Deadheading and new Hours of Service regulations

The BLET National Division continues to get reports from all segments of the industry about problems with how deadhead trips are being treated for Hours of Service (HOS) recordkeeping purposes and in the application of the law. Some of these problems appear to be related to various carriers’ electronic timekeeping systems, while others seem to flow from a misinterpretation of the law.

This is intended to be a single-source document article will answer all questions related to deadheading and how it should be treated.

The new agreement is a continuation of Lines, Western Lines and Northern Lines. The agreement did not address any contract issues that have such a huge impact on their livelihoods.”

The agreement also contains a moratorium on Section 6 notice to change any terms of the BLET-CSXT Single System Agreement until November 1, 2014, with future changes to be effective no earlier than January 1, 2015. The agreement did not address any work rule changes.

The current health and welfare and short-term disability plans will continue without change under the new agreement until the conclusion of national negotiations, at which time any changes in the National Agreement will be implemented. The agreement also contains a moratorium on Section 6 notice to change any terms of the BLET-CSXT Single System Agreement until November 1, 2014, with future changes to be effective no earlier than January 1, 2015.

The agreement covers approximately 5,000 CSX locomotive engineers, who are represented by three BLET General Committees of Adjustment — CSX Eastern Lines, Western Lines and Northern Lines. The new agreement is a continuation of the Single System Agreement ratified in April of 2007.

Ratified by a ratio better than 6-to-1, the newly-ratified contract provides for an increase in the Maximum Performance Bonus Payout plan. The tally was 1,591 votes in favor and 240 against for an 85.26 approval percentage.

“Agreement means an increase in the Maximum Performance Bonus Payout from 10% of total wages in 2009 to 12% each year from 2010 through 2014, regardless of length of service. These bonus payments are in addition to the general wage increases.

The new contract also retains the $15.00 per day, $0.15 per overmile Special Pay Differential for locomotive engineers. Members have the option to “snap back” at the end of 2014 to the National Agreement, which would include all general wage increases (GWI’s) from the upcoming national bargaining round.

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National President Rodziwicz praised the efforts of General Chairmen Tony Smith (Eastern Lines), Don Moates (Western Lines), and Rick Finamore (Northern Lines), who finalized the tentative agreement with the assistance of Vice President Dennis Pierce. Vice President Pierce thanked those members who took time to participate in the voting process. “Regardless of how they voted, I thank all of those members who got involved. It is important that members make their voices heard on contract issues that have such a huge impact on their livelihoods.”

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Calendar & Events

November 1-4, 2009
The Rail Workers Hazardous Materials Training Program will conduct a hazardous materials/transportation/chemical emergency response training program at the National Labor College, Silver Spring, Md. For registration details, see page 6 of this issue.

November 8-13, 2009
BLET Education & Training Department hosts a workshop for first-time Local Chairmen at the National Labor College, Silver Spring, Md. For registration details, see page 6 of this issue.

June 13-18, 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.

July 13-17, 2010
70th Annual International Western Convention, Bismarck-Mandan, N.D.
Chairman: Mr. J.W. “Wes” Lyster
Brother Little is survived by his wife of 30 years, Judith; his children, Hillary Elizabeth and Alec David; his grandchildren, Patricia Hoffmann, Stephen (Vicki) Little, Lauren Little and Shannon (Pat) Little, James (Sharon) Little and Terry Little; mother, Mary Lee Little; brother-in-law, Jim Terwilliger; and many aunts, uncles, cousins, nieces and nephews. He was preceded in death by his father; and his brother, David.

August 8-11, 2010
72nd Annual Eastern Union Meeting Association, Pittsburgh, Pa.
Hosted by Tom and Sue Caruso; Division 355, the 2010 EUA will take place at the Sheraton Station Square Hotel in Pittsburgh, Pa.

September 12-16, 2010
75th Annual Southwestern Convention Meeting, San Antonio, Texas; Hosted by Russell Elley, Local Chairman of Division 197, the 2010 SWCM will take place at the Hyatt Regency San Antonio, on the River Walk at Paseo del Alamo (123 Losoya St., San Antonio, Texas, 78205).

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.

October 30, 2009
Salt Lake City, Utah
Crystal Inn Hotel & Suites, 230 West 500 South

November 20, 2009
Metairie, La.
Four Points by Sheraton, New Orleans Airport, 6401 Veterans Memorial Blvd.

December 11, 2009
Riverview, Fla.
Hilton Garden Inn, 4328 Garden Vista Drive

2009

Fixtures

Former Mississippi Legislative Chairman
Don Little 1949-2009

D on Little, Legislative Representative of BLET Division 294 (Bensenville, Ill.) and former Mississippi State Legislative Board Chairman, died from a massive heart attack on Monday, August 24.

“Brother Little was dedicated member of the BLET and his service will be sorely missed,” BLET National President Ed Rodzwicz said.

“Brother Little served the union faithfully for many years before his life was tragically cut short. He will be missed by all of his coworkers, especially those in the Chicago area where he worked for many years. On behalf of the BLET National Division, I extend my deepest condolences to his family and friends.”

Brother Little joined the BLET on June 1, 1976 and served the Brotherhood in many capacities during his years of service, including as Mississippi State Legislative Board Chairman in 2005. He worked for the Canadian Pacific Railway and Metra.

“Brother Little was an exemplary example of service to our Brotherhood,” BLET Vice President & National Legislative Representative John Tolman said. “No matter where he was working, he stepped up and took on leadership roles in our organization.”

Born July 10, 1949, in Escanaba, Mich., Brother Little was a Vietnam War veteran. He was dedicated to veteran's organizations and the Lion's Club, giving many hours of his service.

“Don was a dear friend and loyal member of our Brotherhood and helped me and our Board above and beyond the call of duty,” BLET Illinois State Legislative Board Chairman Ed Way said.

Brother Little is survived by his wife of 30 years, Judith; his children, Kelly Lee (Rick) Burke, David Paul Little, Lauren Little and Shannon (Patrick Ford) Little; his grandchildren, Hillary Elizabeth and Alec David; his stepgrandchildren, Ashley and Kathleen Burke; his mother, Mary Lee Little; his siblings, Michael (Nancy) Little, Patricia Hoffmann, Stephen (Vicki) Little, Joseph Little, John (Leslie) Little, James (Sharon) Little and Terry Little; mother-in-law, Clara Arnhold, brother-in-law, Jim Terwilliger; and many aunts, uncles, cousins, nieces and nephews. He was preceded in death by his father; and his brother, David.

For those wishing to make a donation, memorials may be made to the Wounded Soldier Fundraiser, 6 S 260 Hankses Road, Aurora, IL 60506.

Former Canadian Vice President
J.W. “Wes” Lyster 1923-2009

F ormer Canadian International Vice President J.W. “Wes” Lyster passed away on August 9. He was 86 years old.

Brother Lyster was a member of Division 355 in Calgary, Alberta. He joined the Brotherhood on March 11, 1951, and over the years served his Division as Local Chairman and Secretary-Treasurer.

He was appointed to the office of Special Representative on October 25, 1976. He was well known on the railroads in western Canada where he spent a good deal of time with all divisions.

He was also known in the western United States by virtue of his Brotherhood work and by his being chairman of the International Western Convention in Calgary in 1973. He was elected first Canadian alternate vice president at the BLET’s Third Quinquennial Convention in Cleveland in 1981. He was promoted to the Advisory Board on September 1, 1983, following the retirement of former Canadian Director E.J. Davies.

He retired from service to the Brotherhood on August 30, 1986.

He hied out on the Canadian Pacific Railway as an engine wiper at Empress, Alberta, in 1940 and went firing steam engines in 1942. He won his promotion to locomotive engineer in 1948 and was initiated into Division 355, Calgary, on March 11, 1951.

Outside of his railroad career, Lyster served two years in the Canadian Air Force. He was born April 6, 1923, in Cabri, Sask.

He was a Mason and a member of the Shrine. He is preceded by his wife, Grace. The couple had two sons, Donald and Dale.

“I extend deepest condolences to the Lyster family on behalf of the BLET National Division,” BLET President Ed Rodzwicz said.

“He was a well-known and beloved member of the Brotherhood who served his members well over the years. He will be truly missed by everyone who knew him.”

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Passenger Rail members complete training workshop

Secretary-Treasurer Bill Walpert, who also heads the BLET’s Education and Training Department, said the workshop was the first of its kind because it was geared specifically for members who work at passenger lines. Vice President Ralf, who heads the BLET’s Arbitration Department, said the workshop was a tremendous success. Brother Walpert thanked Ken Kroeger, Coordinator of the Education and Training Department, for helping to make the workshop a success. Brother Ralf thanked Doug Davidson, BLET Assistant Arbitration Director, and David Cameron, assistant to the director of the Teamstes Rail Conference, for their efforts.

Front row, from left: Serenaa Hogan, BLET/Auxiliary Vice President and National Legislative Representative; David Cameron, assistant to the Director of the Teamsters Rail Conference; Kelly Hamrick, Division 482; Charles Lough Jr., Div. 131; and Marcus J. Ralf, Vice President / Director of Arbitration.

Second row, from left: Ken Kroeger, Coordinator of Education & Training / Special Representative; Richard Dixon, Div. 71; William Walpert, NSIT / Director of Education & Training; and H. Lorname Delfrez, Div. 72.

Third row, from left: James Brown Jr., Div. 269; Tom Foran Jr., Div. 171; Herbert Harris Jr., Div. 482; Carlyle Smith, Div. 482; and David Becker, Div. 272.

Fourth row, from left: Michael Abell, Div. 96; Richard Nunziato, Div. 752; Keith Wood, Div. 14; Doug Davidson, Assistant Director of Arbitration / Labor Member - NRAB; James Brown, Div. 373; Paul Osciak, Div. 71; James Rendleman, Div. 373; Michael Taylor, Div. 815; and Brian Gilmartin, Div. 53.

Present but not pictured: Jeffrey Buie Sr., Div. 482.

In August, the BLET’s Education and Training Department and Arbitration Department completed a training workshop designed for Chairman of passenger/commuter railroads. The workshop was held at the National Labor College in Silver Spring, MD, from August 23-28. BLET National Training / Special Representative; Rich-
Bataan Death March survivor Ben Steele named Honorary Engineer by BLET

By Patrick Dawson

While BLET National President Ed Rodzwicz was behind the wheel on his drive through West Cleveland this past summer, he was struck by a radio interview with the authors of a new book, “Tears in the Darkness.”

Michael and Elizabeth Norman’s stories of soldiers (from both sides) of World War Two’s notorious Bataan Death March came to center around one U.S. soldier in particular, Ben Steele, a young Montana cowboy who was among thousands taken prisoner following months of siege ending in surrender to the Imperial Japanese Army April 9, 1942. The story inspired the president, himself a Marine Corps combat veteran of Viet Nam.

“One of our divisions out in Montana was going to have a picnic coming up, and I thought, Gee, wouldn’t it be exciting if we could invite a true war hero, one of America’s Greatest Generation,” recalled the president, who got the ball rolling with some local BLET officials and members.

Mr. Steele, born in 1917, and a retired professor of art at Montana State University-Billings, accepted the union’s invitation to the affair, held in a frontier-style log meeting hall on the bank of the Yellowstone River at Laurel, Montana, site of an original Northern Pacific division point, yards and car shops.

Ben Steele shared some lighthearted anecdotes, “I can relate to wartime situations, I can’t. I’m a veteran myself, and while a privilege for me to be able to meet this combat veteran of Viet Nam, I thought, Gee, wouldn’t it be exciting if a true war hero, one of America’s Greatest Generation,” recalled the president, who got the ball rolling with some local BLET officials and members.

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Craig Gilchrist, BLET’s Montana Legislative Director, surprised the local members when he introduced visiting V.F.P’s President Rodzwicz, First Vice President Paul Sorrow, VP and National Legislative Representative John Tolman. Also attending the event were Matt Wilson, BNSF/MRL General Chairman, and Jerry LaPrath, BNSF/MRL Vice General Chairman.

Mr. Steele and his wife and daughter were introduced by President Rodzwicz to the union’s members and officials and presented with a plaque and engraved brass steam-engine bell bestowing on him the title of Honorary Locomotive Engineer — only the second time such an honor has been given by BLET.

It’s the biggest group I’ve ever seen so captivated. That man is eloquent. As a speaker, he was in the top one or two I’ve heard in my life. He is one tough man.”

Mr. Steele regaled the members and guests with accounts of his survival, especially how good it felt to be repatriated following liberation of the Philippines. He recalled how he had a candy bar in years, and so immediately ate a case of two dozen that had been air-dropped by a B-29, which of course made him sick.

But it was a good sick: “We were so hungry, we would have put a hog to shame!”

After a chicken dinner in Japan during physical exams and treatment, Mr. Steele wrapped up some pieces in a napkin, took them back to the hospital to hide under his pillow, prompting the medical staff to insist that it was okay; he would now be fed good food regularly, and there was no need to hoard food any longer. Such survival strategies and instinctive behavior were hard to shake after all those years of deprivation.

After Pearl Harbor, the Allied forces of Americans and Filipinos had been attacked at the Army Air Corps Clark Field from air and sea, then ground troops pushed them further up the Bataan Peninsula, until they were ultimately cut off from air support, supply lines and reinforcements. After months of grueling running battles, and with supplies exhausted, the Allies were overrun in April, and by May the thousands who surrendered were force-marched up the peninsula. Many died along the way, and those who faltered because of illness, wounds or weakness from dehydration and malnourishment were summarily bayoneted or shot and left by the road. At the outset, many American and Filipino prisoners were murdered in large groups by Japanese soldiers ordered to bayonet them and push them into ravines.

Despite the hardships and horrors, and as a prescription to help his own sanity, Mr. Steele assigned himself the monumental and risky task of trying to document the experiences of the Allied P.O.W.’s through pencil and charcoal sketches of things he witnessed. He says he was unschooled as an artist and had never drawn much until then, but back home as a teenager had been personally acquainted with and inspired by the famous cowboy artist-author, Will James. “When I get in the camps, I tried to find something to occupy my mind,” he recalled. “It was really good for me, because otherwise, you think too much, and you never know what is going to happen from day to day.”

These were not pretty pictures leisurely drafted by a sentimental artist. They are
unblinking depictions of Japanese military cruelty towards weakened, defenseless prisoners of war. The Japanese soldiers themselves had undergone rigid, cult-like indoctrination, with physical punishment of their own a common disciplinary practice. Such behavior was ingrained in their military culture. Ben sketched two sadistic Nisei infantrymen goading at gunpoint a bearded American prisoner while he dug his own grave in the tropical muck. He captured in pencil on rough scraps of paper scenes of Allied prisoners being herded like livestock onto boxcars.

Throughout the long ordeal, these Americans — the first of the war to surrender and be captured — endured confusing feelings of shame, isolation, anger, defeat and hopelessness. But most stuck together and helped each other as best they could. Some violated their own. Ben Steele and a comrade discovered that cans of food and bars of chocolate from their 1944 Red Cross care packages were missing. The fellow prisoner who had stolen and consumed all their goods was soundly thumped by his enraged victims.

After 41 months of captivity, 50 pounds of weight loss, having endured countless beatings, slave labor in underground coal mines, and witnessing friends and fellow soldiers tortured and dying, Ben Steele was at last liberated in 1945, sent to Japan, then to various Army hospitals in the U.S. before finally returning home to Montana for the long process of healing and recuperation.

Thanks to the G.I. Bill of Rights, he completed his college education through a Master's degree, married, and landed a job teaching art at Eastern Montana College in Billings in 1960. But healing the intense trauma he experienced was not easy nor swift. Some things refuse to evaporate with time. A big test came 15 years after the war, during his first year of teaching, when he noticed a Japanese-American student in his class — the first Japanese he recalled seeing since the end of the war. Seated immediately in front of him are BLET First Vice President Paul Sorrow and BLET Vice President & National Legislative Representative John Tolman.

With his recognition as Honorary Locomotive Engineer, Mr. Steele joins the ranks of those BLE members who over the years answered their country's call, and those who served in the wartime railroad battalions, hauling troops and military matériel both in the U.S. and overseas.

The BLET Designated Legal Counsel firm of McKinney and McKinney of Houston, Texas sponsored the event. Pete McKinney, a principal in the firm, attended the picnic.

Mr. Steele describing his experiences in captivity and his repatriation after the end of the war. Seated immediately in front of him are BLE First Vice President Paul Sorrow and BLET Vice President & National Legislative Representative John Tolman.

Mr. Steele sketched scenes of his imprisonment as a way to occupy his mind. After the war, Mr. Steele became an artist and professor at the University of Montana. These sketches depict some of the horrors he encountered at the hands of the enemy.

Sketches: by Ben Steele. Used with his permission.
additional undisturbed time off duty mandated when the sum of on-duty time and limbo time in the preceding duty tour exceeded 12 hours.

The most important factor in accurately classifying and tracking time spent in deadheading is to remember that pay status (i.e., separate service or combined service) is irrelevant. What matters is how much time spent deadheading relates to the duty tour prior to the deadhead and to the duty tour following the deadhead.

There are nine possible combinations of service and deadheading. Each of them — and the service and reporting ramifications of each — are shown on the attached table. There are a fairly complicated set of provisions that interact with one another, but the following general rules apply:

1. A deadhead is considered time on duty only when it is followed by covered service and no statutory off-duty period is provided between the two (i.e., deadheading to a duty assignment).

2. Unless a statutory off-duty period is provided on both ends of a deadhead, it will commingle with the covered service on the end(s) not having a statutory off-duty period.

3. If the deadhead is both preceded and followed by statutory off-duty periods, it is stand-alone limbo time. If only an interim release is involved, the deadhead aggregates with the covered service. If neither a statutory off-duty nor an interim release period is provided, the deadhead time is consecutive with the covered service.

4. The only time a deadhead, itself, constitutes a start is if it occurs on the 7th day (We have asked FRA to change this interpretation so as to treat no stand-alone deadhead as a start, and we will attempt to push a technical correction to the RSIA if FRA fails to do so). A deadhead that is followed by covered service performed without an intervening statutory off-duty period would count as a start, but the covered service, itself, would not, because it either aggregates with or is consecutive service with the deadhead. No other deadhead would count as a start.

5. All deadheading time counts towards the 276-hour calendar month cap.

6. Only excess limbo time counts towards the monthly limbo time cap.

The above explanations and table only apply in situations where the service performed before or after the deadhead is covered service and a "train employee" (i.e., the member is engaged in connected with the movement of a train, including as a hostler (49 U.S.C. § 21101(2))). If other mandatory service for the carrier or time covered by HOS provisions pertaining to dispatching service (e.g., certain yardmasters) is involved, the application of the law is significantly more complicated and the chart should not be used for this purpose.

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**Kruspe retires after nearly 40-year career**

O n March 4, 2009, BLET Illi- nois State Legislative Board Vice Chairman R. Kruspe retired. Brother Kruspe was serving his seventh term of office at the time of his retirement. Brother Kruspe was a member of Division 582 in the Chicago area for nearly 40 years. He joined the Brother- hood on July 1, 1970. He was a CSX locomotive engineer at the time of his retirement.

"Congratulations Brother Kruspe for your 30-plus years of dedicated service to the Brotherhood and the Illinois State Legislative Board," said Paul Piekarски, Vice Chairman of the Illinois State Legis- lative Board. Piekarски said Brother Tyrone Mill- er of Division 613 will step up and fill those big shoes of Brother Kruspe. He said Brother Miller has an extensive background for the job, having served as a Secretary-Treasurer of his Local Div-ision.

Brother Kruspe and his wife Bonnie plan to do some traveling and just simply enjoy life during retirement. 898

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**LAST RUNS**

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**BLET Auxiliary Cookbook, Part II**

By Becky Schneider, BLET Auxiliary National President

We had so much fun putting together a cookbook for the Aux-iliary in 2005, in memory of the late Betty Child, who served as the Office Manager for the BLET’s DC office for 37 years, that we thought we would do it again. Not only did the cookbook raise much needed funds for the Auxiliary, we had a great time creating the name and the design, and putting it all together. That being said, I wish I had a nickel for everybody who later expressed regret for not sending in their favorite recipes. Carpe Diem! Now is your chance to get your favorite family recipe submitted for the next installment. We need every- one, including BLET members, Auxiliary members, and their families to submit rec-ipes, which are due November 30th, so that we can put the cookbook together in time to have it available for next year’s regional conventions.

You can submit recipes in several ways: send them via regular mail, or to my e-mail address; or fax them to me at (915) 587-6897. If you would like to have your recipe form filled out, you can download it from our website, www.ble- t auxiliary.net. We hope to have enough recipes to do another installment of our cookbook, with the same categories as the first. We have the usual cookbook categories, but also have our own spec- ial one — “Especially for Railroaders.”

Once we have the new recipes in place, we will be doing another print- ing of our first and only cookbook, Main- line Cooking. We would love to have as many members and extended members submit recipes as possible, so get busy and send those recipes in so you’re includ- ed in the next one. Don’t forget the "to do" pile; send your recipes in today!

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**Electronical Communications Policy**

The policy currently in effect is that official communications between BLET members and the National Division require a hard copy of the cor-respondence — with a signature — being received by the National President — to be considered an “official communication.” This is to provide that the actual questionnaire is addressed, and recognizes 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 Divi- sion Office that e-mails addressed to the 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.

The President of the BLET will be aware of the opinions and suggestions of the mem- bership, while at the same time providing a timely response to the member, if a re- sponse is necessary.
A message from Teamsters General President James P. Hoffa

Health Insurance Reform

Summer is over and Congress is back to work on health insurance reform. The shouting has died down and it's time to get back to the urgent business of reforming health insurance.

Most Teamsters have excellent health insurance. But that coverage is getting more expensive.

Recently, President Obama cleaned up some misconceptions about health care reform in his speech to Congress. He emphasized that health insurance reform will not reduce Medicare benefits. Nor will it affect your existing benefits in any way.

Health insurance reform won't extend coverage to undocumented immigrants.

Health insurance reform wouldn't create government “death panels” to ration care. Federal bureaucrats won't have access to Americans' bank accounts or their personal health care records. Health insurance reform won't target Americans based on political beliefs.

There is also confusion about the so-called “public option.” The public option would be an affordable, publicly financed health insurance option that individuals could buy into voluntarily. No Teamster would ever have to give up his or her existing coverage if a public plan came into being.

Some think a public option is essential to health insurance reform. They say Congress must include a public plan as part of any deal to get reform passed.

The absence of a public option is not a deal-killer. Instead, we've got to find out what's doable. Every improvement that works will make it easier to pass the next improvement. Every improvement helps re-store faith in government's ability to improve people's lives.

What's essential is to expand health insurance to all Americans. The uninsured get health care, but they tend to get it in the emergency room—which is expensive, and which the rest of us pay for.

The public option isn't the only way to expand coverage. We can provide financial relief to low- and middle-income people who can't otherwise afford insurance.

We can also crack down on the insurance companies—and we will.

Reform would forbid insurance companies from refusing coverage for pre-existing conditions, prohibit them from retroactively canceling coverage and require community rating.

But there's one proposal that Teamsters absolutely cannot support: a tax on insurers. Insurers would pass that tax on to the people they insure—the largest middle-class tax hike in history.