



Daily news updates
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Locomotive

ENGINEERS & TRAINMEN NEWS

JULY
2009

PUBLISHED BY THE BLET, A DIVISION OF THE RAIL CONFERENCE, INTERNATIONAL BROTHERHOOD OF TEAMSTERS



THE BLET ADVISORY BOARD in front of two panels of the newly-installed “History of Locomotives” mural during their recent meeting at BLET National Division headquarters in Cleveland. Seated, from left: National Vice Presidents Dennis Pierce, Mike Twombly, Merle Geiger, Steve Speagle, Willard Knight, and Marcus Ruef (Director of Arbitration). Standing, from left: Vice President & National Legislative Representative John Tolman; National Secretary-Treasurer Bill Walpert; National President Ed Rodzwicz; First Vice President Paul Sorrow; and National Vice President Lee Pruitt.

Final FMLA remedy a win for Rail Labor

Certain BLET members working for the nation’s four largest railroads will receive one day’s pay for each vacation and/or personal leave day they were forced to use instead of Family and Medical Leave Act (FMLA) leave.

“We find that qualified grievants are entitled to receive a day’s pay at their then-obtaining straight-time rates for each day that the carriers improperly required substitution of FMLA leave for scheduled vacation time or accrued but not-yet-scheduled personal leave days,” a three member arbitration panel ruled on June 1. By qualified grievant the panel means an “employee that filed a timely and otherwise procedurally valid claim.”

The remedy brings to a conclusion a case that began more than five years ago when four Class I rail carriers instituted a practice that forced workers to use paid vacation and personal leave when taking FMLA leave in certain circumstances.

The BLET and 10 other unions argued the case against BNSF, CSXT, NS and UP.

The panel ruled previously that the carriers’ policies regarding substitution of paid

“THE REAL HEROES ARE THE MEN AND WOMEN OF THE BLET WHO NEVER GAVE UP THE FIGHT OVER ALL THESE YEARS; THE MEMBERS WHO FILED THE CLAIMS; THE LOCAL CHAIRMEN WHO APPEALED THE DENIALS; AND THE GENERAL CHAIRMEN WHO PROGRESSED THE CASES.”

— PRESIDENT RODZWICZ

vacation and/or paid personal leave for FMLA leave violates the requirements of the national vacation and/or national personal leave agreements. The carriers were ordered to immediately discontinue the invalidated provisions of such policies.

At a hearing in Washington, D.C., on April 21, the arbitration panel considered the question: “What is the appropriate remedy for employees who were required to use paid leave for FMLA leave in violation of the national vacation and/or na-

tional personal leave agreements?”

At the hearing, the union position was that each employee who was forced to use paid leave for FMLA leave should receive a day’s pay for each day the vacation or personal leave agreement was violated.

“Affected employees were denied their contractual right to determine when and how to use their vacation time and personal leave, and employees lost the ability to take time off for family and social events as they had planned,” the panel wrote in their June 1 decision. “This lost time cannot be recreated.”

In general terms, a basic day’s pay is considered traditional remedy in the railroad industry for violations of collective bargaining agreements where no remedy is specified. At the April 21 hearing, the unions successfully argued for application of this remedy to the carriers’ violation of the national agreements.

“The payment of a day’s pay is proper for the violation of the rule not as a penalty, but compensatory damages which will deter the Carrier from complete disregard to its obligation,” the panel determined.

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BLET, UTU file joint petition to prohibit one-person crews

The Brotherhood of Locomotive Engineers and Trainmen and the UTU have filed a petition for an emergency order with the Federal Railroad Administration (FRA), seeking to prohibit the use of one-person train crews, including conventional and remote control yard switching operations.

BLET National President Ed Rodzwicz and UTU International President Mike Futhey signed the petition for the emergency order, which was filed on June 11.

One-person crew operations “have been nothing more than the industry’s attempt to reduce operating costs to increase profits, at the expense of worker safety,” says the BLET and UTU petition seeking the FRA emergency order.

“Remote control operations are a very

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Election News

Chairman Rick Gibbons and entire GCofA reelected by acclamation. **pg 2**

Education & Training

IC&E members complete ST, LC workshops. **pg 3**



2010 Election Rules

New rules for the election of National Division officers. **pg 5**

>> FEDERAL EMPLOYERS' LIABILITY ACT (FELA)

The Unique Challenge of Occupational Diseases

The attempt by railroads to avoid their legal responsibilities to workers suffering from occupational diseases is seemingly endless. By virtue of the insidious onset of the diseases, the frequency of occurrence and the resulting disability, occupational illnesses pose the greatest long term health risk to railroad employees. Occupational illnesses encompass hearing loss, musculoskeletal conditions, neurological disorders, and various cancers due to unprotected exposures in the workplace.

These distinct health problems could have been prevented had the railroads implemented effective conservation and surveillance

programs. Instead, under the guise of "medical programs," railroads have managed only to adopt superficial safety programs that serve to blame the workers for their injuries. Incredulously, driven to avoid claims rather than ensure worker health and safety, railroads now deny the existence of the very conditions they are supposed to prevent.

Noise induced hearing losses illustrate the systemic failures. Although railroads have known for decades of the causal relationship between occupational noise and disabling hearing loss, railroads have failed to measure the known risk probabilities for individuals, inform affected employees of their identified risks, competently

measure field exposure levels, engineer possible solutions, attenuate noise at the sources, adopt work place rules to reduce daily exposures, consistently assess employee hearing, collect data on extent of worker injuries, and evaluate the effectiveness of protective devices.

Most importantly, railroads have failed to accurately inform employees of the nature, extent and likely cause of past or continuing losses. Instead, by the post-audiometric notices, railroads have misled thousands of workers about their real injury and its cause. For the sake of the members we represent, these failures in the name of claims avoidance must be overcome.

Railroads capitalize on

these aspects to deny claims and blame workers. The challenge to us is to intervene and educate BLET members on their risks and the recognizable characteristics of occupational disease so that they can obtain appropriate medical care, reduce their exposures to further harmful exposures and obtain compensation under the FELA. They need to know that the company programs will not protect them from known consequences of dangers in the work place.

History has demonstrated that railroads will not do better until we do better. The health benefits to members are enormous and life changing. Moral necessity requires that we succeed.

Speaking on behalf of the Brotherhood and all DLC, we ask your help in documenting the historical failures of the railroads to recognize the needs of workers suffering these occupational illnesses. The challenges facing our

members have never been greater, exceeded only by the opportunity to do the right thing for members. It is our collective moral and legal imperative to seize that opportunity for the benefit of those we are privileged to represent. Your help in this effort will not be in vain. It will be received with gratitude.

Submitted by:



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Rick Gibbons and entire GCofA reelected by acclamation

Rick C. Gibbons was reelected by acclamation as General Chairman of the Burlington Northern Santa Fe (former STL-SF) General Committee of Adjustment at quadrennial meetings in Kansas City, May 19-22, 2009.

Of special note is the fact that the entire General Committee was reelected by acclamation, something Brother Gibbons is very proud of.

"We had a very productive meeting and I'm very proud the committee was kept intact," Gibbons said. "Everyone was reelected by acclamation. We stressed working together as a committee and that was reflected in the voting."

Also reelected by acclamation were: 1st Vice Chairman Randy Dumey, Division 595 (Chaffee, Mo.); 2nd Vice Chairman George Haskins, Division 672 (Memphis, Tenn.); 3rd Vice Chairman Jeff Thurman, Division 604 (Madill, Okla.); and Secretary-Treasurer Tim Stipp, Division 507 (Monett, Mo.). The delegates also created a new position — 4th Vice Chairman — which H.C. Rolan of Division 285 (Thayer, Mo.) filled by acclamation.

Also reelected by acclamation were: Alternate Vice Keith Buterbaugh, Division 567 (Springfield, Mo.); and Alternate Secretary-Treasurer Natalie Stipp, Division 507. Natalie is the daughter of Tim Stipp.

Brother Gibbons is a member of BLET Division 502 (Kansas City, Mo.) He is beginning his third term as General Chairman. He was first elected to the office of General Chairman in 2001 and then reelected in 2005. Immediately prior to winning election in 2001, he served as Local Chairman of Division 502 and 1st Vice Chairman of the BNSF (STL-SF) GCofA.

Several BLET National Division officers attended the meeting and addressed the delegates, including: National President Ed Rodzicz; National Secretary-Treasurer Bill Walpert; Vice President & National

Legislative Representative John Tolman; and Vice President Steve Speagle, who is assigned to the BNSF properties.

Also, three visiting General Chairmen attended the meetings: Matt O. Wilson, BNSF-MRL; Pat J. Williams, BNSF (former ATSF); and Mike D. Priestler (CP Rail System/U.S.).

The BNSF (former STL-SF) General Committee of Adjustment represents nearly 800 locomotive engineers from 17 different divisions, including engineers and trainmen for the BNSF Railway and the Missouri & Northern Arkansas Railroad. ©



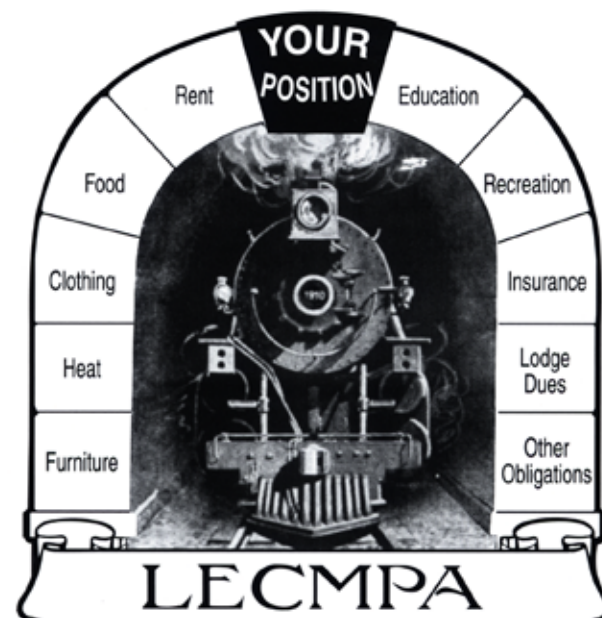
Front row, from left: Ed Rodzicz, National President; Rick Gibbons, General Chairman; Kim Gibbons, Office Manager; Steve Speagle, Vice President; and Bill Walpert, National Secretary/Treasurer. **Second row, from left:** Tom Pontolillo, Director of Research and Assistant to the President; Jeff Thurman, GCA 3rd Vice; Div 604 Vice LC; Brian Jones, Div 578 LC; George Haskins, GCA 2nd Vice; Div 672 LC; and Tim Stipp, GCA ST; Div 507 LC. **Third row, from left:** Randy Dumey, GCA 1st Vice; Div 595 LC. **Fourth row, from left:** Terry Schulenberg, Div 721-O Vice LC; Keith Buterbaugh, Div 567 LC; Robert Knight, Div 170 LC; HC Rolan, GCA 4th Vice and Div 285 LC; and Billy Collins, Div 386 LC. **Fifth row, from left:** Paul Petty, Div 721-E LC; Brett Russell, Div 83 LC JO Davidson, Div 237 Vice LC; Gary Ebert, Div 178 LC; Keith Knight, Div 116 LC; Chris Phillips, Div 172 Vice LC; Robert Conrad, Div 237 LC; and Roger Taylor, Div 502 LC.

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BLET ICE Local Chairman Class April 2 - 3, 2009 Front row, from left: Brian McHugh, Vice Local Chairman, Div 393; Mike Twombly, National VP; Ken Kroeger, Coordinator of Education and Training; and Tom Miller, Director of Organizing. Second row, from left: Mark Johnson, Local Chairman, Div 117; Nick Wright, Local Committeeman, Div 117; and Adam Farence, LR Div 266 Third row, from left: Tom Marshall, Local Chairman, Div 393; Trent Girdler, Local Committeeman Div 200; Christopher Pacha, Local Chairman, Div 200; Joe Niehaus, Local Chairman, 296; James Lemm, Local Committeeman Div 266; and Lonnie Mangler Jr., Local Chairman, Div 266.

The BLET's Education & Training Department recently conducted a series of workshops to benefit the members and officers of the Iowa, Chicago & Eastern (IC&E) Railroad.

On April 2 and 3, Local Chairmen participated in a two-day workshop that covered the structure of the BLET and the job responsibilities of the Local Chairman. Representing the BLET National Division at the workshop were Vice President Mike Twombly, Education & Training Coordinator Ken Kroeger and Special Representative Miller.

On April 16, a seminar was held for Secretary-Treasurers, who were trained

in the online filing of monthly dues reports. Representing the BLET National Division at the workshop were Special Representative Tommy Miller, Special Representative Dave Ditzel, and Director of Online Services Walt Schmidt.

IC&E members reaffirmed their allegiance to the BLET on March 6 by voting overwhelmingly in favor of the BLET in a representation election.

They originally joined the Brotherhood in December of 2002, and thanks to the BLET, obtained their first-ever union contract in January of 2005. These dedicated members showed their appreciation to the Brotherhood in the March 6 election,

voting overwhelmingly to remain BLET members and easily rejecting a takeover attempt by another rail union.

"These workshops are just an example of the valuable services the BLET Education & Training Department provides to the membership," said National Secretary-Treasurer Bill Walpert, who is the Director of Education & Training. "Quality membership service is one of the many reasons why our IC&E Brothers and Sisters voted to remain in the BLET."

"Our new leaders at IC&E will now be able to better represent their members thanks to these workshops, which makes the Brotherhood stronger." @

BLET, UTU FILE JOINT PETITION TO PROHIBIT ONE-PERSON CREWS

CONTINUED FROM PAGE 1 <->

serious hazard for a number of reasons," the petition says. "Any person having safety concerns in mind should recognize that a single-person remote control assignment should never be allowed. It puts rail workers at great risk of injury or death."

The FRA is told in the petition, "The evidence shows that no conditions exist where a lone engineer or remote control operations are safe."

The need for such an emergency order, says the BLET and the UTU, is demonstrated by a May 10 accident on CSX in Selkirk, N.Y., which killed UTU-represented conductor Jerod Boehlke, who was working alone and using a remote control device.

"The workload associated with [remote control operations], while performing

other safety critical tasks, demands too much of a single individual, including loss of situational awareness," says the petition. "How many more incidents like the one at Selkirk need to occur before such operations are prohibited?"

There are numerous incidents of accidents, injuries and fatalities where railroads utilized one-person crews, and the injuries and deaths caused by remote and single-crew operations "have continued unabated since its inception in the early 1990s," says the petition. "This has been caused in part by the inaction of the FRA to a number of petitions filed both by the BLET and the UTU for emergency orders to prevent such operations."

The petition says that while the FRA has reviewed the safety aspects of one-person crews, it "has really done nothing affirmatively to assure the safety of the employees in such operations."

The BLET and the UTU also take "strong

issue" with FRA conclusions that the safety records of remote control and conventional operations are "basically the same."

Pointing to a 2006 FRA report entitled, "Safety of Remote Control Operations," the petition for the emergency order says, "We believe FRA cooked the books here. Most of FRA's erroneous figures resulted from the formulas used for calculating the statistics. For example, by using the number of hours worked instead of FRA's use of yard switching miles for determining the data, the accident rate was 2.3 times higher for RCOs."

An emergency order prohibiting the use of one-person operating crews, including remote control operations, would take effect immediately upon issuance by the FRA.

"It is time for the FRA to take a proactive safety stance, and not merely a band-aid reactive approach to this issue," the petition concludes. @

2009

Calendar & Events

July 29-August 1, 2009

Military Railway Service Reunion

Organizers are planning a large reunion of MRS veterans who served during WWII and Korea, which will be held at Ft. Eustis, Va., as part of the Army's Transportation Corps week. Email Mark Metz for details: m-m-e@comcast.net.

August 9-14, 2009

69th Annual International Western Convention, Green Bay, Wisc.

Brother John Reynolds, Wisconsin Central General Chairman and member of BLET Division 209 (Green Bay, Wisc.), is Chairman of the 2009 IWC in Green Bay, Wisc. It will be held at Radisson Hotel & Conference Center Green Bay (2040 Airport Drive, Green Bay, WI 54313: Phone: (920) 494-7300). The room rate will be \$94 per night. To contact Brother Reynolds, call (920) 462-4509 or email: JReynoldsBLET@newbc.rr.com. Visit the IWC website at: <http://iwcgb.org/>

September 13-16, 2009

74th annual Southwestern Convention Meeting, Kansas City, Mo.

Brother Mike Zenner, Secretary-Treasurer of BLET Division 130 (Kansas City, Kan.), is Hosting Chairman of the 2009 SWCM in Kansas City, Mo. It will be held at the Hyatt Regency Crown Center (2345 McGee St., Kansas City, MO 64108: Phone: (816) 421-1234). The room rate will be \$139 per night. To contact Brother Zenner, call (816) 804-9107 or email: zmike5@kc.rr.com. Visit the SWCM website at: www.bletsbcm.org.

June 13-17, 2010

83rd Annual Southeastern Meeting Association, Cincinnati, Ohio

Hosted by the members of BLET Division 110, the 2010 SMA will be held at the Hilton Cincinnati Netherland Plaza. More details to come!

Railroad Retirement Board Informational Conferences

The U.S. Railroad Retirement Board holds free information conferences for railroaders. Conference registration begins at 8 a.m., with the programs beginning promptly at 8:30 a.m. and ending at 12:30 p.m.

September 11, 2009

Roanoke, Va.

Quality Inn Roanoke Airport, 6626 Thirlane Road

September 18, 2009

Fort Worth, Texas

Radisson Hotel, 100 East Alta Mesa Blvd.

September 25, 2009

Decatur, Ill.

Decatur Conference Center and Hotel, 4191 U.S. Highway 36 West

September 25, 2009

Nashville, Tenn.

Hilton Garden Inn, Nashville Airport, 412 Royal Parkway

October 2, 2009

Mason, Ohio

Super 8 Motel, 1-71 Exit 25, 5589 Kings Mill Road

October 9, 2009

Grantville, Pa.

Holiday Inn Harrisburg-Hershey, 604 Station Road

FINAL FMLA REMEDY A WIN FOR RAIL LABOR

CONTINUED FROM PAGE 1

“In the present matter, the contractual violation involves a largely intangible infringement upon employee’s rights wherein employees were denied the opportunity to take vacations and personal leave at the times of their own choosing because of the carriers’ violations. Those leave dates cannot be recovered,” the panel determined. “Employees were unable to take time off with their families as they had planned for occasions like recreation, family gatherings, social events and children’s school and athletic programs. Those events and opportunities have been lost and cannot be recreated. A day’s pay is at best an unsatisfactory substitute, but, in light of considerable railroad industry practice and in a genuine attempt to put this dispute behind the parties, the remedy sought by the unions is reasonable and appropriate for the violation.”

The unions claimed that a monetary remedy was necessary in order to enforce the agreements.

“No useful purpose would be served if we were to find that the Agreement

was violated and no remedy was offered,” they argued.

The unions contended that, without the application of the traditional day’s pay remedy, the agreements at issue could not be effectively enforced. Without some monetary compensation for those employees deprived of their chosen leave times, there simply would be no reason for the carriers not to commit further violations similar to those found by the Board.

“Employees experienced an FMLA-qualifying event — serious illness of their own or a close relative, or birth or adoption of a child — and the carriers forced these employees to use up their later-scheduled vacation time in conjunction with the FMLA leave to which they were statutorily entitled. Employees could not choose a different time for vacation.”

The carriers offered a number of out-of-industry awards in support of their contention that employees were not entitled to damages. But the unions responded that those awards offered little, if any, guidance in deciding the question before the Board.

“Labor relations in the railroad industry are unique in many respects,” the panel determined. “The out-of-industry

awards cited by the carriers involved FMLA substitution policies and are not on point.”

The carriers also argued that unpaid leave should be a remedy, but the panel shot down that line of reasoning.

Noting that the dispute began in 2004 when the industry was riding high and having difficulty handling the workload with its existing workforce, the panel wrote: “Now there are layoffs; work is less available, and grievants need pay, not time off without pay.”

“Employees were fully employed and often worked substantial amounts of overtime, making even unpaid periods of leave meaningful. But today, times are harder; and business has declined. Now many claimants are just barely employed, and a significant percentage of the workforce is furloughed. Unpaid leave now is a remedy with little value, even for working and furloughed claimants. For claimants who have retired, are on disability, or have been laid-off, unpaid leave is no remedy at all. The carriers should not be permitted to rely on a changed economic climate to avoid bearing the cost of their contract violations.”

The panel wrote that the remedy is compensatory — not punitive.

“What grievants lost was a contract right of significant value. Grievants suffered more than ‘mere inconvenience’ when they lost their contract right to chose when to take paid time off. Our purpose is to provide compensation for those losses, not to punish the carriers for having caused them.”

This remedy, however, does not apply to everyone.

“Grievants who asked for and later did receive unpaid vacation and personal leave for paid leave days that the carriers who employed them had substituted FMLA leave are not entitled to the remedy ... only for those lost vacation and personal leave days for which they elected to and did receive unpaid leave.”

Eleven Rail Labor unions were involved in the case. Mike Wolly and Margo Pave of Zwerdling, Paul, Kahn, & Wolly, P.C., represented the interests of six of the 11 unions — Brotherhood of Locomotive Engineers and Trainmen, International Brotherhood of Electrical Workers, American Train Dispatchers Association, Brotherhood of Railroad Signalmen, National Conference of Firemen and Oilers, and the Sheet Metal Workers International Association.

BLET National President Ed Rodzwick thanked Mike Wolly and Margo Pave for their efforts to bring about the victory, and noted the time claims filed by BLET members helped provide valuable evidence during the hearing that the carriers’ illegal tactics negatively impacted hundreds of families.

“Once again Mike and Margo did a fantastic job vindicating the rights of BLET members,” Rodzwick said. “But the real heroes are the men and women of the BLET who never gave up the fight over all these years: the members who filed the claims, the Local Chairmen who appealed the denials, and the General Chairmen who progressed the cases; their devotion to the cause personalized this struggle for the panel and secured our victory.” @@

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Electronic Communications Policy

The policy currently in effect is that official communications between BLET members and the National Division require a hard copy of the correspondence — with a signature — being 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.

Due to the volume of e-mails it would be impossible for the President to answer all unofficial communications. Therefore, it is the policy of the BLET National Division Office that e-mails addressed to the National President will be reviewed and forwarded to the appropriate officer or staff for a timely response. In other words, an email message is not considered an official communication.

This will allow the President to be aware of the opinions and suggestions of the membership, while at the same time providing a timely response to the member, if a response is necessary. @@



RULES FOR THE 2010 BLET NATIONAL DIVISION OFFICERS ELECTION

On May 29, the BLET Advisory Board adopted Rules for the 2010 Brotherhood of Locomotive Engineers and Trainmen National Division Officers Election. These rules provide detailed guidelines for compliance with Section 49 of the National Division Rules of the BLET Bylaws, which governs the election of National Division Officers.

Specifically, the Rules establish a timeline for various

election-related activities, such as submission of nominating petitions, campaign contribution and expenditure reports, the filing of protests, and how balloting and the election will be conducted. In addition, they set forth the procedures to be used by the National Secretary-Treasurer in fulfilling his oversight responsibility under Section 49.

They also include detailed procedures on campaigning

that will provide transparency and fair and equal access to the membership. Lastly, the Rules provide a mechanism for handling all election-related protests and appeals.

In order to ensure that the membership is fully informed about all aspects of the election process, the Rules are being published in the July edition of the Locomotive Engineers & Trainmen News as well as on the BLET website: <http://www.ble-t.org/pdf/2010ElectionRules.pdf>

PREAMBLE

These *Rules for the 2010 Brotherhood of Locomotive Engineers and Trainmen National Division Officers Election* ["Rules"] are promulgated by the Brotherhood of Locomotive Engineers and Trainmen ("BLET") Advisory Board pursuant to Section 49 of the National Division Rules of the Bylaws of the BLET, as revised at Las Vegas, Nevada, in June, 2006 (the "ND Rules"). Section 49 of the ND Rules provides, in relevant part, that "... the National Secretary-Treasurer may issue supplemental guidelines or advisories with respect to counting ballots and other matters relating to these Rules. Any such supplemental guidelines or advisories shall be subject to approval by the Advisory Board."

The *Rules* assemble in one document all requirements and regulations affecting the nomination and election of Officers of the National Division ("ND") of the BLET. The basis for the *Rules* are the Bylaws, the IBT Constitution, as amended in conformity with the Consent Order of March 14, 1989, the 2004 Merger Agreement by and between the International Brotherhood of Locomotive Engineers and the International Brotherhood of Teamsters (the "IBT") (the "Merger Agreement"), the ND Rules, and relevant law affecting union elections.

These *Rules* are designed to provide for fair, honest, open and informed elections so as to permit the National Secretary-Treasurer and the American Arbitration Association (the "AAA") to certify the election results in the National Division Officers Election.

The AAA's authority to administer the electoral process and to certify the results of elections is limited to the election of National Division Officers. These *Rules* are not applicable to elections of BLET subordinate body officers.

TIMETABLE OF EVENTS*

The following schedule shall apply to the 2010 nominations and elections of National Division Officers:

- **JULY 1, 2009:** Issuance of *Rules for the 2010 BLET National Division Officers Election*; publication of official forms, including candidate petitions and financial disclosure and vendor disclosure forms.

- **AUGUST 1, 2009:** Beginning date for submission of petitions to establish accredited candidate status, to National Secretary-Treasurer. All petitions must be submitted to the National Secretary-Treasurer prior to the nominations at the National Convention.

- **AUGUST 1, 2009:** Deadline for filing of protests: (a) alleging violation(s) of *Rules* incorporating provisions of Labor-Management Reporting & Disclosure Act of 1959, as amended, where alleged violation(s) occurred prior to July 1, 2009, or (b) alleging violations of any Rule(s) occurring within first twenty-eight (28) days after issuance of *Rules*, or (c) otherwise challenging the *Rules* or any provision thereof.

- **JANUARY 15, 2010:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the first required Campaign Contribu-

tion and Expenditure Report ("CCER") and Supplemental Form No. 1 for the period from July 1, 2009 through December 31, 2009. The first CCER must include all requested information retroactive to the first contribution and the first expenditure for the 2010 National Division Officers Election. Each succeeding CCER must include all requested information not included in prior CCERs.

- **JANUARY 15, 2010:** Notice of date and place of holding of the Convention issued to all General Committees, Legislative Boards and Divisions, pursuant to Section 5(c) of the National Division Rules.

- **APRIL 15, 2010:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the second required CCER and Supplemental Form No. 1 for the period January 1, 2010, through March 31, 2010.

- **JULY 15, 2010:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the third required Report and Supplemental Form No. 1 for the period April 1, 2010, through June 30, 2010.

- **SEPTEMBER 3, 2010:** Deadline for receipt of candidate and slate declarations and written notices of intent to run for National Division office.

- **OCTOBER 4-7, 2010:** BLET National Division Convention.

- **OCTOBER 15, 2010:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the fourth required CCER and Supplemental Form No. 1 for the period July 1, 2010, through September 30, 2010.

- **NOVEMBER 15, 2010***: Mailing of ballots for National Division Officers election.

- **DECEMBER 15, 2010**†: Deadline for receipt of ballots to be counted and counting of ballots in the National Division Officer election.

- **DECEMBER 20, 2010:** Announcement of verified results of National Division Officers election.

- **JANUARY 15, 2011:** Deadline for each candidate, slate, caucus, member group, independent committee or campaign organization to file the fifth required CCER and Supplemental Form No. 1 for the period October 1, 2010, through December 31, 2010.

*Where a date listed herein falls on a Saturday, Sunday or federal holiday, the obligation shall be effective on the first weekday following that date.

†These dates may be adjusted depending on certain election circumstances that may occur at that time, such as challenges to a candidate's eligibility to run for office, complications with ballot printing, etc.

DEFINITIONS

1. The term "AAA" shall mean and refer to the American Arbitration Association, a non-profit organization whose headquarters are in New York, New York, which organization will be contracted to administer the National Division Officers election process.

2. The term "accredited candidate" means any candidate for National Division office who has obtained the signatures on petitions from Divisions and/or from Convention Delegates repre-

senting at least five percent (5%) of the membership, pursuant to Section 49 of the ND Bylaws, and who has been certified in writing by the National Secretary-Treasurer of as having complied with this requirement.

3. The term "ballot-qualified member" means a person entitled to receive a ballot and shall include any member in good standing who has his/her dues paid up through the month prior to the month in which the election is held.

4. The term "campaign contribution" means any direct or indirect contribution of money or other thing of value where the purpose, object or foreseeable effect of that contribution is to influence, positively or negatively, the election of a candidate for a National Division Officer position. Campaign contributions include but are not limited to:

- a. A contribution of money, securities, or any material thing of value;

- b. A payment to or a subscription for a fundraising event of any kind (e.g., raffle, dinner, beer or cocktail party, etc.);

- c. A discount in the price or cost of goods or services, except to the extent that commercially established discounts are available to the customers of the supplier;

- d. An extension of credit, except where obtained in the regular course of business of a commercial lending institution and on such terms and conditions as are regularly required by such institutions;

- e. The payment for the personal services of another person, or for the use of building or office space, equipment or supplies, or advertisements through the media; or

- f. The performance of personal services or the making available for use of space, equipment, supplies or advertisements, except that the term "campaign contribution" does not include the performance of services by a volunteer who is not an employer rendered on the volunteer's personal free time without compensation in any form by an employer and without accompanying contributions of supplies or services by an employer.

The term "campaign contribution" does not include payments or services received by the legal and accounting fund established by a candidate or slate to provide legal or accounting services performed in assuring compliance with applicable election laws, these *Rules* or other requirements, or in securing, defending, or clarifying legal rights of candidates.

5. The term "candidate" means any member who is actively seeking nomination or election for any National Division Officer position. The term includes any member who has accepted any campaign contribution as defined by the *Rules* or made any expenditure, where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the election of that member to any such position.

6. The term "certified or registered mail" means mail for which the sender receives evidence of delivery, and includes overnight mail services.

7. The term "Convention" means the National Division Convention of the Brotherhood of Locomotive Engineers and Trainmen, scheduled to be held on or about October 4 through 7, 2010.

8. The term "day(s)" means calendar day(s), unless otherwise specified.

9. The term "Delegate" or "Convention Delegate" means a member elected by secret ballot vote to represent his/her Local Division at the 2010 National Convention, who otherwise satisfies the requirements set forth in the ND Rules.

10. The term "election" means the process by which a member is chosen by the membership to hold a Union office or position, whether or not contested.

11. The terms "Election Day" and "Election Date" shall mean December 15, 2010, or such other day that is determined by the National Secretary-Treasurer consistent with Section 49 of the National Division Bylaws, and these *Rules*.

12. The term "Election Officer" shall mean that person appointed by the National President, with the consent of the Advisory Board, to assist the National Secretary-Treasurer in the performance of the election functions required under Section 49 of the ND Rules, as supplemented by these *Rules*. The Election Officer shall perform all such duties at the direction and under the supervision of the National Secretary-Treasurer, and the National Secretary-Treasurer may delegate any of his duties under Section 49 and these *Rules* as may be necessary and appropriate to conduct the election.

13. The term "Election Protest Committee" shall mean a three (3) member committee of BLET members in good standing that are, or have been, appointed by the Advisory Board of the BLET, for purposes of this election to perform those functions as set forth in Articles II and X herein, as well as their successors and designees, if any. No member of the Election Protest Committee shall be any candidate in this election, or otherwise serve as an observer as provided in Article VI herein, or be related to any candidate or any observer.

14. The term "employer" means any individual, corporation, trust, organization or other entity that employs another, paying monetary or other compensation in exchange for that individual's services, but does not include a candidate's campaign or campaign organization or a caucus or group of Union members, provided that such caucus or group is itself financed exclusively from contributions permitted under the *Rules*. The term "employer" includes not-for-profit employers, and all persons acting as agents of an employer in relation to an employee, and all attorneys whose legal practice includes representation of any railroad employees under FELA or any other federal or state laws, and their firms, partners, associates and employees. Except where otherwise expressly limited, "employer" is not limited to an employer which has a collective bargaining agreement with the Union or which is the subject of an organizing campaign by the Union.

15. The term "employer bulletin board" means any bulletin board or similar space on the premises of an employer which is used for, among other purposes, the posting of general information and/or the posting of notices by employees.

16. The term "General President" means the IBT International Union President, elected by the membership on a union-wide basis.

17. The term "independent committee" means any person or entity not controlled by a candidate

or slate who/which has accepted any campaign contribution, as defined by these *Rules*, or who/which has made any expenditure, where the purpose, object or foreseeable effect of the contribution or expenditure is to influence the election of National Division Officer candidate(s).

18. The term "interested employer" means any employer which is a party, or member of an association which is a party, to a collective bargaining agreement with the Union and any employer which is, or since January 1, 2006 has been, the subject of an organizing campaign by the Union.

19. The term "National Division Officer" means either the National President, the First Vice President, the National Secretary-Treasurer, and any one of the Vice Presidents of the National Division as those offices are defined and described in Sections 2(a), 7, 8, 9, and 10 of the National Division Bylaws, and those alternate ND offices described in Section 1(b) of the ND Rules.

20. The term "National Division Officers Election" means the secret ballot vote of the membership to be held for the purpose of electing the National President, First Vice President, National Secretary-Treasurer, and the Vice Presidents of the National Division, and the alternate ND offices described in Section 1(b) of the ND Rules.

21. The term "labor organization" means any organization recognized or certified as a collective bargaining representative of employees with respect to wages, hours and/or working conditions or any organization seeking to be so recognized or certified. The term includes, but is not limited to, the Union, its subordinate bodies, organizations representing governmental and agricultural employees, all parent and subordinate bodies of a labor organization, all national, state or central bodies with which any labor organization is affiliated,

22. The term "mail ballot" means a ballot mailed to each ballot-qualified member (Definition No. 3).

23. The term "member" means any person who has fulfilled the requirements of membership in any Local Division and who has neither voluntarily withdrawn from membership nor been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the IBT Constitution and the National Division Rules and any Local Division Rules.

24. The term "member in good standing" means a member who has paid his/her dues through the month prior to the month in question.

25. The term "member" or "membership" as used in Section 49 of the ND Rules and these Rules shall mean those "ballot qualified members" as defined in these *Rules*.

26. The term "nominated candidate" shall mean that accredited candidate who is nominated for ND office pursuant to Section 49 of the ND Rules and these *Rules*.

27. The term "petition" means that petition issued and authorized by the National Secretary-Treasurer for the accumulation of signatures by any candidate or slate of candidates who intend to run for election to any ND office or offices, which signatures shall be either that of the President of a Local Division following proper action at a division meeting, or that of the Delegate, naming the candidate or slate of candidates listed therein.

28. The term "slate" means any grouping of two or more candidates by mutual consent.

29. The term "subordinate body" means any organization affiliated with the National Division of the BLET, and includes General Committees of Adjustment, State Legislative Boards, and Local Divisions, as well as any other subordinate body of the IBT and any affiliate thereof.

30. The term "Union" means the National Division, all Local Divisions and all other subordinate bodies of the National Division, and all affiliates of the IBT, unless explicit distinction is made.

31. The term "Union bulletin board" means any bulletin board to which the National Division, General Committee of Adjustment, or Local Division has access for the purpose of posting information concerning the business and/or activities of the Union and includes bulletin boards at the office of the Union as well as bulletin boards located on employer premises.

ARTICLE I Role And Authority of National Secretary-Treasurer

Pursuant to Section 49 of the ND Bylaws and the Advisory Board's resolution of May 29 2009, the National Secretary-Treasurer has the authority to supervise the election of National Division officers. The authority of the National Secretary-Treasurer shall include the authority to supervise all phases of the National Division officer election in accordance with the BLET Bylaws, the IBT Constitution, and applicable federal law. The National Secretary-Treasurer, together with the AAA, is authorized and obligated to certify election results.

The National Secretary-Treasurer has the authority to enforce these *Rules* subject to appeal to the Advisory Board. The National Secretary-Treasurer has the authority to take all necessary actions, consistent with these *Rules*, to ensure a fair, honest, open and informed election. The National Secretary-Treasurer may delegate any of his duties and functions to an Election Officer, as described in these *Rules*, as may be necessary and appropriate to conduct and conclude the election process. The Election Officer, if one is used, shall at all times perform his or her functions under the direction and supervision of the National Secretary-Treasurer.

The National Secretary-Treasurer, and his designees and representatives, including the Election Officer, if any, shall at all times discharge their duties and responsibilities faithfully and impartially.

ARTICLE II Nomination And Election of National Division Officers

1. NOMINATION OF CANDIDATES FOR NATIONAL DIVISION OFFICE

Candidates for National Division office shall be nominated by Delegates at the National Division Convention proceedings. Each BLET member who desires to be nominated for National Division office shall declare his or her intentions in writing to the National Secretary-Treasurer at least thirty (30) days prior to the commencement of the 2010 National Division Convention, which is October 4, 2010; therefore the deadline for a member declaring his intentions to run for office shall be September 3, 2010.

A candidate may only declare his/her candidacy for one National Division office.

2. ELIGIBILITY FOR ACCREDITED CANDIDATE STATUS & RECEIPT OF PETITIONS

Any active member in good standing who desires to be nominated for office must obtain petitions from Local Divisions and/or from Convention Delegates representing five (5) percent of the membership, and file the petitions with the National Secretary-Treasurer prior to the nominations. The form of the petition used for this purpose will be only those issued by the National Secretary-Treasurer, consistent with Section 49 of the ND Bylaws. Petitions from Local Divisions shall be signed by the President of the Local Division based on membership approval as a result of proper action at a Local Division meeting.

The signing of petitions for opposing candidates shall not invalidate the signature on any of the petitions signed.

3. VERIFICATION OF PETITIONS BY NATIONAL SECRETARY-TREASURER

The National Secretary-Treasurer shall take whatever action is necessary to verify the validity and accuracy of petitions and insure that the

petitions represent at least five percent (5%) of the membership. The National Secretary-Treasurer shall advise in writing the results of any petitions received, and the eligibility of any announced candidate or slate who submitted petitions, and further report to the Convention Delegates the status of any petitions received, and the eligibility of any announced candidate or slate who submitted petitions.

In performing the above functions, the National Secretary-Treasurer shall:

(a) Check petitions and void any signature or group of signatures where:

(i) the signatory or circulator failed to sign and print his/her full name or to state his/her Local Division number;

(ii) there are multiple signatures by the same signatory;

(iii) there are forged signatures; or

(iv) the circulator failed to list the name of the candidate or slate, Local Division number and office sought at the top of each form and to certify the accuracy and validity of the petition's contents at the bottom of each form.

(b) Take whatever other action is necessary to verify the accuracy or validity of petition signatures and information.

If the National Secretary-Treasurer finds a candidate or slate has submitted the requisite number of valid signatures on valid petitions, the National Secretary-Treasurer shall certify in writing the candidate as an accredited candidate. No candidate shall be certified as an accredited candidate or slate, unless and until his/her petitions have been checked and verified by the National Secretary-Treasurer.

Each candidate for National Division office shall have the right to inspect, but not copy, any other candidate's petitions at the National Division headquarters, by appointment made with the National Secretary-Treasurer or his designee.

4. ORDER OF NOMINATIONS; NOMINATOR AND SECONDER SPEECHES

The order in which candidates shall be nominated at the Convention shall be as follows: National President, First Vice President, National Secretary-Treasurer, Vice President and National Legislative Representative, Vice President No. 1, Vice President No. 2, Vice President No. 3, Vice President No. 4, Vice President No. 5, Vice President No. 6, Vice President No. 7; and Alternate ND offices in descending order consistent with the above order, as provided in Section 1(b) of the ND Rules. Each nominator and seconder shall be permitted no more than two (2) minutes to announce his or her nominated candidate and to provide any comments regarding the candidate he or she seeks to nominate.

5. VERIFICATION OF NOMINATION RESULTS

The National Secretary-Treasurer shall immediately verify in writing the nomination results after nominations have been held at the National Division Convention. Verification of the nomination of at least one (1) candidate for each and every National Division office shall be completed prior to the adjournment of the Convention. Should only one (1) nomination be made for any office, the presiding officer will cast a ballot to elect the candidate by acclamation, pursuant to Section 6(b) of the ND Rules.

6. APPEALS OF ELIGIBILITY RULINGS TO RUN FOR NATIONAL DIVISION OFFICE

Any appeal of the National Secretary-Treasurer's ruling on a member's eligibility to run for National Division office shall proceed under the requirements set forth in Article 6.9 of the Merger Agreement, and Article XXII, Section 5(a) of the IBT International Constitution. Article XXII, Section 5(a) states, in relevant part:

"Any member who desires to challenge a ruling on eligibility to run for office shall appeal, in writing, within forty-eight (48)

hours after receipt of the ruling to the General President or his designee, who shall decide an appeal within seven (7) days after receipt of the protest. The decision of the General President shall be appealable to the General Executive Board pursuant to the provisions of Article VI, Section 2 of the International Constitution."

7. METHOD OF VOTING AND DATE OF NATIONAL DIVISION OFFICERS ELECTION

Following completion of the nominations process at the National Convention, as provided in the National Division Rules and these *Rules*, the National Division Officers election shall be conducted by mail balloting by AAA, and under the supervision of the National Secretary-Treasurer. Ballots shall be mailed on or about November 15, 2010 and counted on or about December 15, 2010 (the "Election Date"), or on other particular dates to be specified by the National Secretary-Treasurer and communicated in writing to all accredited candidates and other interested parties. In no event shall the deadline for receipt of ballots to be counted be less than twenty-eight (28) days from the date of mailing of ballots.

8. NOTICE OF NATIONAL DIVISION OFFICERS ELECTION

The Notice of Election shall be prepared by the National Secretary-Treasurer. A ballot shall be enclosed with the Notice of Election. The Notice shall state the date by which ballots must be received in order to be counted, the National Division offices subject to the election, and the number of candidates to be elected to each office. The Notice shall provide a clear and complete explanation of the requirements and procedures for voting. The Notice shall also state the requirements for eligibility to vote, including the date by which dues arrearages and/or initiation fees must be paid to the Local Division in order for members to be eligible to vote. The Notice shall specify the method for members who do not receive a ballot to obtain a ballot or a duplicate ballot.

The Notice of Election will contain the following statements concerning potential sanctions:

"No person or entity shall limit or interfere with the right of each BLET ballot qualified member to independently determine how to cast his/her vote and to cast and mail the ballot himself/herself. The BLET shall not hesitate to impose the most severe sanctions for violation of the prohibition against solicitation of a ballot-qualified member's ballot by any other Union member, officer, steward or other person, including, but not limited to, recommending appropriate disciplinary proceedings against members involved, and, when appropriate, disqualifying the candidate on whose behalf ballots were solicited."

The Notice of Election shall be mailed to the appropriate ballot qualified members at their respective addresses contained in the National Division's database, posted on the BLET official website and published in the November, 2009 issue of the ND Newsletter. These mailings shall be done by first class mail. The notice shall also be included in the mail ballot package mailed by the AAA to each ballot qualified member at his/her last known address. The Notice shall also be posted by the National Division on its official website, and distributed to all subordinate bodies, including Local Divisions on or before thirty (30) days prior to the deadline for receipt of ballots to be counted, with instructions to post on their bulletin boards, and shall remain posted through such deadline. The Notice shall inform BLET members who have recently had a change in address of the method for reporting the change in time to receive a ballot at his/her new address.

The National Secretary-Treasurer may provide, or require any subordinate body to provide, such further or additional notice of election as may be deemed appropriate to fully inform all Union members of the election.



9. PRINTING AND HANDLING OF BALLOTS

The National Secretary-Treasurer shall have the authority to designate a standard type of mechanical ballot counting device and to print ballots for the election of National Division Officers which can be counted using this device.

All ballots shall be identified as the "Official Ballot for Election of National Division Officers" and shall be printed in a legible manner, with headings printed in bold face. Ballots and return ballot envelopes shall contain encodings or other markings to prevent forged or otherwise fraudulent ballots from being used, voted or counted.

Ballots shall state the offices open for election and the number of candidates to be elected for each office, and shall instruct the voter to vote for no more than that number of candidates.

Candidates shall be identified on the ballot only by name. Where a similarity in names may cause confusion, appropriate additional identification shall be added.

Full slates shall appear on the ballot first, and partial slates shall appear second, and then individual candidates. Full and partial slates shall appear on the ballot in descending alphabetical order, based on the declared name of the slate. The placement of candidate names on the ballot shall be alphabetical, in descending order, for each office to be elected.

The ballots shall be printed under the direct supervision and control of the National Secretary-Treasurer and the AAA at one site in the United States.

The person or entity printing the ballots shall certify the number printed. The AAA shall maintain custody of the ballots prior to the election. Ballot security shall be maintained throughout the election process.

10. MAILING OF BALLOTS

The National Secretary-Treasurer shall supervise the AAA handling of all aspects of the assembly and mailing of the mail ballot package. The mail ballot package shall be mailed from a single location in the United States to all ballot-qualified members. Each mail ballot package shall contain the Notice of Election, a ballot, a secret ballot envelope, a self-addressed and stamped return envelope pre-labeled by the AAA with the ballot qualified member's name and address and other data sufficient to identify and distinguish the ballot qualified member, and instructions regarding the procedure for mail ballot voting.

Observers shall be permitted to inspect the list of ballot qualified members to whom ballots are being sent. Should any observer claim that a member eligible to receive a ballot has been omitted from the list, such person shall be sent a ballot. If such ballot is cast, it shall be treated as a challenged ballot.

A ballot package shall be mailed to each active member at his/her address contained in the National Division's database within thirty (30) days of the close of the Convention, or as soon as practicable thereafter.

11. CASTING OF VOTES

Once mail ballot materials are received, the ballot-qualified member shall cast his/her vote(s), place the ballot in the secret ballot envelope (without making any mark on that envelope), place the secret ballot envelope in the stamped return envelope, and then place the return envelope in the mail. If the pre-affixed label on the return envelope is missing, the ballot qualified member should write his/her name, address, and Local Division Number in the upper left-hand corner of the return envelope.

Any ballot cast without proper identification on the return envelope or received after the deadline for receipt of ballots shall be void.

12. RECEIPT OF BALLOTS

The AAA shall rent a post office box for the return of the ballots, and shall also rent a post office box for receipt of mail ballot packages returned by postal authorities as undeliver-

able and shall make all reasonable efforts to verify and correct addresses and re-mail the ballot packages. At the request of AAA, the National Secretary-Treasurer will review all incorrect addresses and shall make all reasonable efforts to verify and correct addresses and notify the AAA accordingly.

Any ballot-qualified member not receiving a ballot should contact the AAA immediately if he/she wishes to receive a ballot. Any ballot-qualified member who spoils or loses a ballot should contact the AAA immediately if he/she wishes to obtain a replacement ballot. The AAA shall immediately send such person a mail ballot package, regardless of any question(s) concerning the individual's eligibility to vote. Any such ballot cast shall be treated as a challenged ballot.

All ballots, in order to be considered for counting in the election, must be received by AAA by 10:00 a.m. on Election Day.

13. VERIFICATION OF VOTER ELIGIBILITY

Prior to commencement of the ballot count, and under the direct supervision and control of the AAA, the eligibility to vote of each person casting a ballot shall be verified. Challenges to any ruling on eligibility shall be made in writing by the candidate or observer, and shall be determined by the Election Protest Committee as provided below.

14. BALLOT COUNTING

All ballots shall be counted under the direct supervision and control of the AAA. All challenged ballots shall be segregated. Challenges without merit shall not be entertained by the Election Protest Committee. The Election Protest Committee shall have the authority to declare meritless any challenge not supported by documentary evidence. Where more than one (1) mail ballot is received from a ballot-qualified member, the ballot with the latest postmark shall be counted and the other(s) voided. Where it is not possible to determine the latest postmark, such ballot shall be voided.

No sticker, write-in or proxy votes shall be permitted.

All unchallenged ballots shall be counted first. If the challenged ballots may not affect the outcome of the election for any office, such ballots shall not be counted. If the challenged ballots may affect the outcome of an election for any office, challenges shall be resolved in the following manner. All challenged ballots shall be divided into groups as determined by the Election Protest Committee in a manner such that the secrecy of ballots shall not be undermined. Challenges to ballots so divided shall be resolved by groups in succession. Challenged ballots from each group resolved in favor of eligibility shall be counted until such time as the challenged ballots remaining no longer may affect the outcome of the election for any office. When the remaining groups of challenged ballots may no longer affect the outcome of an election for any office, the count pertaining to that office shall cease and remaining challenges shall not be resolved. After the count is completed, the AAA and National Secretary-Treasurer shall determine the total votes cast for each candidate and announce such election results. Prior to the National Division Officers Election, the National Secretary-Treasurer may issue supplemental guidelines or advisories with respect to other matters relating to these Rules, subject to approval of the Advisory Board.

15. OBSERVERS

Each candidate for National Division Office may observe the process for election of National Division Officers in accordance with Section 49 of the Bylaws, and Articles VII and IX of these Rules.

16. RETENTION OF BALLOTS

All ballots, including those that are challenged, voided, spoiled or unused, all ballot

envelopes and copies of all tally sheets, and voter/membership rosters shall be preserved for one (1) year after the count.

17. PROHIBITION ON INTERFERENCE WITH VOTING

No person or entity shall limit or interfere with the right of any BLET ballot-qualified member to vote, including, but not necessarily limited to, the right to determine independently how to cast his/her vote, the right to mark his/her vote in secret and the right to mail the ballot himself/herself. No person or entity may encourage or require a BLET member to mark his/her ballot in the presence of another person or to give his/her ballot to any person or entity for marking or mailing.

Any violation of this rule may result in disqualification of a candidate who benefits from the violation.

The instructions for balloting included in ballot packages shall contain these prohibitions and shall urge members to vote and return their ballots promptly.

ARTICLE III Eligibility To Vote In National Division Officers Election

1. RULES FOR DETERMINING VOTER ELIGIBILITY

To be eligible to vote in the election for National Division Officers, a member must have his/her dues paid up through the month prior to the month in which the election is held. No member whose dues have been withheld by his/her employer for payment to the Local Division pursuant to his/her voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote by reason of a delay or default in the payment of dues by the employer to the Local Division. Persons eligible to vote under this rule shall include, but not necessarily be limited to, the following:

(a) Each person who is otherwise a member in good standing and whose dues are paid through the month prior to the month in which ballots are counted; and

Under and in accordance with Article X, Section 5(c), of the IBT Constitution, each member otherwise in good standing whose dues record does not reflect that his/her dues have been paid through the month prior to the month in which ballots are counted, who pays his/her dues by check-off, and whose employer has remitted dues for him/her in the last remittance made by such employer, provided that such remittance was received within ninety (90) days of the date on which the ballots are counted.

2. VERIFICATION OF VOTER ELIGIBILITY

The National Secretary-Treasurer will supervise and direct the preparation of Election Control Rosters for all ballot counts and deliver them to the appropriate AAA representative. Prior to the commencement of any count of ballots, the eligibility to vote of each member who cast a ballot shall be verified. An Election Control Roster notation that a member's ballot should be challenged is binding until resolved by the Election Protest Committee. The National Secretary-Treasurer, any member of the Election Protest Committee, any AAA representative engaged in the election counting process, or any candidate or observer present may challenge the eligibility of any member to vote. The ballot of the member whose eligibility to vote is challenged shall be so marked by noting on the outside of the return ballot envelope the reason(s) for the challenge. The Election Protest Committee shall resolve all outcome determinative challenges.

ARTICLE IV Eligibility Requirements For National Division Office

1. ELIGIBILITY TO RUN

To be eligible to run for any National Division Officer position, a member must:

(i) Be in continuous good standing, with dues

paid for a period of twenty-four (24) consecutive months prior to the month of nomination for said position with no interruptions in active membership due to suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments;

(ii) Be employed in an operating craft on surface, subway, elevated lines, in steel plants or other industries, or holding seniority in such service, for a period of twenty-four (24) consecutive months prior to the month of nomination; and

(iii) Be eligible to hold office if elected.

2. MODIFICATIONS OF ELIGIBILITY REQUIREMENTS

The requirements of Section 1 may be met in the following manner:

(a) The continuous good standing requirement may be met by compliance with the withdrawal or transfer card provisions of the International Constitution and the ND Bylaws, or Local Division Rules.

(b) The requirements of Section 1(a)(1) and 1(a)(2) above may be excused or modified in the case of any officer, employee or member on leave of absence granted with the approval of the National Division or General Committee of Adjustment on a nondiscriminatory basis.

(c) Compliance with the requirements of Section 29(h) of the National Division Rules.

(d) All officers and full-time employees of the National Division and of any affiliate (excepting licensed professional personnel employed as such) who are members in good standing of the BLET shall be considered as meeting the requirement of working at the craft within the jurisdiction for the purpose of retaining active membership and of being ruled eligible for election to office.

3. MEETING ATTENDANCE REQUIREMENTS

Neither the National Division nor the Local Division may enforce any meeting attendance requirement as a condition for establishing one's eligibility to run for any National Division Officer position.

4. REVIEW OF ELIGIBILITY

It is strongly recommended that each candidate for any National Division Officer position request that the National Secretary-Treasurer verify his/her eligibility for the position in question sufficiently in advance of nomination so as to permit verification prior to the date of nomination. Such request shall be made to the National Secretary-Treasurer in writing, and the National Secretary-Treasurer shall issue a report on eligibility, in writing, within ten (10) days of such request.

ARTICLE V Campaigning and Access

1. USE OF MEMBERSHIP LISTS

Each candidate has the right, once within thirty (30) days prior to the casting of ballots in any election in which he/she is a candidate, to inspect a list containing the last known names and addresses of all members of the Union who are to participate in such election. The right of inspection does not include the right to copy the list but does include the right to compare it with a personal list of members. However, if the Union permits any candidate to copy the list, all candidates must be notified of this and provided the same opportunity. The Union shall not, in any way, discriminate in favor of or against any candidate with respect to access or use of the membership list.

2. MEMBERSHIP MEETINGS

(a) The following rules shall govern candidate access to membership meetings:

(i) No candidate may be denied access to any meeting of the General Committee of Adjustment or State Legislative Board to which he or she is a Delegate, or to a Local Division meeting to which he/she belongs as a member, or to a regional meeting associa-

tion; however, the General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association need not grant such candidate the opportunity to address the meeting for the purpose of campaigning unless a similar opportunity is granted to another candidate.

(ii) Those candidates who are not Delegates of the General Committee of Adjustment, or State Legislative Board, or who are not members of the Local Division need not be granted access to any meetings of the General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association, unless another non-Delegate or non-member candidate is granted such access. If any candidate, whether a member or not, is permitted to address the General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association meeting for the purpose of campaigning, any nonmember candidate or a credentialed representative of such candidate must be granted equal access and must be permitted to hear the other candidate(s) speak. However, said candidate may be denied access to the meeting during all other times, except where another non-member candidate is permitted to remain.

(iii) A General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association need not allot time for campaigning during any of its meetings. However, if campaigning during such meetings is permitted, the General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association shall notify all candidates for the positions for which such campaigning will be permitted of the opportunity to speak at least five (5) days prior to the meeting and shall divide the time equally between those candidates (or candidates' credentialed representatives) who request an opportunity to speak. The order of appearance shall be determined by lot.

(iv) A General Committee of Adjustment, State Legislative Board, Local Division, or regional meeting association shall not discriminate or permit discrimination in favor of or against any candidate in conjunction with its meetings or otherwise. This requirement shall apply not only to formal presentations by or on behalf of candidates but also to informal campaign activities, such as, for example, comments on candidates during meetings, literature distribution at meetings, literature distribution tables, etc.

(b) Each candidate for National Division office has the right to request from the General Committee of Adjustment, State Legislative Board, or Local Division a list of the dates, times and places of its regularly scheduled general or special membership meeting(s), excepting meetings for limited purposes such as voting on contracts or strikes, handling of grievances, etc. Such request shall be made in writing to the General Committee of Adjustment, State Legislative Board, or Local Division Secretary-Treasurer or principal officer and shall be honored within five (5) days.

3. CANDIDATE LITERATURE AND MAILINGS

(a) The following rules shall govern the publication and distribution of candidate literature:

(i) Each candidate shall be permitted a reasonable opportunity, equal to that of any other candidate, to have his/her literature distributed by the Union, at the candidate's expense. This means: (a) each candidate is entitled to a reasonable number of mailings, whether or not any other candidate makes such request(s); (b) when the Union authorizes distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions and costs shall be made for any other candidate, if requested; and (c) the Union need not distribute any candidate's campaign literature if that can-

didate is not able and willing to pay for the reasonable costs of such distribution.

(ii) The Union shall not be required to distribute literature for a candidate or slate to only a portion or segment of the membership.

(iii) The Union shall honor reasonable requests for distribution of literature by any lawful class or type of mail or postage, including, to the extent permitted by postal regulations, utilization of any nonprofit organization bulk-rate permit of the National Division or any other subordinate body of the Union. All literature distributed through use of the nonprofit organization bulk-rate permit shall clearly state that it is campaign literature, the contents of which are not endorsed by the Union.

(b) Any request for distribution of literature shall be made by the candidate to the National Secretary-Treasurer in writing. The request shall specify the class or type of mail or postage desired. The request shall be accompanied by at least one (1) copy of the literature (if the candidate wishes it to be duplicated by the Union) or by a number of copies sufficient for distribution (if the candidate duplicates the literature him/herself), or by a number of sealed envelopes, containing the literature, sufficient for distribution (if the candidate duplicates the literature and stuffs the envelopes him/herself).

Each candidate shall pay, on a reasonable basis, for the actual cost of distribution, including stationery, duplication, time required to do the work and postage for mailing. The National Secretary-Treasurer may formulate supplemental rules for the processing of all requests for distribution of literature that will minimize any interference with day-to-day operations of the Union.

In complying with requests to mail literature, the Union shall use the current names and addresses that are on file for all relevant members in good standing. Mailing labels shall be prepared through the least expensive system available to the Union.

The Union shall exercise all reasonable efforts to ensure that each candidate's campaign literature is processed and distributed in a complete and prompt manner.

The Union may not censor, regulate, alter or inspect the contents of any candidate's campaign literature. The Union may not refuse to process or distribute any candidate's literature on the basis of its contents.

The Union shall adopt procedures for complying with candidate requests for distribution of literature and shall specifically advise all candidates of those procedures. The Union shall arrange for a mailing service to process and distribute candidate literature, and for such mailing service to receive the literature directly from the candidate. The mailing service shall not discriminate for or against any candidate, however, to the extent practicable all requests will be handled on a "first-come-first-served" basis.

4. UNION-FINANCED PUBLICATIONS

(a) No publication or communication financed, directly or indirectly, by the Union or any affiliate may be used to support or attack any candidate or the candidacy of any person.

(b) Pursuant to Article X of these Rules, any complaint regarding the use of a Union financed newspaper or other publication or communication shall be directed to the Election Protest Committee, in writing, with a copy of the publication enclosed, within two (2) business days after the publication is received by the complaining party.

(c) In addition to the above provisions, the use and content of Union-financed publications and communications is specifically regulated by this Article.

5. SUBORDINATE BODY PUBLICATIONS

No subordinate body need reserve any space in any of its newspapers or publications for the purpose of campaigning, except:

If any candidate is permitted to have his/her campaign material published, all other candidates

must be so advised in writing and provided the same opportunity on an equal basis; or

If the subordinate body has, within the year prior to the date of issuance of these Rules, accepted paid advertising, any candidate shall be permitted the opportunity to have his/her paid political advertisement(s) placed in the publication at the same cost and under the same guidelines available to other advertisers; this right must be granted to all candidates on a non-discriminatory basis. Paid political advertising which is included in such a subordinate body publication shall be clearly identified as such.

6. INTERNET CAMPAIGNING

Pursuant to the authority of the National Secretary-Treasurer to distribute materials about the election, each accredited candidate or slate has the right to have reasonable campaign literature accessible on the BLET website through a prominent link that reads "2010 Election Campaign Literature." Any individual candidate or slate that maintains his or her, or its own website at his or her or its own expense containing campaign materials has the right to have a link from the BLET website. The National Secretary-Treasurer shall have the authority to limit any link of any candidate's or slate's campaign literature that is accessible on the BLET website homepage, consistent with these Rules, to ensure a fair, honest, open and informed election.

7. FREEDOM TO EXERCISE POLITICAL RIGHTS

(a) All Union members retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate, to aid or campaign for any candidate, and to make personal campaign contributions. This includes, but is not limited to, the right to distribute campaign literature (and otherwise to solicit support for a member's candidacy) outside a meeting hall before, during and after a Union meeting, regardless of Union policy, rule or practice.

No candidate or member may campaign during normal business hours, or during his/her working hours, if different. Campaigning incidental to work is not, however, a violation of this section. Further, campaigning during paid vacation, paid lunch hours or breaks, or similar paid time off is also not a violation of this section.

(b) All Union officers and employees, if members, retain the right to participate in campaign activities, including the right to run for office, to support or oppose any candidate or slate openly, to aid or campaign for any candidate or slate, and to make personal campaign contributions. However, such campaigning must not involve the expenditure of Union funds. An endorsement of a candidate or slate may be made by a Union officer or employee, but solely in his/her individual capacity. The Union or a Local Division as such or the Advisory Board or an Executive Board of a General Committee of Adjustment as such may not endorse or otherwise advance a candidacy, even if all members agree on the endorsement or candidacy.

(c) Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigning unless the Union is reimbursed at fair market value for such assistance, and unless all candidates are provided equal access to such assistance and are notified in advance, in writing, of the availability of such assistance. Union officers and employees provided with Union-owned or leased cars, if otherwise afforded the right to utilize those cars for personal activities, may use the cars for campaign activities, provided no costs, or expenses incurred as a consequence of such use are paid out of Union funds or other prohibited sources.

ARTICLE VI

Slates

1. FORMATION

(a) Each candidate shall have the right in conformity with this Article to seek nomina-

tion, be nominated, campaign and appear on the ballot for any National Division Officer position as a member of a slate of candidates, regardless whether the slate is full or partial. No candidate shall be compelled to run as a member of a slate, nor shall any candidate be permitted to run on more than one slate.

(b) To form a slate, there shall be mutual consent between and among all candidates running on the slate. Such mutual consent shall be evidenced by the signing of a declaration by all members of the slate, giving the position being sought by each candidate seeks and the name of the slate to be formed. Slate declaration forms for the nominations and election shall be submitted to the National Secretary-Treasurer. Amended declarations may be submitted adding additional candidates, provided that the deadlines specified in Subsection (c) below are met.

(c) Slate declarations shall be filed at the earliest possible date but in no event later than September 3, 2010. The slate declaration shall include the designation of a treasurer for the slate. The slate treasurer must be a member or retiree of the Union, but need not be a candidate.

2. LIMITATIONS

(a) Once a candidate declares his/her intent to run as a member of a slate, he/she may not retract such declaration unless all members of the slate agree.

(b) The number of slate members shall not exceed the number of positions open for election.

ARTICLE VII

Observers

1. GENERAL RULES

(a) Each candidate or slate appearing on the ballot shall have the right, at his/her/its expense, to have at least one (1) observer present at each and every phase of the election process. Such observer shall be a candidate or a member in good standing of the BLET, or a retired BLET member. For the purpose of observing the printing of ballots, preparation of ballot packages and/or mailing of ballots from a centralized location, a candidate or slate appearing on the ballot may authorize in writing any member of the BLET in good standing or a retired BLET member to serve as his/her/its observer.

(b) The National Secretary-Treasurer may limit the number of observers otherwise permitted for each candidate where security, space limitations or other considerations so require. All candidates shall be treated without discrimination.

(c) The National Secretary-Treasurer shall provide reasonable notice to all candidates and slates of the dates, times and places of all events or activities which candidates may have the right to observe.

(d) Time spent observing shall be considered as time spent on Union business. Therefore, upon written request of any observer, the appropriate Union officer shall so certify to such observer's employer. No observer shall use this privilege for the purpose of campaigning.

2. PROCESSING AND DISTRIBUTION OF CANDIDATE LITERATURE

Observers shall be permitted to observe the processing and distribution of campaign literature for his/her candidate. This shall include the opportunity to observe the duplication of the literature, the stuffing of the envelopes, the placement of the mailing labels or the members' names and addresses, and the postage on the envelopes. Should an observer claim that a member's address is incorrect or that a member eligible to receive a ballot has been omitted from the mailing, such address shall be corrected and/or the member included in the mailing. Observers shall be permitted to accompany and observe any delivery of the literature to a mailing service and/or the delivery of the literature to the post office.



3. PRINTING AND PRE-ELECTION HANDLING OF BALLOTS

Observers shall be permitted to inspect the ballot prototype prior to printing and the printer's certification of the number of ballots printed.

4. MAIL BALLOTS

Observers shall be permitted to observe the entire mailing process. Observers shall be permitted to accompany the ballots to the post office and to observe their mailing.

Observers shall be permitted to be present at the time(s) when those ballots returned as undelivered are picked up from the prescribed post office box and when the envelopes containing those ballots are inspected and counted. Observers shall further be permitted to be present when the cast ballots are picked up from the post office box and to accompany the transfer of such ballots to the location where they are to be counted. Notice shall be given to all affected candidates of the times of such mail ballot pick-ups.

5. OBSERVATION OF ELECTION COUNT

Observers shall be permitted to observe the election count. Observers shall be permitted to be present at the vote counting location. Observers may challenge the eligibility of any voter to vote.

Observers shall not interfere with the AAA or the AAA's representatives in the performance of their duties.

The right to observe includes the right to inspect the opening and set up of the counting machine(s), if any, before the count of the ballots commences, to observe the verification of the eligibility of members who have cast ballots, the determination of eligibility of those members whose right to vote is challenged, the opening of the return ballot envelopes, the count of the votes, and the recording of the final vote count and the counting of the unused, voided and spoiled ballots. Observers shall be permitted to remain with the ballots from the time the count commences until the ballots are counted, including overnight if necessary (at the observer's own expense).

ARTICLE VIII

Campaign Contributions and Disclosure

1. CAMPAIGN CONTRIBUTIONS

(a) Article IV, Section 4 of the IBT Constitution, as amended, provides:

"No candidate for election shall accept or use any contributions or other things of value received from any employers, representative of an employer, foundation trust or any similar entity. Nothing herein shall be interpreted to prohibit receipt of contributions from fellow employees and members of this Union. Violation of this provision shall be grounds for removal from office."

(b) The above provision is hereby made a part of these Rules. However, the foregoing provision does not relieve candidates and contributors of any obligations or prohibitions under the Labor-Management Reporting & Disclosure Act of 1959, as amended.

The following rules shall apply to all campaigns for National Division Officer positions:

(i) Only contributions which are properly solicited, made, accepted and reported under these Rules may be expended or used by candidates or slates for the 2010 National Division Officers Election. Contributions received by any candidate or slate from any individual member or person in the sum of twenty-five dollars (\$25.00) or less are considered *de minimis* under these Rules, and need not be reported by any candidate or slate under these Rules.

(ii) No employer may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is influence, positively or negatively, the election of a candidate or slate. No candidate or slate may accept or use any contribu-

tion. These prohibitions are not limited to employers that have contracts with the Union; they extend to every employer, regardless of the nature of the business and include, but are not limited to, any political action organization that employs any staff, any non-profit organization, such as a church or civic group that employs any staff, and any law firm or professional organization that employs any staff. These prohibitions extend beyond strictly monetary contributions made by an employer and include contributions or use of employer stationery, equipment, facilities and personnel.

(iii) No labor organization, including but not limited to the IBT, the National Division, General Committees of Adjustment, State Legislative Boards, or Local Divisions and all other subordinate Union bodies, whether or not an employer, may contribute, or shall be permitted to contribute, directly or indirectly, anything of value, where the purpose, object or foreseeable effect of the contribution is to influence, positively or negatively, the election of a candidate or slate, except as permitted by subparagraphs (v) and (vi) below. No candidate or slate may accept or use any such contribution. These prohibitions extend beyond strictly monetary contributions made by a labor organization and include contributions and use of organization stationery, equipment, facilities and personnel.

(iv) No candidate, slate, or independent committee, nor anyone acting on behalf of a candidate slate or independent committee, may solicit or accept financial support, or any other direct or indirect support of any kind, from any nonmember, except as permitted in subparagraphs (v) and (ix) below. Nonmember does not include a member's family, except a family member who is otherwise ineligible to contribute under these Rules.

(v) Except as provided herein, the rules in subparagraphs (ii), (iii) and (iv) above do not prohibit a candidate's or slate's solicitation or use of financial support or services from nonmembers, disinterested employers, foundations or labor organizations to pay fees for legal or accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying the legal rights of candidates or slates, if and only to the extent such contributions are received in response to solicitations specifically requesting such funds or services or are contributions so earmarked by the contributor at the time the contribution is made. No nonmember, disinterested employer, foundation or labor organization may contribute more than \$5,000, in total, to the 2010 National Division Officers Election to pay for such legal and accounting services. A candidate or slate may not accept or use any such contribution where the contributing nonmember, disinterested employer, foundation or labor organization has contributed more than \$5,000, in total, to the election to pay for legal and accounting services. A candidate or slate may not accept or use financial support or services from the Union, from any interested employer (or association of employers of which an interested employer is a member), or from any vendor that has performed work for the IBT or BLET or any one of its subordinate bodies within the past 12 months to pay fees for legal and accounting services or for any other purpose. Neither the Union nor any interested employer (or association of employers of which an interested employer is a member), nor any such Union vendor may contribute financial support or services to the candidacy of any member or slate. Nothing herein shall prevent or limit legal or accounting professionals (whether or not Union vendors) from making, or a candidate or slate from accepting or using, an in-kind contribution of legal or accounting services, so long as such services are performed in assuring

compliance with applicable election laws, rules or other requirements or in securing, defending or clarifying the legal rights of candidates or slates. In the event that a candidate demonstrates to the National Secretary-Treasurer that the \$5,000 limit on contributions to pay for legal and accounting services set forth in this subparagraph (v) and in subparagraph (xii)(E), below, prevents the candidate or slate from instituting an action in any Court, or in a proceeding before any administrative agency, the National Secretary-Treasurer has the authority to waive or increase the \$5,000 limitation, or to take other appropriate action.

(vi) No Union funds or other things of value shall be used, directly or indirectly, to promote the candidacy of any individual. Union funds, facilities, equipment, stationery, personnel, etc., may not be used to assist in campaigns unless the Union is compensated at fair market value for such assistance, and unless all candidates and slates are provided with equal access to such assistance and are advised in advance, in writing, of the availability of such assistance. The use of the Union's official stationery with the Union's name, insignia or other mark identifying the Union is prohibited, irrespective of compensation or access. Other use of the Union's name, insignia or mark by Union members, in connection with the exercise of rights under these Rules, is permitted.

(vii) No member may campaign for himself or for any other candidate or slate during time that is paid for by the Union or by any employer. However, campaigning incidental to work or regular Union business or during paid vacation, paid lunch hours or breaks, or similar paid time off is not in violation of the campaign contribution rules.

(viii) Nothing herein shall prohibit any candidate or slate from accepting contributions made by any member, provided that the contribution comes solely from the member as an individual, and not from a person or entity that is prohibited from making campaign contributions under these Rules, and provided further that the member has not reached the contribution limits set forth in these Rules.

(ix) Nothing in these Rules shall prohibit any candidate or slate from accepting contributions made by any caucus or group of Union members, independent committee, or campaign organization of any candidate or slate, or prohibit such caucus or group of Union members, independent committee, or campaign organization of any candidate or slate from making contributions, provided that such caucus, group of Union members, slate, independent committee, or campaign organization is itself financed exclusively from contributions which are permitted and properly reported under these Rules. In no event shall any contributions under this subsection from any caucus or group of Union members, independent committee, or campaign organization of any candidate or slate exceed the sum of \$1,000 for any individual candidate, or exceed the sum of \$105,000 for any slate of candidates. In no case shall they contribute more than \$10,000, in total, for use in the National Division Officer election (not including legal and accounting contributions). If a caucus, group of Union members (including an independent committee under the Rules) receives contributions or funding from sources prohibited under the Rules, such as foundations or labor organizations, the caucus or group can still make campaign contributions if it: (1) properly allocates and segregates resources obtained from prohibited sources from those received from permissible sources under these Rules; and (2) uses only the resources obtained from permissible sources under these Rules for campaign activities.

(x) Nothing herein shall prohibit the donation of services to a candidate or slate by an individual who is not an employer, provided such services are rendered on the individual's personal free time without compensation in any form by an employer or labor organization and without accompanying contributions of supplies or of services of others who are compensated by an employer or labor organization for such services.

(xi) If a candidate or a candidate's or slate's campaign incurs a debt by loan, extension of credit, deferred payment terms, contingency fee arrangement or the like and fails to pay the debt, the debt shall be deemed a contribution made by the creditor to the candidate or candidate's or slate's campaign, unless the creditor has made a commercially reasonable attempt to collect the debt. Whether or not a debt is settled, the candidate or the candidate's or slate's campaign, as the case may be, shall file a debt statement with the National Secretary-Treasurer in his/her/its final Campaign Contribution and Expenditure Report, described in Section 2 of this Article. The statement must indicate the amount initially owed, the date the debt was incurred, the amount paid, the terms of the debt settlement, if any, and the basis for any reduction. The candidate or slate shall attach to the statement copies of all contracts or written agreements concerning the debt and all such documents concerning the provision of goods or services for which the debt was incurred, all bills therefore, all checks for payment of the bill and/or debt and all receipts evidencing payment of any and all parts of the debt.

(xii) Limitations on member contributions.

(A) No candidate for National Division Office shall contribute more than \$5,000, in total, to his or her campaign (not including legal and accounting contributions). A candidate for National Division Office may contribute up to \$1,000 to other individual candidates for use in the National Division Officer election. A candidate for National Division office may contribute up to \$5,000 to a slate or a combination of slates. In no case shall he or she contribute more than \$10,000, in total, for use in the National Division Officer election (not including legal and accounting contributions).

(B) No member who is not a candidate for National Division Office shall contribute more than \$1,000, in total, for use in the National Division Officer election (not including legal and accounting contributions).

(C) No candidate, or member who is not a candidate, shall contribute more than \$5,000, in total, for use in the 2010 National Division Officer Election to pay fees for legal and accounting services performed in assuring compliance with applicable election laws, rules or other requirements or in securing, defending, or clarifying the legal rights of candidates.

(D) Any contributions which are received from a member's family shall count toward the candidate's or member's contribution limits unless the family member is also a member of the BLET or IBT.

(E) A member or candidate may make separate campaign contributions to different candidates, provided that the total amount given by any one candidate or member does not exceed the limits stated herein.

(xiii) Candidates and slates are strictly liable to insure that each contribution received is permitted under these Rules. Prohibited contributions must be returned promptly. Within three (3) days of the return of any contribution, the candidate or candidate's or slate's campaign returning the contribution shall provide to the National Secretary-Treasurer an affidavit identifying the original source and date of the contribution being returned,

the amount of the returned contribution, the person to whom or entity to which the contribution was returned and the date on which the contribution was returned.

(xiv) Ignorance by a candidate, slate, union and/or an employer that union or employer funds or other resources were used to promote a candidacy shall not constitute a defense to an allegation of a violation of these *Rules*.

(c) It is strongly recommended that each candidate or slate notify all prospective contributors of the limitations on campaign contributions prescribed by these *Rules*. It is thus strongly recommended that all candidate or slate campaign literature soliciting contributions specifically provide that no contributions by employers, labor organizations or nonmembers may be made or accepted. It is also strongly recommended that such campaign literature specify the applicable contribution dollar limits. It is strongly recommended that similar disclaimers be issued at all fund-raising events.

(d) The remedy that may be imposed by the Election Protest Committee in resolving any protest concerning a candidate's or campaign's receipt or use of improper contributions will be influenced by the manner in which the contribution was solicited and/or accepted and by whether an appropriate disclaimer was contained in, or issued at the time of, the solicitation.

2. FINANCIAL DISCLOSURE

(a) Who must file

A Campaign Contribution and Expenditure Report ("CCER" or "Report") and a Supplemental Form No. 1: Permitted Employer and Labor Organization Contributions and Associated Expenditures for Legal and Accounting Services ("Supplemental Form No. 1") shall be filed with the National Secretary-Treasurer, by certified or registered mail, on the schedule set forth in this Article, by each of the following:

(i) Every Union member who is a candidate for National Division office, or slate on behalf of such candidate, including any member who has received or solicited any contributions, whether of money or of any other thing of value, or made any expenditures, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of that member as a National Division Officer, whether or not such member is as yet declared, accredited or nominated as a candidate; and

(ii) Every caucus, member group, campaign organization or independent committee which has received or solicited contributions in excess of \$1,000, whether of money or of any other thing of value, or made expenditures in excess of \$1,000, whether of money or of any other thing of value, where the purpose, object or foreseeable effect of any such contribution or expenditure is to influence the election of one or more National Division Officer candidates, whether or not any such candidate is as yet declared, accredited or nominated.

To the extent a caucus, member group, committee or campaign organization is controlled by a candidate or slate, the person or entity is not an independent committee and shall be deemed part of the candidate's or slate's campaign. Receipts and expenditures of such shall be reported by the candidate or slate in each Report and Supplemental Form No. 1 filed by the candidate or slate.

(b) Required Record Keeping

(i) National Division Officers Election

(A) It is the responsibility of each candidate, slate, caucus, member group, independent committee and campaign organization to keep records sufficient to demonstrate compliance with these *Rules*, including but not limited to records of each reportable transaction. Such record keeping must include the name and Local Division number of every contributor and the amount of each contribution, including sales of campaign

paraphernalia. Records of all invoices and bills must also be maintained. Each candidate and slate is subject to audit by the National Secretary-Treasurer upon notice.

(B) It is the responsibility of each candidate, slate, caucus, member group, independent committee and campaign organization to make certain that all contributions, whether in cash or by check, are made only by members. Prior to confirmation of membership status, contributions shall not be deposited or used. The National Secretary-Treasurer's office shall, upon request, provide prompt advice as to membership based on National Division records.

(C) Contributions from persons whose eligibility has not been verified may be deposited into an escrow account established for this purpose.

(c) What Must Be Filed

The forms to be utilized by candidates, slates, independent committees, caucuses, member groups and campaign organizations will be available from the National Secretary-Treasurer. Use of these forms or exact replicas in size 8 1/2 by 11 inches is mandatory. The National Secretary-Treasurer may issue a Supplemental Rule providing for, or requiring, the secure electronic filing of the Report, Supplemental Form No. 1 and Vendor Report.

Each candidate and slate listed in Subsections (a)(i) above, and each caucus, member group, independent committee or campaign organization listed in Subsection (a)(ii) above must file both the Report and Supplemental Form No. 1. Even if such candidate, slate, caucus, member group, independent committee or campaign organization does not solicit or receive any earmarked legal and accounting contributions from nonmembers, employers or labor organizations, Supplemental Form No. 1 must still be filed. Even if such candidate, slate, caucus, member group, independent committee or campaign organization solicits or receives only contributions from nonmembers, employers or labor organizations earmarked for legal and accounting services, or, with respect to an independent committee, where the committee itself, because it is an employer, labor organization, trust, foundation or similar entity, can solicit, receive or expend funds solely in connection with legal and accounting services, that candidate, slate, caucus, member group, independent committee or campaign organization must file a Report.

Each Report and Supplemental Form No. 1 filed by an individual member of the Union must be signed by that member. Each Report and Supplemental Form No. 1 filed by a slate must be signed by the formally designated treasurer of the slate. Each Report and Supplemental Form No. 1 filed by any caucus, member group, independent committee or campaign organization must be signed by a formally designated representative of such caucus, member group, independent committee or campaign organization, as the case may be.

A candidate, slate or independent committee that pays or contracts for goods or services for the 2010 National Division Officer Election in an aggregate amount of \$5,000 or more from a vendor that has performed work for the BLET or IBT or any of its subordinate bodies within the past 12 months, shall file a disclosure ("vendor report"), on a form provided by the National Secretary-Treasurer, which shall set forth the terms of the agreement or payment and the identity of the BLET or IBT bodies for which the vendor has worked. Such disclosure does not apply to banks, telephone companies, utility companies or the United States postal service. Candidates, slates, and independent committees shall file these vendor reports with the National Secretary-Treasurer, who shall make them available to candidates or observers under the same terms and conditions that apply to campaign financing and expenditure reports.

(d) When Filings Must Be Made

(i) Every member who, and every caucus,

member group or campaign organization and slate which, is required to file a Report and Supplemental Form No. 1 shall do so on the following schedule:

(A) On or before January 15, 2010, each such member, slate, caucus, member group, independent committee, and campaign organization shall file a Report and Supplemental Form No. 1 for the period from July 1, 2009 through December 31, 2009. This first CCER must include all requested information retroactive to the first contribution and the first expenditure for the 2010 National Division Officers Election. Each succeeding CCER must include all requested information not included in prior CCERs;

(B) On or before April 15, 2010, each such member, slate, caucus, member group, independent committee campaign organization shall file a Report and Supplemental Form No. 1 for the period January 1, 2010, through March 31, 2010;

(C) On or before July 15, 2010, each such member, slate, caucus, member group, independent committee or campaign organization shall file a Report and Supplemental Form No. 1 for the period April 1, 2010, through June 30, 2010;

(D) On or before October 15, 2010, each such member, slate, caucus, member group, independent committee or campaign organization shall file a Report and Supplemental Form No. 1 for the period July 1, 2010, through September 30, 2010;

(E) On or before January 15, 2011, each such member, slate, caucus, member group, independent committee or campaign organization shall file a Report and Supplemental Form No. 1 for the period October 1, 2010, through December 31, 2010;

(F) On such subsequent date(s) as the National Secretary-Treasurer may determine, each such member shall file a Report and Supplemental Form No. 1 for such subsequent period(s) as the National Secretary-Treasurer may determine; and

(G) The National Secretary-Treasurer may adjust the above schedule for filing campaign financing and expenditure reports if he/she deems it appropriate to do so.

(ii) In the First Report and Supplemental Form No. 1 filed by every member, slate, caucus, member group, independent committee or campaign organization, the person or entity making the filing shall include all information requested for all contributions received for the 2010 National Division Officer Election after July 1, 2009.

(e) Inspection of Filed Disclosure Reports

Upon written request, the National Secretary-Treasurer shall advise any member whether any candidate (whether or not declared, accredited or nominated) or slate identified by the member has made a filing under this Article.

Each accredited candidate shall have the right to inspect and obtain copies, subject to a reasonable charge determined by the National Secretary-Treasurer, of any campaign financing and expenditure reports and/or vendor reports filed by other candidates, slates, caucus, member group or campaign organization, upon reasonable request at the National Division headquarters, upon such reasonable terms and conditions as the National Secretary-Treasurer may establish for processing such requests. The National Secretary-Treasurer, in his discretion, may require candidates or slates to transmit copies of their campaign financing and expenditure reports and vendor reports to other candidates or their representatives.

ARTICLE IX Rights and Duties Under the Labor Management Reporting & Disclosure Act Of 1959

The following sections of the Labor-Management Reporting & Disclosure Act of 1959, as amended ("LMRDA"), 29 U.S.C. Sections 401-531 (1988) are incorporated into and made a part

of these *Rules*:

- LMRDA Section 101 (a)(1) (equal rights and privileges);

- LMRDA Section 101 (a)(2) (freedom of expression and assembly);

- LMRDA Section 104 (right to inspect or receive copy of collective bargaining agreements);

- LMRDA Section 401(c) (distribution of campaign literature; prohibition against discrimination in use of union membership list, inspection of membership list, safeguards to insure fair election);

- LMRDA Section 401 (e) (reasonable opportunity to nominate, eligibility to hold office, voting and campaigning without interference or reprisal, notice of election, right to vote, preservation of election records, following union constitution and bylaws where consistent with LMRDA);

- LMRDA Section 401 (g) (prohibition on use of union or employer assistance in campaigning); and

- LMRDA Section 609 (prohibition on union discipline for exercising rights under LMRDA).

Insofar as the foregoing sections of the LMRDA may regulate conduct unrelated to nominations or election of National Division Officers, they are not incorporated into these *Rules* and shall not be enforced in this election.

ARTICLE X

Protest and Appeal Procedures; Remedies

1. RIGHT TO FILE PROTESTS

Any candidate, member, General Committee of Adjustment, State Legislative Board, or Local Division of the National Division may file a protest with the Election Protest Committee alleging noncompliance with these *Rules*, or appeal to the Advisory Board any decision of the Election Protest Committee concerning a protest, free from any direct or indirect retaliation or threat of retaliation by any Union officer, member, candidate or by any other person or entity for such filing. With respect to any protest, it shall be the burden of the complainant to present a preponderance of reliable evidence that a violation has occurred. No protest of any person or entity shall be considered if such person or entity, or anyone acting under their direction or control or on their behalf, caused or significantly contributed to the situation giving rise to such protest.

2. PRE-ELECTION PROTESTS

Except as provided in Subsection (c), pre-election protests shall be processed in the following manner:

(a) Protests regarding violations of the LMRDA (including violations of the IBT Constitution or BLET Bylaws) allegedly occurring prior to the date of issuance of these *Rules* and protests regarding any conduct allegedly occurring within the first twenty-eight (28) days after issuance of these *Rules* must be filed within thirty (30) days of the date of issuance of these *Rules*, or such protests shall be waived.

(b) All other pre-election protests, including, by way of example only, the following, must be filed within forty-eight (48) hours of the time when the protestor becomes aware or reasonably should have become aware of the action protested or such protests shall be waived:

(i) Protests regarding eligibility of candidates, as provided in Article XXII, Section 5(a) of the IBT International Constitution;

(ii) Protests regarding alleged failures to provide proper access to the membership, including, e.g., alleged violations of these *Rules* regarding access to collective bargaining agreements, Union meetings, or employer premises;

(iii) Protests regarding alleged improper or inequitable treatment of the candidate or his/her supporters by the Union, by any other labor organization or by an employer, including improper handling of the candidate's request for mailings by the Union, improper or inequitable denial of access to



the membership or to relevant information by the Union, by any other labor organization or by an employer, and improper or inequitable aid or support, financial or otherwise, given or denied a candidate or his/her supporters by the Union, by any other labor organization or by an employer;

(iv) Protests regarding alleged improper contributions, application or use of nonmember, employer or labor organization funds or other resources; and

(v) Protests regarding alleged improper pre-election threats, coercion, intimidation, acts of violence or retaliation for the exercise of rights protected by these *Rules*.

(c) The deadline for the filing of protests concerning the nomination of a candidate for National Division office shall be the earlier of the deadlines imposed by this Section and by Article XXII, Section 5(a) of the IBT Constitution.

(d) All protests concerning pre-election conduct shall be filed by sending a clear and concise written statement of the alleged improper conduct to both the Election Protest Committee at the National Division headquarters, and to the affiliates involved. The protest should identify by name, address and telephone number each person who or entity which is or may be a subject of the protest. This statement shall be delivered by personal delivery, overnight mail or by facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limits prescribed by these *Rules* and shall include the name(s), address(es), telephone number(s), electronic mail address, and Local Division number(s) of the complainant(s).

(e) The Election Protest Committee shall provide a copy of the protest to any person who or entity which the Election Protest Committee determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the Committee.

(f) The Election Protest Committee shall evaluate the protest and shall:

(i) determine the merits of the protest and, if found meritorious, determine the appropriate remedy; or

(ii) defer making a determination until after the election and thereby treat the matter as a post-election protest pursuant to Section 3 of this Article, as if such protest were filed on Election Day

The Election Protest Committee shall determine the protest within seven (7) days of receipt, unless the protest was filed pursuant to Section 2(a) above, in which case the Election Protest Committee shall determine the protest within twenty-one (21) days of docketing.

(g) The Election Protest Committee shall have the authority to obtain, or to have the National Division obtain and provide information necessary to assist in resolving any protest. The Union (including subordinate entities) and all members, and candidates, are required to cooperate with the Election Protest Committee. Failure to cooperate with the Election Protest Committee may result in filing Article XIX charges against the individual or affiliate.

(h) The Election Protest Committee shall notify the complainant(s), the Union(s) involved, any candidate(s) adversely affected, any person who or entity which is the subject of the protest of the decision or remedy within the time limit prescribed by this Section.

(i) The complainant(s), the affiliate(s) involved, if any, any adversely affected candidate(s), or any other person who or entity which is aggrieved by the determination of the protest may, within forty-eight (48) hours of receipt of the decision, appeal the decision to the Advisory Board. The appeal shall be made in writing and shall specify the basis for the appeal and the error(s) alleged by the Election Protest Committee. The appeal shall be transmitted to the Advisory Board at the National Division, to the Election Protest Committee, and to all other parties to the dispute by personal delivery, overnight mail, or fac-

simile transmission with a copy sent by regular mail immediately thereafter, within the time limit prescribed above, with a copy of the original protest attached.

(j) If no timely appeal is taken from the determination of the Election Protest Committee, that determination shall become final and binding.

(k) The Advisory Board shall have the authority to conduct a hearing concerning any matter appealed to it or to decide the matter without a hearing based on written materials submitted within a reasonable deadline established by it. In deciding whether to conduct a hearing, the Advisory Board shall consider the seriousness of the violation(s) alleged in the protest. If the Advisory Board decides to conduct a hearing concerning a matter appealed to it, it shall commence and conclude the hearing within five (5) calendar days after receiving the appeal at a location and in a manner that it determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal. The following individuals may participate in the hearing: the complainant(s) and/or her/his representative(s); any representative(s) of the affiliate(s) involved, any person who or entity which is the subject of the decision or remedy involved and/or her/his/its representative(s), the Election Protest Committee or one of its representative members, the person(s) filing the appeal, if other than the complainant, and/or her/his representative, and any other person who obtains permission from the Advisory Board or its designee.

At each such hearing, the Election Protest Committee or its representative shall present to the Advisory Board or its designee a summary of the original determination, including a statement of the facts found, the resolution reached and the basis for that resolution.

(l) Within ten (10) calendar days from the the Advisory Board's receipt of the appeal or from the conclusion of the hearing, whichever occurs later, the Advisory Board shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The Advisory Board shall be permitted additional time to consider and decide the appeal, if warranted under the circumstances. The decision shall be effective upon issuance. In issuing a decision concerning matters appealed under these *Rules*, the Advisory Board shall give due consideration to any time exigencies that may be brought to its attention by the parties. The Advisory Board's decision shall be sent to the complainant(s), the affiliate(s) involved, if any, the Election Protest Committee, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy and any other person who or entity which, with permission of the Advisory Board, participated in the appeal.

3. POST-ELECTION PROTESTS

Protests concerning Election Day or post-Election Day conduct ("post-election protests") shall be processed in the following manner:

(a) Protests regarding any alleged improper Election Day or post-Election day conduct or event must be filed within seventy-two (72) hours of the announcement of the election results of the National Division Officers election.

If the above time limits are not met, the protest shall be waived.

(b) Post-election protests shall only be considered and remedied if the alleged violation may have affected the outcome of the election, except that any timely protest alleging improper threats, coercion, intimidation, acts of violence or retaliation for exercising any right protected by these *Rules* shall be considered and remedied without regard to whether the alleged violation affected the outcome of an election.

(c) All post-election protests shall be filed by sending the Election Protest Committee and the affiliate(s) involved, if any, a clear and concise written statement of the alleged improper conduct, including a statement explaining how such

conduct may have affected the outcome of the election. Such statement shall be delivered to the Election Protest Committee and the affiliate(s) involved, if any, by personal delivery, overnight mail, or facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limits prescribed by Subsection 3(a) above and shall include the name(s), address(es), telephone number(s), and Local Division number(s) of the complainant(s). The protest should identify by name, address and telephone number, each person who or entity which may be a subject of the protest.

(d) The Election Protest Committee shall provide a copy of the protest to any person who or entity which the Election Protest Committee determines may be a subject of the protest, decision or remedy. Each such person or entity shall have the opportunity to present evidence and/or legal argument to the Election Protest Committee.

(e) The Election Protest Committee shall evaluate the protest and, within ten (10) days of the filing of a protest shall determine the merits of the protest and, if found meritorious, determine the appropriate remedy.

The Election Protest Committee shall notify the complainant(s), the Union(s) involved, if any, any candidate(s) adversely affected, any person who or entity which is the subject of the decision or remedy and the Advisory Board of its decision within the time limits prescribed above.

(f) The complainant(s), the affiliate(s) involved, if any, any adversely affected candidate(s), or any other person who or entity which is aggrieved of the determination of the protest may, within forty-eight (48) hours after receipt of the decision, appeal the decision to the Advisory Board. The appeal shall be made in writing and shall specify the basis for the appeal. The appeal shall be delivered to the Advisory Board at the National Division headquarters and to all other parties to the dispute by personal delivery, overnight mail, or facsimile transmission with a copy sent by regular mail immediately thereafter, within the time limit prescribed above, with a copy of the original protest attached.

(g) If no timely appeal is taken from the determination of the Election Protest Committee, that determination shall become final and binding.

(h) The Advisory Board shall have the authority to conduct a hearing concerning any post-election matter appealed to it or to decide the matter based on written materials submitted within a reasonable deadline established by it. In deciding whether to conduct a hearing, the Advisory Board shall consider the seriousness of the violations alleged in the protest. If the Advisory Board decides to conduct a hearing concerning any post-election matter appealed to it, it shall commence and conclude the hearing within fifteen (15) calendar days after receipt of the appeal at a location and in a manner that the Advisory Board determines most appropriate to elicit fully all relevant facts and information necessary to determine the appeal within the prescribed time period. The following individuals may participate in the hearing: the complainant(s) and/or her/his representative(s), any representative(s) of the affiliate(s) involved, any person who or entity which is the subject of the decision or remedy involved and/or her/his/its representative(s), the National Secretary-Treasurer and/or her/his representative, the person(s) filing the appeal, if other than the complainant and/or her/his representative, and any other person who obtains permission from Advisory Board.

At each such hearing, the Election Protest Committee, or its representative shall present to the Advisory Board or its designee a summary of the original determination, including a statement of facts found, the resolution reached and the basis for that resolution.

(i) Within fifteen (15) calendar days from the Advisory Board's receipt of the appeal from a decision or from the conclusion of a hearing concerning a protest, whichever oc-

curs later, the Advisory Board shall issue a written decision, making whatever findings and ordering whatever relief is appropriate to resolve the appeal. The decision shall be effective upon issuance. In issuing a decision concerning matters appealed under these *Rules*, the Advisory Board shall give due consideration to any time exigencies that may be brought to its attention by the parties. The Advisory Board's decision shall be sent to the complainant(s), the Union(s) involved, the Election Protest Committee, any candidate(s) adversely affected by the decision, any person who or entity which is the subject of the appeal decision or remedy and any other person who or entity which, with permission of the Advisory Board, participated in the appeal.

4. REMEDIES

If as a result of any protest filed, the Election Protest Committee determines that these *Rules* have been violated or that any other conduct has occurred which may prevent or has prevented a fair, honest, open and informed election, the Election Protest Committee may take whatever remedial action is appropriate. Such remedial action may include, without limitation:

(a) placing or removing any nominee from the ballot;

(b) qualifying or disqualifying any member from seeking any National Division Officer position;

(c) qualifying or disqualifying any member from voting;

(d) reinstating or removing a member's good standing status;

(e) requiring or limiting access;

(f) requiring the Union or any affiliate to mail or otherwise distribute, at its own expense, candidate campaign materials;

(g) mailing or otherwise distributing candidate campaign materials;

(h) requiring the Union or any affiliate to hold meeting(s) and prescribing the content of such meetings;

(i) requiring the return of campaign contributions;

(j) requiring reimbursement for goods or services;

(k) requiring the Union or any affiliate to provide candidate(s) with specific goods or services;

(l) establishing or altering the time method(s) or location(s) for ballot counting;

(m) qualifying persons other than her/his representatives, whether or not such persons are Union members, to serve as observers;

(n) disqualifying observers;

(o) ordering entry for observers and regulating the number and conduct of observers;

(p) requiring the Union, any affiliate, or member to pay for distribution of election materials; and

(q) requiring immediate compliance with these *Rules*, or any portion thereof.

ARTICLE XI

Forms

The National Secretary-Treasurer shall promulgate forms for use in connection with the 2010 National Division Officers Election. The National Secretary-Treasurer reserves the authority to promulgate such additional forms as may be necessary or desirable. Unless the form states on its face that its use is mandatory, the form serves only as a model.

For mandatory forms, a duplicate or an exact replica shall be used. For model forms, either the form itself or any reasonable facsimile may be used.

APPROVED AND ACCEPTED, by the Advisory Board of the Brotherhood of Locomotive

Engineers and Trainmen, on this 29th day of May, 2009.

WILLIAM C. WALPERT
NATIONAL SECRETARY-TREASURER

A message from
Teamsters General President
James P. Hoffa

Panama: Don't Bank On It

If we've learned anything in the past 15 years, it should be that off shoring jobs and deregulating financial services are certain to weaken the U.S. economy.

In light of those painful lessons, it's hard to understand why the U.S. Trade Representative would push a trade deal with Panama. The deal would not only encourage U.S. companies to move jobs to Panama and elsewhere, but it would encourage banks to set up subsidiaries there to avoid regulation.

In the State Department's own words, "Panama is an offshore financial center that includes offshore banks and various forms of shell companies that have been used



by a wide range of criminal groups globally for money laundering."

The proposed trade deal would do nothing to change Panama's status as a haven for money launderers and tax cheats.

But the banks and the multinationals are used to getting what they want - despite the failure of trade deals modeled after NAFTA, despite the public's rejection of them, even despite President Obama's pledge to crack down on tax havens.

What the banks and multinationals ultimately want is a global marketplace with rules to protect economic elites, but not the public interest. Ever since NAFTA, they've succeeded.

Senate Majority Leader Dick Durbin put his finger on the reason why when he said the other day, "The banks - hard to believe in a time when we're facing a banking crisis that many of the banks created - are still the most powerful lobby on Capitol Hill. And they frankly own the place."

The deal would also give Panama-based subsidiaries of U.S. banks greater rights within the United States than the Constitution provides U.S. citizens. It would give Panama-based investors the same rights that NAFTA gives foreign investors - the rights to challenge state and federal laws. Companies like AIG want this trade deal so they can get the right to directly sue the U.S. government in foreign tribunals.

Deregulating financial services was a colossal mistake. It directly led to the housing bubble and an overleveraged financial system that created the current financial crisis.

Approving NAFTA and the other deals modeled on it was another colossal mistake. Trade deals ever since NAFTA have caused millions of jobs to leave the country. They've depressed wages, shuttered factories, led to the loss of 300,000 family farms and brought about the trade imbalances that also contributed to the current economic crisis.

Fraternally,

James P. Hoffa

James P. Hoffa
TEAMSTERS GENERAL PRESIDENT

PHOTO OF THE MONTH



Maurice E. Sherffius a member of BLET Division 621 in Wymore, Neb., retired on June 3, 2009. He is pictured here in Lincoln, Neb., on the day he retired. His railroad career began on June 5, 1969, and he joined the BLET on August 1, 1973. "He was an outstanding engineer," said Rich Duncan, Assistant Superintendent of the BNSF Railway's Nebraska Division-Lincoln. Photo: courtesy Rich Duncan

Advisory Board May Activity

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

National President Edward W. Rodzwick - National Division office: General supervision of BLET activities; General office duties; Various correspondence & phone calls; President, Teamsters Rail Conference; IBT Unity Conference; Amtrak General Committee meeting; BNSF General Committee meeting, GC Rick Gibbons; NCCC meeting; Advisory Board mtg.

First Vice-President and Alternate President Paul T. Sorrow - Performed various duties in Office Administrator capacity; Various duties assigned to First Vice President; Various correspondence and telephone communications; General supervision of Special Representatives; Teamsters Unity Conference, Las Vegas; Public Law Board 7093 GTW General Committee of Adjustment; CSX Northern Lines GCofA mtg.; Hours of Service mtg., Washington, D.C.; Advisory Board mtg., Cleveland.

National Secretary-Treasurer William C. Walpert - General supervision of BLET financial, record depts.; ND office; BLET Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; Safety Task Force; Meetings with vendors and financial institutions; Standard Building operations oversight; Unity Conference, Las Vegas; IBT Rail Conference mtg., Las Vegas; Mtg. w/ United Healthcare, Cleveland; Mtg. w/ IBT, Washington, D.C.; Midwest Rail Craft Scholarship Fund event, Kansas; BNSF (fmr. SLST) GCofA mtg., Kansas City; Advisory Board mtg., Cleveland.

Vice-President Merle W. Geiger Jr. - Assigned to: Kansas City Southern; Texas Mexican Railway; MidSouth Rail; SouthRail; Gateway Western; CP Rail System/US; Utah Railway; Indiana Harbor Belt; Belt Railway of Chicago; Great Western Railway; and Panhandle Northern Railway; HR 2095 mtg. w/ GC Koonce and KCS, Kansas City, Mo.; Claims conference w/ GC Koonce and KCS, Kansas City, Mo.; Mtg. w/ GC Parker and KCS, Kansas City, Mo.; Advisory Board conference call; Advisory Board mtgs., Cleveland; Correspondence, research and general office duties.

Vice-President Stephen D. Speagle - Assigned to Burlington Northern Santa Fe, Montana Rail Link, Pacific Harbor Line, Missouri & Northern Arkansas (M&NA), National Wage/Rule Committee; General office duties; Mtgs. on RSIA with BNSF, Fort Worth, Texas; Claims conference w/ M. Wilson Committee, Fort Worth, Texas; Mtgs. on RSIA w/ BNSF and UP Divisions, El Paso, Texas; Vacation; Wabash Hospital mtg., Decatur; Rick Gibbons General Committee mtg., Kansas City; Advisory Board mtg., Cleveland.

Vice-President E.L. "Lee" Pruitt - Assisted general chairmen & members of: UP-Western Lines; UP-Western Region; UP-Central Region; UP-Southern Region; UP-Tacoma Belt; UP-Eastern District; New York Dock Ft. Madison mtg., UPSRGCA, Ft. Madison to Chicago, Ft. Madison; 2008 RSIA mtgs., UPWLGCA, Divisions 22 and 192 and BNSF, El Paso, Texas; Ebb & flow negotiations, UPSRGCA, assisting GC Gore; Advisory Board conference call; Extra board guarantee dispute, UPSR & CR GCAs, assisting GCs Gore and Rightnowar; Advisory Board mtg., Cleveland;

Various office duties, paper work, filing, telephone calls, etc.; Various assistance to all General Chairmen, UPRR & Tacoma Belt & STD.

Vice-President & National Legislative Representative John P. Tolman - Assigned to BLET Washington, DC office; BLET Security Officer; General Office Duties, telephone, correspondence; Coordinate content of NLO website; Teamsters Unity Conference, Las Vegas; Amtrak/MBCR/Connex GCA mtg., San Francisco; BNSF (SLSF)/MNA GCA mtg., Kansas City, Mo.; Advisory Board mtg., Cleveland; Several lobbying mtgs. on the Hill; Mtg. w/ JP Morgan on Surface Transportation Reauthorization; Monthly State Legislative mtg.; Hearing on Hazardous Materials Transportation Safety, stake holder's mtg.; Hearing on Railroad Antitrust; Various fundraisers, Washington, D.C.

Vice-President Marcus J. Ruef - Assigned to Amtrak; Port Authority Trans Hudson (PATH); Long Island Railroad (LIRR); Southeastern Pennsylvania Transportation Authority (SEPTA); New Jersey Transit (NJT); MNR; and NYAL; Represent GC Dixon at investigatory interview, SEPTA, Philadelphia; Assist GC Overton w/ UTU-E seniority dispute, NS-S; Prep for Arbitration Workshop; NRAB administration; Assist GC Davis w/ SBA 1063 issues, NS-N; Arbitration Dept. and NRAB administration duties; Assist GC Nunziato a/ door enabler issue, PATH; GC Arbitration Workshop, St. Louis, Mo.; Vacation; NJT H&W query; PLB 7159/SBA 1063 award adoption, NJT, NS; National Academy of Arbitrators annual meeting, Chicago; Advisory Board mtg., Cleveland; Arbitration Dept. staff mtg., Cleveland; Correspondence, paperwork, telephone calls.

Vice-President Dennis R. Pierce - Assigned to all CSX General Committees - Eastern Lines, Western Lines, Northern Lines, Conrail (SAA/CSX-Northern District) - and Indiana Rail Road, Alabama State Docks; Special projects, BNSF GCofAs; General office duties; IBT Unity Conference, Las Vegas; Public Law Board 7302 hearing, Jacksonville, Fla.; Rail Safety/ Hours of Service mtgs., CSX Labor Relations and CSX-N CSX-W and CSX-E GCAs, Jacksonville; SSA dispute resolution cmte. Mtg., CSX Labor Relations and CSX-N CSX-W and CSX-E GCAs, Jacksonville; General Committee mtg., CSX-Northern Lines, Orlando, Fla.; Advisory Board conference call, RSIA/HOS; CSX-E GCA conference call, Tampa Waycross ID service; Advisory Board mtg., Cleveland.

Vice-President Mike Twombly - Assigned to Delaware & Hudson; Springfield Terminal; St. Lawrence & Atlantic; Montreal, Maine & Atlantic; Union Railroad; Birmingham Southern; New York, Susquehanna & Western; New England Central; South Buffalo Rwy.; Iowa, Chicago & Eastern; Indiana & Ohio; Indiana Southern; Louisville & Indiana; Meridian Southern; Talleyrand Terminal Railroad; Springfield Terminal contract negotiations, Billerica, Mass.; Division 112 mtg., Greenfield, Mass.; IC&E contract negotiations, Sioux Falls, S.D.; Advisory Board mtg., Cleveland.

Vice-President Willard E. Knight - to: All Norfolk Southern General Committees and Wheeling & Lake Erie; Assisted NS Eastern Region GCofA office; Mtg. w/ Local Chairman Division 79, re: idling of Buckeye Yard, Columbus, Ohio; Attended NS-Eastern Region GCofA mtg., Roanoke, Va.; Mtg. w/ General Chairman Cole Davis and NS Labor Relations, Florence, Ky.; Advisory Board mtg., Cleveland; General office duties.



Locomotive Engineers And Trainmen News
Brotherhood Of Locomotive Engineers And Trainmen
A Division Of The Rail Conference,
International Brotherhood Of Teamsters

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VOLUME 23 • NUMBER 7 • July 2009

LOCOMOTIVE ENGINEERS & TRAINMEN NEWS (ISSN 0898-8625)
is published monthly by the Brotherhood of Locomotive Engineers & Trainmen,
1370 Ontario Street, Cleveland, OH 44113-1702.
Periodicals postage paid at Cleveland, OH.

POSTMASTER: Send address changes to
Locomotive Engineers & Trainmen News - BLET Records Department,
1370 Ontario Street, Mezzanine Cleveland, OH 44113-1702.



Periodicals Postage
PAID
at Cleveland, OH.,