid By RWU if mailed to addresses in the U.S.

Make your check to RWU and mail with your order to:

Ron Kaminkow, RWU Secretary P.O. Box 2131 Reno, NV. 89505

OR

Order and pay with your paypal or credit card via our website at www.railroadworkersunited.org