The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) announced on January 15 that the agency has signed an accord with BNSF Railway Co. (BNSF), under which the railroad has agreed to voluntarily revise several personnel policies that OSHA alleged violated the whistleblower protection provisions of the Federal Railroad Safety Act (FRSA) and discouraged workers from reporting on-the-job injuries. “Protecting America’s railroad workers who report on-the-job injuries from retaliation is an essential element of OSHA’s mission. This accord makes significant progress toward ensuring that BNSF employees who report injuries do not suffer any adverse consequences for doing so,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels in speaking for the agency. “It also sets the tone for other railroad employers throughout the U.S. to take steps to ensure that their workers are not harassed, intimidated or terminated, in whole or part, for reporting workplace injuries.”

The major terms of the accord include:

- Changing BNSF’s Policy for Employee Performance Accountability (“PEPA”) so that injuries no longer play a role in determining the length of an employee’s probation period following a record suspension for a serious rule violation; this will lead to reductions in probation periods for at least 136 employees who had been injured on-the-job.
- Eliminating the railroad’s Personal Employee Rating (“PERP”), which was used to assign points to employees who sustained-on-the-job injuries.
- Revising the Carrier’s Employee Review Process (“ERP”) so that work-related injuries no longer will be the basis for enrolling employees in the program, leading to the removal of 400 workers from the ERP.
- Instituting a higher level review by BNSF’s Employee Relations Department for cases in which an employee reports an on-duty personal injury.
- Enrolling employees in the program, leading to significant progress toward ensuring that injuries no longer will be the basis for determining the length of an employee’s probation period following a record suspension.
- Instituting a higher level review by BNSF’s Employee Relations Department for cases in which an employee reports an on-duty personal injury.
- Enrolling employees in the program, leading to significant progress toward ensuring that injuries no longer will be the basis for determining the length of an employee’s probation period following a record suspension.

OSHA signs whistleblower accord with BNSF

SEPTA railroad workers get big victory

In a unanimous decision issued on December 19, the Pennsylvania Supreme Court has ruled that the immunity from lawsuits conferred by the Eleventh Amendment to the U.S. Constitution upon the 50 States does not extend to suits filed by injured railroad workers under the Federal Employers’ Liability Act (FELA) against the commuter railroad operated by the Southeastern Pennsylvania Transportation Authority (SEPTA). At issue before the Court were the FELA claims of three SEPTA conductors and a SEPTA welder/electrician, who had been dismissed by a lower court in a split-decision ruling that held SEPTA had been structured by the Commonwealth of Pennsylvania so as to enjoy the Commonwealth’s Eleventh Amendment sovereign immunity. In a lengthy and very detailed opinion, the Court began by noting that the question of whether SEPTA was entitled to sovereign immunity was not to be decided by reference to the Pennsylvania Sovereign Immunity Act, but rather by reference to federal law. The Court then exhaustively detailed the history of the U.S. Supreme Court’s Eleventh Amendment sovereign immunity case law, starting with the language of the Eleventh Amendment itself and discussing U.S. Supreme Court decisions from 1821 to the present.

The Court next applied the federal two-part test in determining whether SEPTA is an “arm of the state” for sovereign immunity purposes. Regarding the “six factors of immunity” that comprise the first prong of the test, the Court found that the Commonwealth exercised little control over the SEPTA Board because it had only limited power of appointment and no power to veto its actions, because the SEPTA Board has the power to independently raise revenue on its own, and because no monetary obligation incurred by SEPTA is binding on the Commonwealth. However, the Court

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President’s Message

By Dennis R. Pierce

Focusing on our common goals in 2013

As with any New Year, the first few weeks in January give us a chance to assess the year gone by and to re-establish our priorities for the year ahead. As part of that process, we must honestly assess our successes and failures in order to learn from them as we move forward.

As we all know, 2012 was a very political year, culminating in the presidential election. We now must honestly assess our successes and failures in order to learn from them as we move forward.

I will always believe that it is the American working class — which we are all part of — that made America the great nation that it is. America only truly succeeds when the working class citizens of America succeed. Helen Keller is quoted as saying, “This world is moved along, not only by the mighty shoves of each honest worker. It is imperative that we work to elect politicians who understand and respect the “tiny pushes” of working class Americans, because our combined efforts are essential to a strong America.

Although working class Americans and their labor unions saw certain successes in the fall elections, we also suffered losses. Many anti-worker politicians were elected at the national and state levels, and we have every reason to believe that they will again push anti-worker agendas at both levels of government. We are already seeing a push for “right to work” legislation in Kansas and Missouri. We must re-energize our efforts to block these anti-worker efforts, because I firmly believe that an injury to one working class American is an injury to all working class Americans.

We must also re-assess our internal successes and failures as we move into 2013. Over the past several years, more and more BLET members have become involved in their union and their futures. However, I am not satisfied that we have done enough to increase participation. One of the key components of an involved membership is a well-informed membership and we are constant-ly exploring new ways to get information to the membership.

One example of what I consider a shortcoming in this regard is the fact that so many of our members apparently were unaware that they had to pay union dues for 24 consecutive months to be eligible to run for office in last fall’s Local Division elections. I travelled the country from corner to corner last year asking members to get involved, only to have it tell many of those who heeded my call that they could not run for office due to a misunderstanding. I can think of nothing of that saddened me more in my time as President than to have to advis-so many dedicated members that they were not eligible to hold office in our Brotherhood. Our task now is to learn from that experience and re-enforce our efforts to make sure that all members understand our union’s rules. To accomplish that, I am working now on a preemptive mailing to all Local Divisions as well as News Flash and articles in the BLET’s publications that will help them prepare for triennial elections in 2015.

We must also ensure that all members know how their union works. To that end, BLET’s Education and Training Department prepared an educational section in this year’s BLET Timebook. The information was included to ensure that all members know who does what within their union. The National Division and each subordinate unit of the union play its own distinct role, and all levels of the union are stronger when the membership understands the responsibilities of each level. It will also help the membership to understand what should be expected from any given level of the union.

I have also challenged our Education and Training Department to develop new ways to provide education and training to the officers and members of our great union. Although our classroom training is perhaps the best in the industry, I would like to develop new methods of outreach and training that will enable us to educate even more members. To improve on our current program, I have asked the Department to develop online training modules that office and members can access to help them better understand what the union does, and what they can do to make our union stronger. An educated membership is a strong membership and I am committed to improving on the solid program that our Education and Training Department has established.

As for my personal efforts, I will continue to travel across the country in 2013 to meet with members and officers of the union when and where I can. Whether it be a Local Division meeting, a General Committee of Adjustment meeting, a State Legislative Board meeting, a regional meet-ing, or any other gathering of members, my goal is to meet with as many members as possible while I am President. I can honestly say that my experiences meeting with members last year were some of the most rewarding that I have had. Although it might seem like business-as-usual to group our membership only by their Divisions or by their employer, the personal one-on-one time with members that I enjoyed last year reminded me that we are all individuals with differing personal circumstances and opinions. There are certain issues that we will never all agree on, but there are also issues and concerns that we all have in common. We are all confronted with balancing the needs of our families with a demanding job, and we all deserve to be treated with respect in the workplace. My hope and goal for 2013 is that we concent-rate on what we have in common and get beyond personal differences that may divide us in our quest to be part of a strong union, and a strong American middle class. Join me in that effort.

Fraternally,

Dennis R. Pierce
BLET National President

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BLET National Division Electronic Communications Policy

Official communications between BLET members and the National Division require a hard copy of the correspondence, bearing a signature received by the National President to be considered an “official communication.” This is to provide that the actual question(s) are addressed, and ensures that when official interpretations are made they have reference to a specific request and can be used in future correspondence.

The volume of e-mails received makes it impossible for the National President to answer all unofficial communications. Therefore, it is the policy of the BLET that e-mails addressed to the National President will be reviewed and forwarded to the appropriate officer or staff for a timely response; however, an e-mail message is not considered an official communication. Moreover, anonymous e-mails and e-mails that do not provide sufficient information concerning the sender to enable National Division staff to confirm the sender’s membership status will not receive any reply or acknowledgement. This policy is intended to allow the National President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member’s unofficial communication, if a response is necessary, without needlessly expending limited BLET resources.

Adopted at Cleveland, Ohio on July 22, 2010. ©
RESTORING MAJORITY RULE IN THE SENATE

T he Employee Free Choice Act would be the law of the land to-day if it weren’t for the modern filibuster.

The Employee Free Choice Act, or EFCA, would have made it easier to organize a union. In 2008, it easily passed the House. Under EFCA, the modern filibuster makes it far too easy for a tyrannical minority to strangle the democratic process. It’s time to reform it and restore majority rule.

The tragedy of EFCA was how easy it was for anti-work senators to prevent a vote on the legislation. All they had to do was threaten to block it, forcing the Senate Leader to come up with 60 votes rather than a simple majority. No one had to stand on the Senate floor and talk around the clock the way Jimmy Stewart did in “Mr. Smith Goes to Washington.”

No one had to miss even one fundraiser. The modern filibuster makes it far too easy for a tyrannical minority to strangle the democratic process. It’s time to reform it and restore majority rule.

Our brothers and sisters at the Communications Workers of America are leading the fight for filibuster reform. The Teamsters stand with them.

I believe those wishing to filibuster a bill must actually hold the floor — and they must be required to actually debate. Most Americans agree.

By making this modest change, the U.S. Senate could go a long way to restoring its reputation as the place that works for the American people.

Fraternally,

JAMES P. HOFFA
TEAMSTERS GENERAL PRESIDENT

Railroad Retirement and Unemployment Insurance taxes in 2013

T he amounts of compensation subject to railroad retirement tier I and tier II payroll tax es will increase in 2013. The tier I tax rates will remain the same on railroad employers, while rail road employees will see their effective tier I rate increase from 5.65 percent to 7.65 percent.

The tier II tax rate on both em ployers and employees will increase by 0.5 percent. Also, railroad unemployment ins urance tax rates paid by employers will not include a surcharge in 2013.

TIER I AND MEDICARE TAX

The railroad retirement tier I payroll tax rate on covered rail employers for the year 2013 remains at 7.65 percent. However, railroad employers will see their effective tier I rate increase from 5.65 percent to 7.65 percent. Legislation enacted in 2011 and 2012 provided for a temporary reduction of 2 percentage points in the social security payroll tax paid by employers, but that reduction expired at the end of 2012.

The railroad retirement tier II tax rate is the same as the social security tax, and for withholding and reporting purposes is divided into two rates: 0.65 percent on retirement and 1.45 percent for Medicare hospital insurance. The maximum amount of an employee’s earnings subject to the 6.20 percent rate increases from $110,100 to $133,700 in 2013, but there is no maximum on earnings subject to the 1.45 percent Medicare rate.

The Medicare payroll tax on high-income earners will also be increasing. Starting in 2013, an additional tax of 0.9 percent will be due on an individual’s income exceeding $200,000, or $250,000 for a married couple filing a joint tax return. While employers will begin with holding the additional Medicare tax as soon as an individual’s wages exceed the $200,000 threshold, the final amount owed or refunded will be calculated as part of the individual’s Federal income tax return.

TIER II TAX

The railroad retirement tier II tax rate on employers will increase to 4.4 percent in 2013, up from 3.9 percent, and the employers’ rate will increase to 12.6 percent from 12.1 percent. The maximum amount of earnings subject to railroad retirement tier II taxes will increase from $83,900 to $84,300 in 2013. Since 2004, tier II tax rates are based on an average account benefits ratio reflecting railroad retirement fund levels. Depending on this ratio, the tier II tax rate for employers can be between 0 percent and 4.9 percent, while the tier II rate for employees can range between 8.2 percent and 22.1 percent.

UNEMPLOYMENT INSURANCE TAX

Employers, but not employees, pay railroad unemployment insurance tax es, which are experience-rated by employer. The Railroad Unemployment Insurance Act also provides for a surcharge in the event the Railroad Unemployment Insurance Account balance falls below an indexed threshold amount, and a surcharge of 1.5 percent applied in 2012.

The accrual balance of the Railroad Unemployment Insurance Account was more than $184.9 million on June 30, 2012. Since the balance exceeded the indexed threshold of $137.3 million, no surcharge applies to the basic tax rates for 2013. A surcharge of 2.5 percent applied in 2011, with a surcharge of 1.5 percent in the years 2008-2010. As a result, the unemployment insurance tax rates on railroad employers in 2013 will range from the minimum basic rate of 0.65 percent to the maximum of 12 percent on monthly compensation up to $1,405, an increase from $1,365 in 2012.

In 2013, the minimum rate of 0.65 percent will apply to 74 percent of covered employers, with 10 percent paying the maximum rate of 12 percent.

During the year, new employers will pay an initial tax rate of 3.69 percent, which represents the average rate paid by all employers in the period 2009-2011.

CONSENSUS

Consensitious consumers need to be cautious when purchasing greeting cards. Many are not made in America.

Buy Made in the U.S.A. greeting cards. Proud to be American, proud to buy union.
Each year, the BLET National Division compiles a list of scholarship opportunities available to the children of BLET members. Numerous financial aid opportunities are published here in the 2013 BLET Scholarship Directory.

The scholarship opportunities vary widely. The following comprehensive list provides members and their families with contact information for each scholarship program. The BLET National Division does not maintain its own scholarship program, so interested parties are advised to contact the individual scholarship providers listed below for additional information.

Those aware of additional scholarship opportunities not included in this Directory are urged to contact the BLET Public Relations Department at Bentley@ble-t.org.

The 2013 BLET Scholarship Directory is as follows:

**James R. Hoffa Memorial Scholarship**
Deadline for Hoffa Scholarship is March 31

The James R. Hoffa Memorial Scholarship Fund awards scholarships annually to outstanding high school seniors. The deadline for this year’s program is March 31, 2013. Recipients are selected by an impartial committee of university admissions and financial aid directors based on academic achievement, SAT/ACT scores, character, potential and financial need. The Teamsters consider all applicants without regard to race, religion, gender, disability, or any other legally protected status.

Thirty-one of the awards total $10,000 each. These four-year scholarships are disbursed at the rate of $2,500 per year and are renewable annually. 

More than 100 of the awards are one-time $1,000 grants. These scholarships are disbursed to the college or university at the beginning of the recipient’s freshman year.

Eligibility requirements and application procedures are the same for all awards. All applicants must comply with the following eligibility and application criteria. Each applicant must:

1. Be the son, daughter or grandchild of an active, retired, disabled, deceased or laid-off Teamster member who has or had at least twelve months of consecutive membership in good standing in the Teamsters Union.
2. Be in his/her last year of high school and not have applied if he/she has already graduated from high school.
3. Be in the top 15% of his/her high school class.
4. Plan to submit excellent SAT or ACT scores for evaluation (U.S. only).
5. Plan to attend an accredited four-year college or university. Those who plan to attend non-academic or certificate programs or community college, may not apply.

If you need additional assistance, please contact:

James R. Hoffa Memorial Scholarship Fund
25 Louisiana Avenue, NW
Washington, DC 20001
Phone: (202) 644-8735
Email: scholarship@teamster.org

Due to the highly competitive nature of the program and the large number of applicants, students should visit the Teamster website and carefully consider the criteria before submitting an application.

**For application forms and online assistance, please visit:** www.wcementer.org/content/scholarships

**Midwest Rail Craft Scholarship Fund (MRWCSF)**

Thanks to the generosity and hard work of many people, including its Board of Directors, the Midwest Rail Craft Scholarship Foundation (MRWCSF) is able to help several children of railroaders each year with their educational expenses. Scholarships from the MRWCSF are available to children of railroads from all crafts and union affiliations.

The Foundation, founded in 2004, is led by a diverse Board of Directors representing several different railroads and labor unions. The Foundation’s mission “is to collectively use the generous resources of many to ensure the further education of those blessed with knowledge, but burdened with need. In addition, we strive to unite all railroad/railroad crafts throughout the Midwest in a valiant effort to give of their time and resources so the future of our children will be bright and productive.”

The MRWCSF awards scholarships in amounts ranging from $500 and $1,000 and has helped as many as 28 students per year who are connected to the various railroad crafts and locations throughout the Midwest.

“We felt that the support we had seen, especially in the Midwest, prompted us to ensure that the children of all railroad crafts and backgrounds be rewarded,” said Greg Shy, President of MRWCSF and member of BLET Division 777 (Argentine, Kan.). “We have become incorporated in Minnesota, Iowa, Nebraska, Illinois, Missouri, Oklahoma, Texas and Arkansas. Our objective is to concentrate the scholarship applicants geographically in correspondence to the enormous support we have had from railroad workers in these states.”

“We also have enlisted the aid of rail management and all labor from Midwest railroads to ensure that all crafts are represented. This is a great opportunity for those railroad families in need of financial support for the higher education of their children.”

The vast majority of the monies acquired for these scholarships comes from annual golf tournaments, contributions and sponsorships. The Foundation sponsors an annual Kansas City Golf Tournament, which will be held this summer on the Sunday and Monday after Labor Day.

Please use the scholarship application on the MRWCSF website. Fill it out electronically, print it, attach the proper signatures and mail it to the address provided. The deadline for receiving applications is June 15, 2013.

To download a copy of the application, and for other information about the MRWCSF, please visit: www.mrwcsf.org

**BLET Auxiliary and International Western Convention (IWC) Scholarships**

The BLET Auxiliary and International Western Convention (IWC) Scholarships

The BLET Auxiliary and International Western Convention (IWC) offers $1,000 scholarships annually to help the children of BLET and Auxiliary members realize their goals in life.

In 2013, the Auxiliary has two additional scholarships to award to children of members of both the Auxiliary and BLET: the Leona A. Louis Memorial Scholarship and the John O. and Brenda Castell Scholarship.

There are two very strict guidelines that must be met in order to be eligible for Auxiliary scholarships. First, the applicant must be a son or daughter of both an Auxiliary and BLET member (living or deceased), with each being a member for two years. Second, the applicant must be enrolled or accepted for enrollment in an accredited university or college.

In addition to its own scholarship program, the Auxiliary is administering scholarship programs for the International Western Convention (IWC) for calendar year 2013. This joint scholarship program is for children of members participating in the IWC and covers Divisions, Auxiliaries and Members-at-Large in the following states: Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Auxiliary membership is not a requirement to apply for the IWC scholarships.

If the applicant is a graduate student or returning to school as a sophomore, junior or senior, he or she must have a 3.0 grade point average or better to be considered. The applicant must also be accepted to an accredited school. Scholarship applications must be POSTMARKED by MARCH 15, 2013 to be accepted. This date was changed at the Executive Council Meeting this past June. Late applications will not be considered.

Auxiliary application forms are online at: http://www.Metauxiliary.net, or you can link from the BLET Website under “Departments.” In addition to the application,
the Auxiliary website provides scholarship applicants with more detailed instructions on the application process. Please remember that the applicant’s parents must be a member of the BLET and the BLET Auxiliary in order to apply for one of the Auxiliary scholarships. If your parent belongs to the Southeastern Meeting Association (SMA), Eastern Union Meeting (EUMA) or the Southwestern Convention Meeting (SWCM) awards approximately two dozen scholarships each year, ranging in value from $1,000 to $2,000, including memorial scholarships honoring the memories and accomplishments of Brothers Robert F. Donoghue, Robert W. Godwin and Robert T. Pentland. The scholarships are awarded based on academic excellence and financial need. Only children of BLET members (living or deceased) belonging to divisions participating in the EUMA are eligible to apply. Division must be square on admission to an accredited college, university or may be attending or enrolled as full-time students in accredited post-secondary schools.

The 2013 EUMA application application is available online. Information are available on the Board’s website: www.calslb.net/2013_Scholarship.html

Applications are available on the BLET website: www.ble-t.org/pdf/EUMA_2013_SCHOLARSHIP_FINAL.pdf

SMA application deadline for receipt of applications is March 23-28. Please contact Division 269 newsletter or contact Division’s Christmas party. For details, watch your Division site. Deadline is August 1, 2013. The 2013 application forms can be filled out on your computer screen with the interactive PDF form available on the BLET website. Application forms are available at the link. Please see your division secretary treasurer to ensure that your division participates in the convention. This year’s SMA will be June 23-28. Please contact Linda Garber at (800) 233-7080. Members of Division 269 only.

The 2013 EUMA application application is available online. Information are available on the Board’s website: www.calslb.net/2013_Scholarship.html

Applications are available on the BLET website: www.ble-t.org/pdf/EUMA_2013_SCHOLARSHIP_FINAL.pdf

California State Legislative Board

The BLET’s CSLB will again be awarding a $1,000 scholarship to a graduating high school senior who will attend college/trade/vocational school in 2013. Applicant’s parent or guardian must be a member in good standing in a BLET division represented by CSLB. Last year, the Board awarded one $1,000 scholarship. Rules, applications and deadline information are available on the Board’s website: http://www.callicb.net/2013_Scholarship.html

All applications should be mailed to the CSLB home office address: California State Legislative Board, BLET/CSTB 610 Auburn Ravine Rd., Suite C Auburn, CA 95603

BLET Division 269

BLET Division 269 (Jamaica, Long Island, N.Y.) offers two $500 scholarships to the children of BLET members who are already enrolled in college. Participation is limited to members of Division 269 only. Winners are picked at random at the division’s Christmas party; For details, watch your Division 269 newsletter or contact Division President John A. Kavanaugh Jr. at (631) 813-2234.

BR&CF Scholarship Program

The Brotherhood’s Relief and Compensations Fund (BR&CF) is pleased to provide opportunities for the sons and daughters of BR&CF members to participate in the Luther G. Smith Scholarship Program. Children, adopted and step-children, of BR&CF members who are in “Good and Regular Standing,” are eligible. Applicants must be 27 years of age or younger. Applicants may be current high school students who have applied for admission as full-time students in accredited post-secondary schools or may be attending or enrolled as post-secondary students in accredited post-secondary schools. International President J.M. Robb advises that 20 scholarships of $1,000 each are awarded every year.

BR&CF members with questions may contact Linda Garber at (800) 233-7080. Members of Division 269 should mail their application form by calling or writing to 251 Linglestown Road, Harrisburg, PA 17110 or emailing brcf@brcf.org. The deadline for receipt of applications is March 1, 2013. 806

Improved vision care plan for members in 2013; discount plan for retirees

The BLET National Division is pleased to announced that an improved vision care plan is beginning in early 2013 for certain members. As a part of the new program, a no-cost Discount Plan is being offered to retirees. While the Discount Plan is not a part of the Railroad Employees National Vision Plan, it provides early retirees with savings on eye exams and material purchases at an EyeMed provider location. As of January 1, 2013, the Railroad Employees National Vision Plan will be managed by EyeMed Vision instead of VSP. There will be no changes to the Plan design, but there will be several enhancements.

A larger national network consisting of both independent and retail-affiliated providers, including five of the top six most preferred national retailers (LensCrafters, Pearle Vision, Sears Optical, Target Optical and JC Penny Optical); Employees will receive ID cards; Greater member discounts (60% versus current 30%) on complete second pairs. There are no restrictions on how often or where a member can use the EyeMed additional pairs discount feature (applies at all in-network locations at any time); and

During the first plan year (2013), each member can receive a $60 discount on non-prescription Ray-Ban polarized sunglasses at a participating provider. Visit the “store locator” at www.rayban.com to locate a participating provider. Members should have received a post card from EyeMed announcing the change from VSP to EyeMed in November 2012. New ID cards were to be mailed in late January, along with information on participating providers and a Summary of Benefits.

For further information on this and other health care related topics, please visit: www.rrcf.org.

Information on the early retiree Discount Plan, including an ID card, is available here: www.rrcf.org/pdf/Eye_Med_RB_Retirees_Discount.pdf

Internal Revenue Service regulations require the BLET National Division to inform its members that a certain portion of your National Division dues are not tax deductible as a miscellaneous itemized deduction on your personal tax returns. According to the National Secretary-Treasurer’s office, $84.20 percent of your BLET National Division dues are tax deductible on a Form 1040 tax return. The 15.80 percent of dues that is not tax deductible pays for expenses the union incurs to protect its members via the legislative process to ensure that worker-friendly laws remain in effect and are improved, and to resist efforts by labor’s opponents to implement changes that are detrimental to the membership.

UPDATE FROM BLET TAX COMPLIANCE DEPARTMENT

LCEMPA provides job insurance to union transportation workers, protecting members and their families from wage loss.

• Generous Loyalty Appreciation Program that rewards long-time members.
• Accidental Death Benefit included in most plans. You are protected on and off the job. It also covers your beneficiary at no extra cost.

(800) 514-0010
www.lcempa.org

Transportation workers protecting each other since 1910.
National Labor College to offer hazmat training at regional locations

The National Labor College will conduct numerous hazardous materials training workshops for railroad workers at various regional locations throughout the United States during 2013. The first two programs of 2013 are 5-day Hazardous Materials Chemical/ Emergency Response Training Programs, which will be held as follows:

April 14-20, 2013
Houston, Texas
Val Jaknies Training Facility
8030 Brannif Street
Houston, TX 77061

May 10-13, 2013
Laurel, MD
Holiday Inn
15101 Sweitzer Lane
Laurel, MD 20707

These programs begin at 8 a.m. and end at 5 p.m. (with a one-hour noon lunch break). The 5-day Hazardous Materials Chemical/ Emergency Response Training Programs address OSHA and DOT required training. Additionally, the workshops cover procedures and different levels of response and worker protection in a hazardous materials emergency or release, as well as weapons of mass destruction awareness and the incident command system. The training also provides components required to complete the OSHA 10-Hour Outreach certification. The training includes classroom instruction, small group activities, hands-on drills and a simulated hazmat response in full safety gear.

The Rail Workers Hazardous Materials Training Program is funded to provide this training by a federal grant from the National Institute of Environmental Health Sciences. This five-day hazmat training course is targeting rail workers at the local level. Applicant selection will be in the following order: local residents not requiring lodging followed by those within a 500-mile driving radius, and then those requiring air transportation to attend.

All questions should be directed to Freddie Thomas at (301) 431-5457 or fthomas@nle.org.

A stipend of $625.00 per week is available to all training participants in these programs, except those who are able to secure regular pay through their employer, or are paid union officers.

For more information or to register online, please visit the Rail Workers Hazardous Materials Training Program website: www.hazmatgmc.org

SECOND ANNUAL REPORT ON BLET EDUCATION & TRAINING FUND

EDUCATION AND TRAINING FUND BALANCE REPORT FOR 2012

Revenue
Published Balance at 1/1/2012 $101,048
Add: Subsequent Revision $912
Beginning Balance at 1/1/2012 $101,960
Total 2012 Receipts $362,021
Total Available End Fund for 2012 $465,981

Instructor and Staff Costs $393,351
Workshop Expenses $4,667
Total Expenditures for 2012 $430,218
Ending Balance at December 31, 2012 $33,763

SECRETARY-TREASURER TRAINING

Nearly 40 new Secretary-Treasurers completed a five-day workshop conducted by the BLET Education & Training Department in Cleveland, Ohio, from December 9-13, 2012. Attendees and class instructors are pictured in the office of BLET National President Dennis R. Pierce (below) and on the staircase at the Hyatt Regency Cleveland at The Arcade (right).

Osha hits home Run
Continued from page 1

OSHA's home run continued in the 10th inning and also is assessed discipline related to the incident.

• Implementing a program to teach BNSF managers and labor relations and human resources professionals about their responsibilities under the FRSA as part of their annual supervisory certification.

The railroad also has agreed to make settlement offers in three dor- en cases in which an employee filed a whistleblower complaint with OSHA claiming harm from one or more of the above policies.

“Ensuring that employees can report injuries or illnesses without fear of retaliation is crucial to protecting worker safety and health,” added Dr. Michaels. “If employees do not feel free to report injuries or illnesses, the em- ployer’s entire workforce is at risk because employers do not learn of and correct dangerous conditions that have resulted in injuries.”

BLET National President Dennis R. Pierce hailed the accord as a significant victory for BLET members and all rail workers. “We have worked closely with Dr. Michaels on problems involving this Carrier and others,” Pierce said. “Dr. Michaels and his team have distinguished themselves with this accord, and are to be congratulated. This is a home run for all rail road workers.

“It is also noteworthy that the Car- rier stepped up to the plate and agreed to these long-overdue reforms,” Pierce added. The National Division will con- tinue to work with OSHA so that we can leverage today’s accord from prop- erty to property for the benefit of each BLET member.”

OSHA reports that it has received over 1,200 whistleblower complaints by railroad workers between August 2007 and September 2012, which is higher than for all other whistleblower protec- tion statutes enforced by the agency, ex- cept one. In addition, the agency says that over 60% of rail worker whistle- blower complaints allege retaliation for reporting an on-the-job injury.

To read, print or download the OSHA-BNSF Accord: www.ble-t.org/pdf/OSHA_BNSF_ACCORD.PDF

SEPTA victory
Continued from page 1

SEPTA was required to conduct the second prong of the test because all six fac- tors did not uniformly point to SEPTA being not entitled to immunity.

The second prong of the test exam- ined two factors: primarily, whether FELA suits against SEPTA offend the dignity of the Commonwealth of Penn- sylvania; and, secondarily, what im- pact a FELA judgment against SEPTA would have on the Common- wealth’s treasury.

Regarding the first factor, the Court found that SEPTA suits against SEPTA do not offend the dignity of the Commonwealth because it is not named as a defendant, does not par- ticipate in the suit, and has specifica-

ly repudiated, by statute, any legal re- sponsibility for obligations incurred by SEPTA. The Court also found that a FELA judgment against SEPTA would have no impact on Pennsylvania’s trea- sury because the Commonwealth has no legal liability for such judgments.

The BLET and other rail unions have battled against SEPTA to protect workers’ rights regarding FELA for nearly four years. The issue first sur- faced in January of 2009, when SEPTA posted notices throughout the prop- erty instructing its commuter rail workers who were injured on the job to seek remedy under the Pennsylva- nia Workers’ Compensation Act in- stead of the FELA. SEPTA had to re- treat after the BLET and several other Rail Labor unions joined forces to chal- lenge SEPTA’s position.

BLET National President Dennis R. Pierce hailed BLET General Coun- sel Mike Wolly and Margo Pave for their work in securing this victory.

“Mike and Margo did a tremendous job coordinating the friend of the Court brief filed by the BLET and the other unions on SEPTA and in providing key support in this case,” Pierce said. “The Court’s slam-dunk decision is a huge victory for BLET members and other railroad work- ers, and I am very pleased that jus- tice has been done.”


While delegates attend- ing the BLET’s Second National Convention in Reno, Nevada, agreed to estab- lish a dedicated fund for Education and Training in October of 2010, they stipulated that an annual acc- ounting of funds be published in the January issue of the BLET’s news- letter.

Specifically, members pay $1 per month to fund and maintain the BLET Education and Training Depart- ment. Section 7(j) — National Di- vision Rules — of the BLET Bylaws (Page 25 reads as follows):
Arlin Todd reelected by acclamation in Louisiana

Brother Arlin S. Todd was reelected by acclamation to the office of Chairman of the Louisiana State Legislative Board at the Board’s quadrennial meeting in New Orleans, La., August 13, 2012.

Brother Todd is a member of BLET Division 914 (Baton Rouge, La.) and joined the Brotherhood on May 1, 1974. This is his third term as Chairman of the Louisiana State Legislative Board.

Also elected were: 1st Vice Chairman L.J. “Joe” Rinchuso Jr., Division 219 (Shreveport, La.); 2nd Vice Chairman, David C. Stockinger, Division 426 (New Orleans); Secretary-Treasurer Stephen W. Prator Jr., Division 599 (Shreveport, La.); and Alternate Secretary-Treasurer Adam Higginsbooth, Division 636 (Lafayette, La.)

Representing the BLET National Division at the meeting were: National President Dennis R. Pierce; First Vice President E. Lee Pruitt; Vice President and National Legislative Representative Fred Cox; and Coordinator of Education and Training Department and Special Representative Ken S. Kroeger.

“I offer my sincere thanks and congratulations to Brother Todd and to all officers of the Louisiana State Legislative Board,” President Pierce said. “I know they will do a fine job of representing the legislative and political interests of our members in Louisiana.”

Also in attendance were: Arkansas State Legislative Board Chairman Terry L. Todd; Texas State Legislative Board Chairman Terry D. Briggs; General Chairman D.W. “Bill” Hannah, Union Pacific-Western Lines General Committee of Adjustment; and John R. Eutie, 2nd Vice Chairman, UP-WL GCA.

The meeting ended on August 14 with a training workshop for Legislative Reps. The Louisiana State Legislative Board encompasses 13 BLET Divisions from six different railroads (CN, Union Pacific, BNSF Railway, Kansas City Southern, Amtrak and Mid-South) and represents approximately 780 active and retired members.
Now available in black in sizes large to 3X.

L-XL $67.95, 2X $69.95, 3X $71.95

Cumberland Jacket

Available in spice in sizes large to 3X.

Rugged and will stand up to a hard day's work.

For a limited time — the classic stocking cap. 100% acrylic knit with a fold-over cuff that proudly displays PROUD TO BE AMERICAN      PROUD TO BE UNION

Available in black in sizes large to 3X.

L-XL $64.95, 2X $66.95, 3X $68.95

Kendall Jacket

Star warm while looking sharp with this soft cotton micro-poplin jacket. It has a quilted lining and a full-up front, lined with a contrast collar. Add detail to a sturdy jacket you will wear with pride.

Available in black in sizes large to 3X.

L-XL $64.95, 2X $66.95, 3X $68.95

Cumberland Jacket

Heavyweight canvas work jacket with thermal lining. Hood with drawstrings and full-up front, large side pockets with an adjustable collar. Padding collar adds rugged and will stand up to a hard day's work.

Available in sizes large to 3X.

L-XL $67.95, 2X $69.95, 3X $71.95

Stocking Cap

Show your pride! Christmas stocking cap, our newest addition — the classic stocking cap. 100% acrylic knit, so soft and supple, this cap is beautifully designed with a embroidered BLET logo in the center. Available in black. One size fits most.

$6.95

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Go to teams.bertram.com and click on "BLET"

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Photos of the Month

January 2013

BIRTHRIGHT: It was in the former's Hall in Detroit where the Brotherhood of the Footboard held its first meeting on May 8, 1863. The organization changed its name in Brotherhood of Locomotive Engineers in 1864, and then to Brotherhood of Locomotive Engineers and Trainmen in 1904, and the old Firemen's Hall was demolished sometime in between. The BLET will mark its 150th anniversary on May 8, 2013. This is the first in a series of articles that will be published this year in recognition of the organization's 150th anniversary.

Are you a photographer? The National Drones’ Visual Affairs Department, which produces the News, has received numerous inquiries lately from BLET members volunteering to contribute their images to the "Photos of the Month" section of the News. If you have a photo you'd like to submit for consideration, you may call Editor John Bentley at (216) 241-2630, ext. 248, or you can email Bentley@ble.org.

Please note only high resolution images can be used. Members are also encouraged to review their employer's policies regarding the use of cameras and other electronic devices while on duty.

Advisory Board November 2012 Activity

In accordance with the BLET Bylaws, summaries of BLET Advisory Board members’ activities are published monthly:

VICE PRESIDENT WILLIAM M. RODHOFF: Assigned to all CSX, Union Pacific Southern Region (CRA special evan) — Departmental Relations Committee (DRC) issues, CSOTE, General office duties, paper work, correspondence, telephone calls, etc.; PB&J 7114 Executive Session, CD; Holiday; Rail Relations, etc.; PB&J. No new DRC processes called will Holiday, Advisory Board mtg., Fort Worth, Texas.

VICE PRESIDENT AND LEGISLATIVE REPRESENTATIVE J. MARCUS J. REUFEIN: Represented at Board mts., Fort Worth, Texas; Various receptions and meetings with members of U.S. House of Representatives and Senators.

VICE PRESIDENT COLE W. DAVIS: Represented at various CSX; Assigned to D&H; GC Dixon re: SEPTA contract, Philadelphia; NMB passenger rail conference, Washington, D.C.; Variousmtgs.; LIRR retirement dinner dance, New York; Assist GC Wilson, Fort Worth, Texas.

VICE PRESIDENT WILLARD E. KNIGHT: Assigned to various CRA; GC Parker, KCS issues; LIRR retirement dinner dance, New York; Assist GC Lorenz, Huron & Western issues; Assist GC Semon, MRR62; LIRR (CIT)mtgs.; Winter dinnerdance; New York; LIRR retirement dinner dance, New York; Assist GC Parker, BLET Security Officer, General office duties, telephone, correspondence communications; Coordinate content of NLO website; Weekly Drive Committee and Legislative meetings; Election 2012 Get Out The Vote drives in Minnesota, Arizona, Ohio and multiple other states; IHF Political Coordinators meetings; In accordance with the BLET Bylaws, summaries of BLET Advisory Board members’ activities are published monthly:

VICE PRESIDENT JOHN P. TOLMAN: Assigned to D&H; PB&J 7114 Executive Session, CD; Holiday; Rail Relations, etc.; PB&J. No new DRC processes called will Holiday, Advisory Board mtg., Fort Worth, Texas.

VICE PRESIDENT & NATIONAL LEGISLATIVE REPRESENTATIVE J. MARCUS J. REUFEIN: Represented at Board mts., Fort Worth, Texas; Various receptions and meetings with members of U.S. House of Representatives and Senators.

VICE PRESIDENT W. COLE DAVIS: Represented at various CSX; Assigned to D&H; GC Dixon re: SEPTA contract, Philadelphia; NMB passenger rail conference, Washington, D.C.; Variousmtgs.; LIRR retirement dinner dance, New York; Assist GC Wilson, Fort Worth, Texas.

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