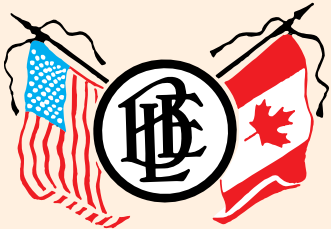




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Railroad retirement bill goes down to the wire

At press time, the future of legislation designed to improve benefits for active railroad workers, retirees and surviving spouses, and to provide reductions in Tier II tax levels for railroads, continues to be mired in political intrigue in the United States Senate.

The bill, which the House of Representatives passed by a 391-25 margin, has 83 Senate co-sponsors, and is awaiting introduction on the Senate floor.

The proposed measure, which would reduce the vesting requirement from 10 years to five, eliminate the actuarial reduction for those who retire prior to age 62, increase surviving spouses' annuities and eliminate the Railroad Retirement maximum benefit, has no opposition among either rail labor or management. However, the bill is being attacked by outside interests, including the National As-

sociation of Manufacturers (NAM) and various groups promoting the privatization of Social Security.

Three ultra-conservative Senators — Pete Domenici (R-NM), Phil Gramm (R-TX) and Don Nickles (R-OK) — have thus far successfully convinced Senate Majority Leader Trent Lott (R-MS) to hold the bill from consideration by the full Senate.

Their opposition is based on two factors. One is a desire by ultra-conservative legislators to completely privatize the Railroad Retirement system as a prelude to a plan to privatize Social Security. The other concerns the fact that — under the federal government's unitary budget scoring system — transfers of Railroad Retirement funds from the U.S. Treasury to the new Railroad Retirement Trust Fund could be scored as a reduction in assets on the federal books.

BLE International President Edward Dubroski criticized these eleventh-hour political maneuvers.

"Even though Railroad Retirement is governed by federal law, it historically has reflected the agreement of labor and management, not some political process," Dubroski said. "Our pensions are not the concern of the NAM and other Social Security privateers. And the budget scoring issue is nothing more than a red herring, because Railroad Retirement funds can't be used for any purpose outside the system."

If the logjam is broken prior to Congress adjourning, then passage by the Senate is certain. At press time, it was unclear when the Senate would adjourn. Enactment into law by President Clinton would make the increased benefits effective on January 1, 2001. •

Contract talks stymied by UTU agreement

The BLE National Wage Committee met with railroad industry negotiators in Washington during the week of October 9, in the latest effort to move forward with bargaining on Section 6 notices served last November.

The talks, originally scheduled for October 2, were postponed for a week after the announcement of a tentative agreement between the carriers represented by the National Carriers' Conference Committee (NCCC) and the United Transportation Union (UTU).

Chief industry negotiator Robert F. Allen provided the BLE Wage Committee with copies of the tentative UTU agreement, which includes the following major provisions: a \$1,200 lump sum payment to all pre-85 employees on April 1, 2001; annual general wage increases of 2.5%, 3%, 2.5% and 3%, beginning on July 1, 2001, with a property-by-property option to provide alternative compensation in lieu of the general wage increase; elimination of the post-85 rules governing deadheading and initial and final terminal

delay by the introduction of "trip rates" in all classes of road freight service by July 1, 2003; bringing all current employees compensated under the entry rate progression up to full rates on January 1, 2003; and deferral of health and welfare issues to negotiations being conducted by a coalition of all crafts.

After reviewing the agreement and presenting the carriers with over two dozen questions concerning various provisions, which were answered by NCCC, the Wage Committee informed the car-

riers that the UTU agreement was deficient in several respects.

First, that the economic components of the deal were inadequate, given record industry profits in four of the past five years. Second, that the costs and benefits of the package are more favorable for UTU-represented employees than they would be for locomotive engineers. Third, that several issues of concern to the BLE were not addressed whatsoever.

See Contract Update, Page 6

Switching fatalities reach crisis proportions in U.S.

Fatalities caused by railroad switching operations have reached "crisis" proportions in the United States, and the Brotherhood of Locomotive Engineers is helping to spearhead a safety campaign with government regulators and industry leaders to save lives.

In the first 10 months of this year, 10 fatalities have occurred in switching operations. From January of 1992 to July of 1998 — a period of 79 months — there were 76 employee fatalities in switching operations, an average of nearly one per month.

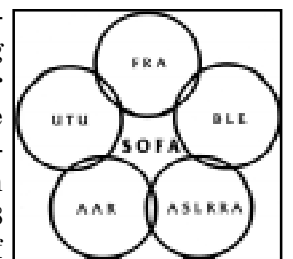
The Federal Railroad Administration issued a joint declaration in September which states in part, "We, as a Railroad Community, will initiate an unprecedented sustained safety campaign on the crisis situation responsible for causing deaths and injuries that occur during switching operations."

The declaration was supported by the BLE, United Transportation Union, the Association of American Railroads and the American Short Line and Regional Railroad Association. These organizations comprise the Switching Operations

Fatality Analysis Working Group — or SOFA. The group was originally formed in February of 1998 at the request of FRA to review

switching operations accident reports and to develop recommendations for reducing fatalities and injuries.

See SOFA Lifesavers, Page 2



BLE NEWS

NTSB hosts training seminar for Safety Task Force

Members of the BLE's Safety Task Force's (STF) Primary Team recently participated in an orientation program conducted by the National Transportation Safety Board (NTSB) in Washington, D.C. The NTSB is charged by Congress with broad powers to investigate accidents in all transportation modes, including rail.

BLE Vice-President William Walpert, who is the current National Chairman of the Safety Task Force, arranged for the training program with the NTSB.

"The training was conducted to ensure that all of our Primary Team Safety Task Force members were familiar with the regulations and procedures of the National Transportation Safety Board so as to facilitate a better working relationship with the agency when we're called upon to assist in accident investigations," Walpert said.

He went on to explain that the training was organized as a result of a request he made to the NTSB some time ago.

The number of STF zones across the United States was recently reduced from five to two. Territory east of the Mississippi River is under the direction of Zone Leader John Tolman, and territory west of the Mississippi is under Zone Leader Dave Ditzel. Both have had considerable experience with all



Seated, from left: Carl Fields (Chicago), BLE-STF Zone Leader John Tolman, NTSB Board Member John Goglia, BLE Vice-President William Walpert, BLE-STF Zone Leader Dave Ditzel, and Ed Way (St. Louis). Standing, from left: NTSB Member James P. Dunn, NTSB Member Robert Lauby, Don Bergman (Tucson, Ariz.), Tom O'Brien (Chicago), Marvin Merchant (Kansas City), Roland Kleinsorge (Los Angeles), Dan Lauzon (Boston), Ben Blissett (Roanoke, Va.), Rodney Stutes (Houston), Ken Kroeger (Tucson), Tom Fooshee (Phoenix), and NTSB member Dwight Foster.

phases of NTSB investigations in past years.

"At the request of the NTSB, one of the 15 Primary Team members will be used in every launch of an investigation," Walpert said.

The NTSB will no longer conduct regional accident investigations, but in cases where a minimal number of Safety Board members are used, only the Zone Leader will be assigned. Secondary STF Team members will continue to work major accidents, and may

be used in accident investigation for training purposes. They also will monitor and report accidents in their area as they occur.

The BLE Safety Task Force has gained the respect of the NTSB over the years.

"Because of the STF's participation in accident investigations, we have been in a position to offer considerable and significant input into the findings and safety recommendations adopted by the Safety Board," Walpert said. "In

fact, in several of its final reports, NTSB has attributed recommendations to the STF."

The BLE was the first rail labor organization to institute a dedicated program to participate in NTSB accident investigations. Established by former President Larry McFather, it has grown over the years. Current BLE President Edward Dubroski was the first National Chairman of the STF,

See Safety Task Force, Page 8

SOFA Lifesavers

Continued from Page 1

The SOFA Group has spent the last two years studying dozens of switching accident case files. This information was used to develop a comprehensive database of standardized information, known as the "SOFA Matrix." The Matrix was used to identify trends or patterns in the accidents to provide a better understanding of the fatalities. The SOFA Matrix became the foundation for the group's recommendations to reduce switching fatalities and injuries, which are known as the "Five SOFA Lifesavers."

The SOFA Lifesavers are a major part of the joint FRA-Labor-Management campaign to reduce the number of switching fatalities.

The Declaration, issued by FRA Administrator Jolene Molitoris, reads as follows:

"We, as a Railroad Community, will initiate an unprecedented sustained safety campaign on the crisis situation responsible for causing deaths and injuries that occur during switching operations. This underscores our commitment to zero tolerance.

"Our campaign will include:

- An immediate assessment of the switching operations environment and its risks through increased observations and audits with participation

by labor, management and FRA.

- Increased commitment by managers and employees to communicate the message and instill the sense of urgency for change.

- A defined plan to address safety risks built on the Switching Operations Fatality Analysis (SOFA) report and the 'Five SOFA Lifesavers.'

- Direct communication to all employees and their families outlining the crisis and asking for their help in correcting the problem to eliminate these deaths and injuries.

See SOFA Lifesavers, Page 6

SOFA Lifesavers

Recommendation 1

Any crew member intending to foul track or equipment must notify the locomotive engineer before such action can take place. The locomotive engineer must then apply locomotive or train brakes, have the reverser centered, and then confirm this action with the individual on the ground. Additionally, any crew member that intends to adjust knuckles/drawbars, or apply or remove EOT device, must insure that the cut of cars to be coupled into is separated by no less than 50 feet. Also, the person on the ground must physically inspect the cut of cars not attached to the locomotive to insure that they are completely stopped and, if necessary, a sufficient number of hand brakes must be applied to insure the cut of cars will not move.

Recommendation 2

When two or more train crews are simultaneously performing work in the same yard or industry tracks, extra precautions must be taken:

Same Track

- Two or more crew are prohibited from switching into the same track at the same time, without establishing direct communication with all crew members involved.

Adjacent Track

- Protection must be afforded when there is the possibility of movement on adjacent track(s). Each crew will arrange positive protection for (an) adjacent track(s) through positive communication with yardmaster and/or other crew members.

Recommendation 3

At the beginning of each tour of duty, all crew members will meet and discuss all safety matters and work to be accomplished. Additional briefings will be held any time work changes are made and when necessary to protect their safety during their performance of service.

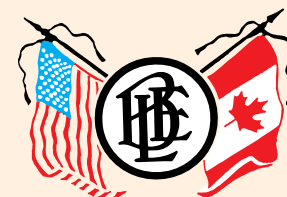
Recommendation 4

When using radio communication, locomotive engineers must not begin any shove move without a specified distance from the person controlling the move. Strict compliance with "distance to go" communication must be maintained.

When controlling train or engine movements, all crew members must communicate by hand signals or radio signals. A combination of hand and radio signals is prohibited. All crew members must confirm when the mode of communication changes.

Recommendation 5

Crew members with less than one year of service must have special attention paid to safety awareness, service qualifications, on-the-job training, physical plant familiarity, and overall ability to perform service safely and efficiently. Programs such as peer review, mentoring, and supervisory observation must be utilized to insure employees are able to perform service in a safe manner.



Issued by the
Switching Operations Fatality Analysis
Working Group,
Federal Railroad Administration

BLE allows newly-promoted engineers continued participation in Blue Cross option

The Brotherhood of Locomotive Engineers (BLE) has acted to protect newly-promoted engineers who are enrolled in the UTU's Blue Cross/Blue Shield health care option, BLE International President Edward Dubroski announced on October 10.

"Our goal is to do what's right for all railroad workers," President Dubroski said. "We are glad to give the UTU permission for these engineers to

continue to participate in the UTU's Blue Cross/Blue Shield program."

Last year, the UTU broke ranks with the Cooperating Railway Labor Organizations (CRLO) — Rail Labor's health and welfare bargaining coalition — and established its own, separate national health and welfare plan, which included a Blue Cross/Blue Shield option. The other CRLO unions, including the BLE, opted to pursue a global

settlement of their Section 6 health and welfare notices, rather than make a standby agreement covering just a portion of the dispute.

The UTU's unilateral move created a problem for more than 350 conductors, who selected the Blue Cross/Blue Shield option, and who were promoted to locomotive engineer during the past year. Without this action on the BLE's part, these engineers and their families

would have been forced to choose alternative coverage, most likely disrupting established relationships with the physicians of their choice.

"We would have preferred not to handle this issue on a piecemeal basis," said Dubroski. "However, when the UTU went its own way, these Brothers and Sisters were placed at risk, which we addressed today." •

AFL-CIO NATIONAL BOYCOTTS



SEPTEMBER/OCTOBER 2000

PLEASE
POST

BUILDING MATERIALS & TOOLS

BROWN & SHARPE MFG. CO.

Measuring, cutting and machine tools and pumps
▶ *Machinists*

JET EQUIPMENT & TOOLS, INC.

Auburn, Wash., distributor of "JET" brand metal and wood-working power and hand tools for home and commercial use
▶ *Teamsters*

SOUTHWIRE CO.

Commercial and industrial wire and cable; Do-It-Yourself brand homewire
▶ *Electrical Workers*

ENTERTAINMENT & RECREATION

BLACK ENTERTAINMENT TELEVISION

BET cable television, Action pay-per-view, Bet on Jazz
▶ *Electrical Workers*

FOOD & BEVERAGES

BASIC VEGETABLE PRODUCTS/BASIC

AMERICAN FOODS

Dehydrated garlic, onion, and other vegetable products, chiefly for institutions such as colleges, hospitals and hotels, and for other food processors. Labels include: Snow White garlic, Mello Toasted onion, Dial-A-Heat garlic and chilis, High-Flavor onion and garlic, Dehydro/frozen Vegetables, Potato Pearls, Golden Grill hash-browns and potato pancakes, Santiago Refried Beans, Quick-Start Chili Mix
▶ *Teamsters*

CALIFORNIA TABLE GRAPES

Table grapes that do not bear the UFW label on their carton or crate
▶ *Farm Workers*

DIAMOND WALNUT CO.

Diamond brand bagged and canned walnuts and walnut pieces
▶ *Teamsters*

FARMLAND DAIRY

Milk sold under the Farmland Dairy label in stores in Connecticut, New Jersey and New York
▶ *Teamsters*

MT. OLIVE PICKLE CO.

Pickles and relishes sold under the Mt. Olive and other labels, including the Food Lion and Harris Teeter supermarket "house" labels
▶ *Farm Labor Organizing Committee*

FURNITURE

STRAITS FURNITURE CO.

Jackson, Miss., manufacturer of entertainment centers, dining-room and bedroom furniture. Brands include: Canbrough Oak Collection, Downing Street Collection, Cherry Creek Collection, Hood, Straits
▶ *Electronic Workers, Furniture Workers Division*

TRANSPORTATION & TRAVEL

BEST WESTERN-GROSVENOR RESORT

Hotel in Lake Buena Vista, Fla.; located at Disney World, but separately owned and operated
▶ *Hotel Employees & Restaurant Employees*

CROWN CENTRAL PETROLEUM

Gasoline sold at Crown, Fast Fare and Zippy Mart stations and convenience stores
▶ *Paper, Allied-Industrial, Chemical & Energy Workers*

FOUR POINTS BY SHERATON

Hotel in Waterbury, Conn.
▶ *Hotel Employees & Restaurant Employees*

HOLIDAY INN SUNSPREE HOTEL

Hotel in Kapaa, Hawaii
▶ *Longshore & Warehouse Union*

NEW OTANI HOTEL & GARDEN

Hotel in downtown Los Angeles
▶ *Hotel Employees & Restaurant Employees*

OTHERS

CF&I STEEL and OREGON STEEL MILLS, INC.

Steel, including rod, bar, rail, pipe and steel plate
▶ *Steelworkers*

WELLS FARGO and NORWEST BANKS

Wells Fargo has branches in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah and Washington; Norwest has branches in Arizona, Colorado, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin and Wyoming
▶ *Steelworkers*

R.J. REYNOLDS TOBACCO CO.

Cigarettes: Best Value, Camel, Century, Doral, Eclipse, Magna, Monarch, More, Now, Salem, Sterling, Vantage, and Winston; plus all Moonlight Tobacco products
▶ *Bakery, Confectionery, Tobacco Workers & Grain Millers*

UNION LABEL AND SERVICE TRADES DEPARTMENT, AFL-CIO

Hazmat training available for 2001

Staff members of the George Meany Center for Labor Studies will conduct six four-day hazmat training classes in 2001.

This training addresses the required procedures and different levels of response in case of a hazardous materials release. The training also includes advanced classroom instruction and intensive hands-on drills, including a simulated hazmat response in full safety gear.

The dates and locations of the six 2001 workshops are as follows:

- Feb. 26-March 2, UFCW Local 324 Training Facility, Buena Park, Calif.

- March 18-22, International Chemical Workers Union Council, Cincinnati, Ohio.

- May 6-10, George Meany Center, Silver Spring, Md.

- June 24-28, George Meany Center, Silver Spring.

- July 15-20, George Meany Center, Silver Spring.

- August 12-15, George Meany Center, Silver Spring.

Grant funds support transportation, lodging and meals for all program participants. In addition, participants who are unable to receive regular pay through the railroad while attending the training session are eligible for a stipend of \$107 per day.

Space is limited to 25 for each program and participants will be selected on a first-come, first-served basis.

Please contact Betty Child of the BLE's National Legislative Office for registration details by calling (202) 347-7936, by e-mailing blede@aol.com, or by writing 10 G Street NE., Suite 480, Washington, DC 20002. •

Correction and amplification

An error reported in the June 2000 issue of the "Washington Update" was mistakenly published in the July 2000 issue of the *Locomotive Engineer Newsletter* and on the BLE International Division website.

The news item pertained to a law in the State of Illinois which shields train crew members from being forced to show a driver's license to law enforcement officers in connection with the operation of a locomotive or train within the state.

This law was placed on the books in Illinois approximately 10 years ago under the watch of now-retired Illinois State Legislative Board Chairman John Small. It was not passed into law this year, as the article mistakenly implied.

In addition, Brother Small oversaw original publication of wallet-sized cards with the text of the law printed on them during his term of office. Current State Chairman C. Edward Way is now having the cards re-issued because of an incident on METRA.

"Washington Update" is the bi-monthly publication of the BLE's National Legislative Office in Washington, D.C. The Publications Committee of the BLE International Division regrets that this error found its way into the *Newsletter* and onto the website. •

SOUTHWESTERN CONVENTION MEETING



SWCM Convention Co-Chairmen Roger King and James Jackson were congratulated during the banquet for organizing such a successful convention. From left: BLE First Vice-President & Alternate President Jim McCoy; Brother King; Brother Jackson; and BLE International President Edward Dubroski.



BLE members during the Local Chairmen's Workshop. Seated in the front row, from left, is Rick Skidmore, Local Chairman of Division 782 (Etowah, Tenn.), and M.F. O'Brien, Chairman of the Louisiana State Legislative Board and Legislative Representative of Division 915 (Alexandria, La.).



The late Mel Carnahan, governor of the state of Missouri, died in a plane crash on October 16, less than a month after speaking at the SWCM. Also killed in the crash was Carnahan's campaign adviser Chris Sifford and the Governor's son, Roger, who was piloting the six-seat aircraft.

Carnahan was elected Lieutenant Governor in 1988. Four years later, he won the governor's office in a landslide and was re-elected in 1996. He was barred by state law from seeking a third consecutive term as governor.

Carnahan, 66, was campaigning for a U.S. Senate seat in Missouri and was flying to a rally in St. Louis when the plane went down.

One of his last official acts was to declare October 16, 2000, "Railroaders' Day" in the state of Missouri.

"He was a true friend of rail labor," said Missouri State Legislative Board Chairman Mickey Gage. "All you had to do was knock on his door and he would be there to help."

Brother Gage reports that the late Governor was instrumental in saving a Union Pacific terminal in Jefferson City, Mo. When the railroad began work on its "hub and spoke" reorganization, it wanted to eliminate the Jefferson City hub, where 225 BLE members were headquartered.

"Governor Carnahan made a few phone calls and the Union Pacific backed down," Gage said. "He helped save that terminal so that 225 families could keep their homes."

In 1976, another Senate challenger in Missouri, U.S. Rep. Jerry Litton, died in a plane crash as he and his family were flying to a victory celebration the night he won the Democratic nomination.

The last governor to die in office was Florida Gov. Lawton Chiles on Dec. 12, 1998. The 68-year-old collapsed while exercising in the governor's mansion gymnasium. South Dakota Gov. George Mickelson died in 1993 when the state's airplane slammed into a silo in eastern Iowa.



From left: BLE First-Vice-President & Alternate President Jim McCoy; BLE International President Edward Dubroski; and BLE International Vice-President Don M. Hahs.



From left: International Vice-President Dale McPherson; International Vice-President Ed Rodzwick; International Vice-President & U.S. National Legislative Representative Leroy D. Jones; International Vice-President Rick Radek; General Secretary-Treasurer Russ Bennett; FRA Administrator Jolene Molitoris; International President Dubroski; and SWCM Co-Chairman Jackson.



From left: Doug W. Davidson, Local Chairman of Division 96 (Chicago); President Dubroski; and John W. Reynolds, Local Chairman of Division 209 (Green Bay, Wisc.).

ST. LOUIS, MISSOURI

A busy week of activity for families attending the 65th annual SWCM

The 65th annual Southwestern Convention Meeting was held in St. Louis, Mo. at the Marriott Pavilion Hotel from September 17-22, 2000. The convention was hosted by Jim Jackson and Roger King and members of their arrangements committee.

The busy week included a golf tournament, a trip to the Museum of Transportation, and a St. Louis Cardinals pennant-clinching baseball game. Speeches were delivered by several distinguished public servants, including: Jolene Molitoris, Administrator of the FRA; the late Mel Carnahan, U.S. Senate Candi-

date in Missouri; and Bob Holden, Democratic candidate for Governor of Missouri. In between these events were workshops for local chairmen, secretary-treasurers and legislative representatives. The SWCM Scholarship Committee also announced its annual scholarship winners.



From left: Harold Downing, Local Chairman of Division 609 (Jefferson City, Mo.); Charlie Rightnowar, Union Pacific-Central Region General Chairman; and Mickey Gage, Chairman of the Missouri State Legislative Board and Legislative Representative of Division 609.



Giving a presentation on highway-rail grade crossing safety is Locomotive Engineer Tom Armstrong, BLE Saskatchewan Provincial Legislative Board Chairman and Legislative Representative of Division 793 (Saskatoon). Brother Armstrong has been a locomotive engineer since 1977 and is a Representative of the National Committee for Operation Lifesaver for Direction 2006, a Transport Canada initiative to significantly reduce highway-rail grade crossing fatalities in Canada over the next five years. Personally affected by one of several collisions he endured behind the throttle, Brother Armstrong is dedicated to creating awareness of the dangers surrounding highway-rail grade crossings by participating in newspaper interviews, radio interviews, nationwide television commercials and television documentaries. He and his wife, Brenda, have four children. His two oldest sons are fourth-generation railroaders.



From left: SWCM Co-Chairman King and Pat E. Johnson, Secretary-Treasurer of the Iowa State Legislative Board and Legislative Representative of BLE Division 125 (Clinton, Iowa).



From left: First Vice-President McCoy; International President Emeritus Ronald P. McLaughlin; Retired General Chairman Gene Thompson (former Cotton Belt); and International President Dubroski. Brother McLaughlin was International President of the BLE from 1991 to 1996. These two distinguished retirees were presented with BLE membership pins at the convention. Brother McLaughlin received a 50-year pin and Brother Thompson received a 30-year pin.



From left: GIA International President Ruth E. Pillman-Windham; GIA First Vice-President Onita Wayland; GIA Canadian Representative Sherry McGunigal; and GIA Second Vice-President & U.S. National Legislative Representative Mabel Grotzinger.



Brad C. Thompson, Local Chairman and Legislative Representative of Division 442 (Scott City, Mo.), and Tim O. Young, Chairman of the Arkansas State Legislative Board.

BLE SENIOR REPORT

Explanation of RRB appeals procedure

Persons claiming retirement, disability or survivor as well as unemployment or sickness benefits from the Railroad Retirement Board have the right to appeal unfavorable determinations on their claims. The following questions and answers describe the appeals processes for persons whose claims under the Railroad Retirement Act or Railroad Unemployment Insurance Act are denied, or who are dissatisfied with decisions on their claims.

1. How does a person initiate a review of an unfavorable decision on a claim and what are the time limits?

For all claims under the Railroad Retirement and Railroad Unemployment Insurance Acts, there is a three-stage review and appeals process within the Railroad Retirement Board.

Persons dissatisfied with the initial decision on their claims may first request reconsideration from the Board unit which denied their claims. An individual has 60 days, from the date of the initial denial notice, to file a written statement requesting reconsideration.

In decisions involving retirement, disability or survivor overpayments, requests for waiver of recovery of the overpayment must be filed within 30 days of the date of the overpayment notice. In such cases, recovery of the overpayment will be deferred and a personal conference may be held, if requested.

If the case involves an unemployment or sickness benefit overpayment, claimants may request a waiver of repayment. A request for waiver filed within 30 days will, in certain cases, defer recovery of the overpayment from subsequent benefit payments. A request for waiver received after 30 days will be considered but will not defer collection of the overpayment.

2. What are the second and third stages of the appeals process and their time limits?

If dissatisfied with the reconsideration or waiver decision on a retirement, disability, survivor or unemployment-sickness claim, a person may appeal to the Railroad Retirement Board's Bureau of Hearings and Appeals, which is independent of those units responsible for reconsideration decisions. An appellant has 60 days from the date of the reconsideration or waiver decision

Railroad Retirement informational conferences for 2000

The following is a list of the remaining Railroad Retirement Board information conferences for this year.

These conferences are free and recommended for all railroad employees, especially those who are new to the industry or those who are nearing retirement age and have questions about their pending retirement.

On-site registration begins at 8 a.m. for each conference. All sessions begin promptly at 8:30 a.m. and end at 12:30 p.m. Dates and locations are as follows:

November 3 • Barboursville, W.Va.
Best Western-Gateway Conference Center, 6007 U.S. Route 60 E

November 9 • Louisville, Ky.
Executive Inn, 978 Phillips Lane

November 17 • Charlotte, N.C.
Sheraton Airport Plaza Hotel, I-85 and Billy Graham Parkway

November 17 • Albuquerque, NM
AmeriSuites, 6901 Arvada North East

December 8 • Jacksonville, Fla.
Holiday Inn-Baymeadows, 9150 Baymeadows Road

notice to file this appeal. An oral hearing may be held under certain circumstances. This hearing may be in person or conducted by telephone.

If not satisfied with the Bureau of Hearings and Appeals' decision, an appellant may further appeal to the three-member Board. Sixty days from the date of the notice of the Bureau of Hearings and Appeals' decision are allowed for filing this appeal. The three-member Board will base its decision on the evidence before the hearings officer. The three-member Board ordinarily will not accept additional evidence or conduct a hearing.

3. What are the criteria applied to requests for waivers of retirement, disability, or survivor benefit overpayments, and unemployment or sickness benefit overpayments?

A person's obligation to repay any erroneous benefit payments may be waived only if the following conditions are met:

(1) The person was not at fault in causing the overpayment; and

(2) recovery of the overpayment would cause financial hardship to the extent that he or she would not be able to meet ordinary and necessary living expenses, or recovery would be against equity or good conscience. "Against equity or good conscience" is defined in the regulations of the Board as meaning that the claimant has, by reliance on the payments made to him or her, or on notice that payment would be made, relinquished a significant and valuable right or changed his or her position to his or her substantial detriment.

In cases involving unemployment or sickness benefits, there is an additional requirement that the overpay-

ment must be more than 10 times the current maximum daily benefit rate.

Persons requesting waiver may be asked to complete a financial statement on a form provided by the Railroad Retirement Board.

4. What happens if a person's appeal is not filed within the prescribed time limit?

Failure to request reconsideration or to file an appeal within the allocated time period will result in forfeiture of further appeal rights, unless there is good cause for the delay. Some examples of good cause include: serious illness; a death or serious illness in the appellant's immediate family; destruction of important or relevant records; failure to be notified of a decision; or an unusual or unavoidable circumstance which demonstrated that the appellant could not have known of the need for timely filing or which prevented the appellant from filing in a timely manner. If good cause is not established, further appeal is forfeited, except that the appellant may contest the determination that the request for reconsideration or the appeal was not filed timely.

5. Are there avenues of appeal beyond the Railroad Retirement Board?

Appellants not satisfied with the Board's final decision may then file a petition with the U.S. Court of Appeals to review the Board's decision. In cases involving retirement, disability or survivor claims, the petition for review must be filed within one year of the date of the three-member Board's decision notice. In cases involving claims for unemployment or sickness benefits, the

petition for review must be filed within 90 days of the Board's decision notice.

6. Can employers contest the claims of their employees for unemployment and sickness benefits?

Employers are provided the right to appeal claims of their employees, but such appeals do not prevent timely payment of benefits. However, employees may be required to repay benefits if their employers' appeals are successful.

7. Where can a person obtain retirement, disability or survivor as well as unemployment or sickness benefit appeals forms and assistance in completing the forms?

Requests for reconsideration of an initial decision must be in writing, but do not have to be on any specific form. The appropriate form for waiver of recovery of a benefit overpayment is ordinarily enclosed with the overpayment notice.

The forms to appeal to the Bureau of Hearings and Appeals and the three-member Board are available from the Board's Bureau of Hearings and Appeals, 844 North Rush Street, Chicago, Illinois 60611-2092 or from the Board's Web site at www.rrb.gov.

The appropriate forms can also be obtained from any Railroad Retirement Board field office, as can assistance in filing a request for review at each of the administrative levels. Persons can find the address and phone number of the Board office serving their area by calling the automated toll-free RRB Help-Line at (800) 808-0772 or by checking the Board's Web site. Most field offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday. •

SOFA Lifesavers

Continued from Page 2

"We will work together to protect the lives and well-being of each of our co-workers. We know that many of the risks responsible for deaths and injuries are imbedded in the culture of our railroad industry. We must change our culture to eliminate fatalities and injuries. We are absolutely dedicated and committed to this effort."

The plan will be put into action soon. The FRA has ordered all carriers to issue a SOFA action plan at a special meeting of the Rail Safety Advi-

sory Committee on November 14.

BLE President Edward Dubroski recognized the four BLE members who are part of the SOFA Working Group for their studious efforts in this noble cause.

They are Texas State Legislative Board Chairman Raymond Holmes; Colorado State Legislative Board Chairman George J. Last; Minnesota State Legislative Board Chairman Thomas J. Perkovich; and Regulatory Research Coordinator Robert A. Harvey of the BLE's National Legislative Office.

Contract Update

Continued from Page 1

Allen also was told that a financial analysis of the deal would be undertaken, after which the BLE will be in a position to make a more detailed response.

In the interim, the National Wage Committee will meet to consider the economic implications of the deal and reassess its position once the financial analysis is completed. •

CANADIAN SPOTLIGHT

BLE-RCTC members ratify contract with Canadian Pacific

The Memorandum of Settlement of August 4, 2000, between the Brotherhood of Locomotive Engineers and Canadian Pacific for Rail Traffic Controllers has been ratified by the membership.

Congratulations to the negotiating team: Canadian Director Gilles Hallé; General Chairman Jim Ruddick; Special Representative Darrell Arnold; and the two representatives of the BLE-RCTC, Kari Essery and Danny MacIver.

This settlement concludes a bargaining round which began in October of 1999 and continues in effect for three years until December 31, 2002.

This settlement gives wage increases of 2% in each of the three years and benefit plan enhancements in the areas of life insurance, dental, extended health and vision care and weekly indemnity sickness. Four RTC desks were upgraded one rate level amounting to approximately \$1.00 per hour increase

for each and the interlocking RTC's at 12th Street Tower (Calgary) and Rugby (Winnipeg) received a \$.75 per hour increase in addition to the general wage increase.

The major component of the settlement is in the area of pension plan improvements with no additional contributions from the employees. Changes in work rules which were necessary to both sides were also negotiated between the parties. •

Les membres de la FIL/CCFC ont ratifié un contrat avec le Canadien Pacifique

L'entente de principe du 4 août 2000, entre la Fraternité des ingénieurs de locomotives et le Canadien Pacifique pour les Contrôleurs de la circulation ferroviaire a été ratifiée par les membres.

Félicitations à l'équipe de négociation : Directeur canadien Gilles Hallé; Président général Jim Ruddick; Représentant spécial Darrell Arnold et les deux représentants de la FIL/CCFC, Kari Essery et Danny MacIver.

Cette entente conclut une ronde de négociation

qui a débuté en octobre 1999 et sera en vigueur pour trois ans soit jusqu'au 31 décembre 2002.

Cette entente donne une augmentation de salaire de 2% à chaque année pour trois ans et des améliorations au régime d'assurance collective, soit au niveau de l'assurance-vie, régime dentaire, assurance-maladie supplémentaire et régime de soins de la vue et prestation hebdomadaire de maladie.

Quatre postes de CCF ont été promus d'un niveau ce qui équivaut à approximativement 1,00 \$ de l'heure

pour chacun et les CCF chargés d'enclenchements au 12th Street Tower (Calgary) et Rugby (Winnipeg) ont reçu une augmentation de 0,75 \$ l'heure en plus de l'augmentation salariale générale.

La composante majeure de l'entente est l'amélioration au Plan de retraite avec aucune contribution supplémentaire des employés. Les changements aux règlements de travail qui étaient nécessaires des deux côtés ont aussi été négociés entre les parties. •

BLE wins representation election on Canadian shortline, a subsidiary of RailAmerica

BLE Canadian Director Gilles Hallé announced on October 4 that the Brotherhood of Locomotive Engineers won the certification vote ordered by the Nova Scotia Labour Board for the representation of workers on the Cape Breton & Central Nova Scotia Railroad.

The Brotherhood will represent all locomotive engineers and conductors on Nova Scotia shortline, which is a subsidiary of RailAmerica.

Brother Hallé would like to thank the members of his team that helped in this vote and a very special thanks to Temporary Special Representative Robert J. Toole.

"The Brotherhood of Locomotive Engineers will do its best to obtain decent work rules and salary for the new members," Brother Hallé said.

Approximately 30 new members will join the Brotherhood as a result of this organizing victory.

La FIL remporte la certification d'un chemin de fer Canadien d'intérêt local

Le Directeur canadien de la FIL Gilles Hallé a annoncé le 4 octobre que la Fraternité des ingénieurs de locomotives a remporté le vote de certification ordonné par la Commission du travail de la Nouvelle-Écosse pour la représentation du Chemin de fer Cape Breton & Central Nova Scotia.

La Fraternité représentera tous les ingénieurs de locomotives et les chefs de train du Cape Breton & Central Nova Scotia, qui est une filiale de Rail America.

Confrère Hallé aimerait remercier les membres de son équipe qui ont aidé à obtenir ce vote et un merci très spécial au représentant spécial temporaire Robert J. Toole.

« La Fraternité des ingénieurs de locomotives fera de son mieux pour obtenir des règlements de travail et salaires décentes pour les nouveaux membres, » a dit le Confrère Hallé.

Contract negotiations begin with VIA Rail, Canadian National

The Brotherhood of Locomotive Engineers — National Negotiation Committee started negotiations with Canadian National Railway.

During the week of September 25, 2000, the Committee, comprised of Canadian Director G. Hallé, General Chairman M.W. Simpson, General Chairman R. Dyon and acting General Chairman C.I. Smith, prepared and finalized the various demands served by the CN Canadian Divisions and submitted them with the CCROU to Canadian National on Friday, Sept. 29.

At the same time, demands were received from CN.

The following weeks were set aside for contract talks:

- **October 16 to October 21**
- **November 27 to December 1**
- **December 11 to December 15**

All collective agreements with CN expire on Dec. 31, 2000. Under the Labour Code, all terms and conditions are presently frozen until a new agreement is reached.

A similar National Negotiation Committee has been set to deal with the VIA Rail renewal of collective agreements.

The Brotherhood is projecting a delay in regards to the VIA talks due to the pending decision from the CIRB concerning the revision of Vice-Chairman M. Pineau's award that was issued last fall.

The members will be kept informed through the BLE web page and by their Division officers on the developments of these important negotiations. •

Les négociations de contrat débutent avec VIA Rail et Canadien National

Le Comité de négociation nationale de la Fraternité des ingénieurs de locomotives a débuté les négociations avec le Canadien National.

Durant la semaine du 25 septembre 2000, le Comité composé du Directeur canadien G. Hallé, Président général M.W. Simpson, Président général R. Dyon et le Président général substitut C.I. Smith ont préparé et finalisé les diverses demandes fournies par les divisions canadiennes du CN et les ont soumises au Canadien National sous l'égide du CCSOCF le vendredi 29 septembre 2000. Au même

moment, les demandes du CN ont été reçues.

Les semaines suivantes ont été réservées pour les pourparlers de négociations :

- **du 16 octobre au 21 octobre**
- **du 27 novembre au 1er décembre**
- **du 11 décembre au 15 décembre**

Toutes les conventions collectives avec CN expirent le 31 décembre 2000. Selon le Code du Travail, toutes les dispositions et les conditions sont présentement gelées jusqu'à ce qu'une nouvelle entente soit conclue.

Un comité de négociation nationale a été mis sur pied pour s'occuper du renouvellement des conventions collectives de VIA Rail.

La Fraternité s'attend à un délai dans les pourparlers avec VIA à cause de la décision en suspens du CCRI concernant la révision de la Vice-présidente M. Pineau qui a été émise l'automne dernier.

Les membres seront informés des nouveaux développements de ces importantes négociations sur la page web de la FIL et par les officiers de leur division respective. •

BLE NEWS

NTSB hosts training seminar for BLE Safety Task Force



A National Transportation Safety Board laboratory technician explains how certain technologies assist in accident investigations during the BLE Safety Task Force's training session at NTSB headquarters. From left: John Tolman, Tom Fooshee, Marvin Merchant and the NTSB lab technician.

Safety Task Force

Continued from Page 2

shaping the organizational structure and participating in many public hearings held by the NTSB during a number of accident investigations.

Dubroski said that prior to the institution of the STF, there was no consistent, systematic approach by the BLE to NTSB accident investigation.

"In the past, the BLE played only a sporadic role in the follow-up part of an investigation, which can take up to

a year, and which leads to the important safety recommendations that are issued by the Board," Dubroski said. "We have been able to make meaningful safety recommendations on a consistent basis, and this has favorably impacted safety on the nation's railroads, not only for our members, but also for other rail workers, communities and the traveling public."

Since the BLE's creation of the Safety Task Force, other unions have followed suit, including the Brotherhood of Railroad Signalmen and the United Transportation Union. •

BLE publications get top honors again from Association of Railway Communicators

The Brotherhood of Locomotive Engineers came away with five awards, including one first-place finish for Best Photography, from the Association of Railway Communicators' (ARC) during the group's distinguished achievement awards competition.

The BLE's first-place award came in the Best Photography category for organizations other than Class 1 railroads. Additionally, the BLE garnered four runner-up awards, including: Best

Newsletter Other than Class One, Best Photography other than Class One; Best Magazine and Best Feature Article.

There were 102 entries from 10 different organizations. The entries were judged by a distinguished panel of three judges.

During the meeting, BLE Editor John Bentley was unanimously elected as the labor member of the ARC Executive Committee. •

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OCTOBER 2000 CALENDAR & EVENTS

MAY 30-JUNE 2, 2001... 61st Annual International Western Convention, Denver. Come to Denver for the "Mile High" convention where a room rate of \$105 per night has been secured at the Hyatt-Regency Tech Center, good for three days before and after the convention. To receive this discount rate, hotel reservations must be made by May 6, 2001, at (800) 233-1234. Reduced airline fares via United Airlines are available through Travel Organizers by calling (800) 283-2754. There will be a golf tournament, tour of the Denver mint, Ocean Journey, Denver botanical gardens, and a barbeque at the Colorado Railroad Museum. Questions should be directed to IWC Chairman Skip Colyer by phone (970) 225-9716, by fax (970) 223-5794, or by e-mail <BofLE2001@aol.com>.

JUNE 24-28, 2001... 74th Southeastern Meeting Association in Pine Mountain, Ga. Chairman W.J. Spriggs Jr. and members of BLE Division 779 (Manchester, Ga.) are hosting this year's convention at Callaway Gardens resort. Members interested in attending can contact Brother Spriggs at (706) 989-0064.


AUGUST 20-24, 2001... Eastern Union Meeting Association in Atlantic City, N.J. At the Tropicana Hotel & Casino in Atlantic City, N.J. Conference registration begins at 3 p.m. on Monday, August 20, and hotel check-out is Friday, August 24. A room rate of \$105 per night has been secured throughout the conference, as well as a one-time valet parking fee of \$2. Room reservations can be made by calling (800) 247-8767. Those calling must state they are attending the "Eastern Union Meeting Association of the Brotherhood of Locomotive Engineers." Further details to come when available. Please direct questions to EUMA Arrangements Chairman Sonny Kertesz at (732) 458-7642 or <sonny912@aol.com>.

SEPTEMBER 24-28, 2001... BLE Seventh Quinquennial International Convention At the Fountainbleau Hotel in Miami, Fla. More details to come when available.

Advisory Board September Activity

By action of the delegates at the Fifth Quinquennial Convention, summaries of BLE Advisory Board members' activities are published monthly:

International President Edward Dubroski—International Office: General supervision of BLE activities; Publications committee; National negotiations; TTD meeting; Met w/ various international labor leaders/dignitaries, including Lech Walesa and John Sweeney; 65th SWCM, St. Louis; Mtgs. w/ designated legal counsel; Mtg. w/ special representatives.
First Vice-President & Alternate President James L. McCoy—International Office. Assisted president supervising BLE activities; FVP duties, contacted GCs, SLBCs, telephone calls, correspondence, etc.; Section 6 mtgs.; SWCM, St. Louis; NYS&W contract negotiations w/ JAC.
General Secretary-Treasurer Russ Bennett—International Office: Supervision of BLE Financial depts.; Records Dept.; BLE Job Bank; Publications Cmte.; SWCM, St. Louis; Mtgs w/ RTA Transit Center, Euclid Corridor Transportation Project.
Vice-President Paul T. Sorrow—General office duties; National wage/rules mtgs.; CSXT single agreement negotiations; Assisted NS Southern Committee, codification of agreements; PLB 5392, CSXT Eastern lines; CSXT-SACP mtg.; Informational mtg., Division 271, Ashland, Ky.; Assisted CSXT, NS and GTW GCofAs with various issues.
Vice-President Joseph A. Cassidy Jr.—General office duties; Study & paperwork; Amtrak; Equity dispute w/ Springfield Terminal Rwy.; Vacation; New York, Susquehanna & Western contract negotiations; Mtg. w/ General Chairman Delano; DM&IR contract negotiations; Mtg. w/ Division 163.
Vice-President & U.S. Nat'l Legislative Representative Leroy D. Jones—Washington D.C. Office; AFL-CIO Adm. Mtg. TTD/Rail Div. Leg. Mtg.; AFL-CIO State of the States Meeting.; DCCC Labor Progressive Strategy Mtg.; High Speed Rail Government Relations Committee Meeting.; Receptions: Cong. Barrett (D-WI); Brian Schweitzer, Candidate, US Senate, Montana, Cong. Farr (D-CA), Cong. Bonior (D-MI), Marie Cantrell, Democratic Candidate, US Senate, Washington, Cong. Berry (D-AR), Bob Weygand, Candidate, US Senate (D-RI); Cong. Pascrell (D-NJ), LaTourette (R-OH), Roemer (D-IN), Senator Sarbanes (D-MD), Cong. Mookley (D-MA), DeFazio (D-OR), Senator Bingaman (D-AZ), Eleanor Jordan, Candidate (D-03-KY); Mike Ross, Candidate, (D-04-AR) and President Clinton; Labor Breakfast for Senators Conrad and Dorgan (D-ND) and Cong. Earl Pomeroy (D-ND); FRA Full RSAC Meeting.; North Dakota State Legislative Board Mtg.; Mtg. w/Heidi Heikamp, Democratic Candidate, Governor, ND.; North Dakota State Legislative Board Mtg. SWCM, St. Louis; Amtrak Oversight Hearing; Mark-up, H.R. 4844, Railroad Retirement legislation. FRA mtgs. - remote control locomotives; Mtg. w/Gore's Campaign staff; Road Builders' Dinner; Virginia State Legislative Board mtg.
Vice-President William C. Walpert—ID Office; BLE Education & Training Dept.; Internal Organizing, Mobilizing & Strategic Planning Dept.; BLE Safety Task Force; SWCM, St. Louis; NTSB Training, Washington D.C.; National Mobilization Team mtg.; Mtg. w/ Gen. Chair John Koonce, Gen. Chair Sam Parker and KCS labor relations, Memphis, Tenn.
Vice-President Edward W. Rodziewicz—General office duties; Vacation; Mtg. w/ membership from TriRail, Ft. Lauderdale, Fla.; Congressman Klink campaign fund-raiser, Philadelphia; Mtg. w/ Divisions 198 & 202, Chattanooga, Tenn.; SWCM, St. Louis; SBA 894, NS-E, Imperial; Assignment under the direction of President Dubroski, Cleveland.
Vice-President Don M. Hahs—BNSF system including MRL, UP South & West, SP East & South, SSW, DLGW, Tacoma Belt, Pac Harbor Belt; General office duties; National wage/rule, Washington; Assist in closing SP East office in Houston; UP/STL. PLB 6170 w/ G.C. Gore, Omaha; Portland Zone 2 & 3 negotiations, UP/SP merger, Reno, UP West.
Vice-President Richard K. Radek—International Office; BLE Decertification Helpline services; Director of Arbitration Dept; National Railroad Adjustment Board (NRAB); METRA/IHB general assistance, Chicago; PLB 6190, BNSF; Div. 394 mtg., Chicago; Various First Division NRAB; SWCM, St. Louis; METRA negotiations, Chicago; Contract negotiations, WC, Green Bay; PLB 5559, ICG, Boston; FRA Part 240.409 proceedings this month, EQAL 98-41, 98-84, 98-46, 98-125, 98-101, 98-122, 94-04, 98-31, 98-92.
Vice-President Dale McPherson—I&M Rail Link; CP Rail/SOO, UP East Lines; Indiana Railroad Co.; M&NA; LP&N; Longview Sw. Co. TRRA-St. Louis; Pacific Harbor Line; UP Special Project-Work/Rest; General office duties; Mtg. w/ M.D. Priestler, arbitration case prep.; Mtgs. w/ M.D. Priestler, M.A. Young; Mtg. CP Rail/U.S. contract; SWCM, St. Louis; Div. 214 mtg., Los Angeles, Pacific Harbor Line; Assignment per President; PHL assignment; Conference call w/ UP and Arbitrator, PLB 6040.
Vice-President & Canadian Director Gilles Hallé—Ottawa Office; Mtgs. w/ CN Rail; Mtg. w/ VIA Rail/Shields; RCTC contract mtgs.; VIA arbitration; Mtg. w/ HRDC; Mtg. w/ R. Dixon, CN Rail; CIRB hearings, Toronto; CN national negotiations.
Vice-President & National Legislative Representative-Canada T. George Hucker—Ottawa Office; Canadian National Legislative Board; Unveiling ceremony of stamp for 100th anniversary of the Dept. of Labour; CPR employee DCM caucus mtg.; CP core committee mtg.; CLC Western Political Action Committee; CPR/CCROU level II health & safety training; CPR senior health & safety committee & CPR regulatory affairs mtg.; CPR CTA review mtg.; Mtg. w/ PLB Quebec; CPR disability case management mtg.; International rail safety conference; CNR DCM mtg.; Mtg. w/ Japanese Railway Union; CNR senior health and safety mtg.; Local disability case management cmte. mtg.



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