In the aftermath of the most deadly passenger rail accident in more than a decade, and just days after the National Transportation Safety Board reported that the engineer of one of the trains involved in the September 12 tragedy had sent and received dozens of text messages while on duty, the Federal Railroad Administration ("FRA") is issuing an Emergency Order that severely restricts the use of cell phones and other wireless communication and personal electronic devices by operating crews.

Emergency Order No. 26, which is scheduled to be published in the Federal Register on Tuesday, October 7, goes into effect on Monday, October 27, which is 20 days after publication. The Emergency Order governs operating employees’ use of mobile telephones (commonly called cell telephones or cell phones), other electronic devices or electrical devices, and other portable electronic devices (such as portable digital video disc (DVD) players, radio receivers, and audio players) capable of distracting a railroad operating employee from a safety-critical duty. It does not restrict use of the railroad radio or working wireless communication.

“Sadly, the use of electronic devices has literally become a life and death issue for all operating employees and compliance with the Emergency Order must be absolute.”
— President Ed Rodzwicz

Night Time

Is the right time for rail photography, according to Gary Knapp. He has been dubbed the next O. Winston Link by Trains magazine for his expert night time photography. It was after midnight on Nov. 7, 2007, when he captured this SD70MAC slowly pulling out of Pool Point Tunnel near Elkton City, Ky.

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Federal Employers' Liability Act (FELA)-An Overview

The train crew is also sued, on an individual basis. Unfortunately, many times the train crew is also sued, on an individual basis. The helpless feeling of an imminent collision when a motorist ignores both the rules of the road and your warnings is a feeling that never seems to fade. Then, if being sued, you may feel that you are in effect being blamed for the collision. Here are some words of advice for the membership should this happen to you:

- Make sure you contact a Designated Legal Counsel immediately when you receive the paperwork on the lawsuit. It is critical that you have legal advice from the first moment you are sued.
- Make sure you have the Designated Legal Counsel contact the claim agent with the railroad that is assigned to handle this collision. It is important for the claim agent to know that you have someone in your corner representing your interests, not just those of the railroad company.
- Make sure you have your Designated Legal Counsel get an agreement in writing from the railroad that they will agree to pay your attorney fees, costs and any settlement or judgment rendered in favor of the driver. This is the most critical thing you can do to protect yourself and your family from financial ruin. If you do not get an agreement from the railroad to pay all of these items, then you face the risk of personal liability.
- Seek the help of a professional or the railroad’s Employee Assistance Program if you are having trouble coping emotionally with the event. Few people recognize and appreciate the risks of the job and professional assistance can often help with living with the memories and the understandable anger associated with being blamed for something you did nothing to prevent from happening.
- Volunteer for Operation Lifesaver. This can be a very rewarding and healing experience especially for those that give presentations to the younger (pre-driving age) kids. These children dream of becoming Locomotive Engineers when they grow up and you are legendary to them. This is a way to make a real difference in terms of reducing the number of collisions in future generations. Volunteer opportunities can be arranged at www.oldi.org

Dave Blunt, designated Legal Counsel for the Brotherhood of Locomotive Engineers and look forward to continuing to serve the needs of the membership.

Are we safe?
Survey will gauge the effectiveness of safety and security improvements to the railroad industry since the terrorist attacks of Sept. 11, 2001.

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Teamsters, BLET conducting post-9/11 rail safety and security survey

Protect yourself from grade crossing liabilities

According to the Federal Railroad Administration, there have been more than 65,000 reported highway-rail collisions since 1990. The overwhelming majority of those collisions are caused solely by the automobile drivers’ inattention and their failure to heed the Locomotive Engineer’s warnings. Even so a lawyer is often hired by the family of the automobile driver to pursue a claim against the railroad for the failure to maintain a safe crossing through the installation of gates and lights. Unfortunately, many times the train crew is also sued, on an individual basis. Locomotive Engineers have an extremely important job. It is also a stressful job. The helpless feeling of an imminent collision when a motorist ignores both the rules of the road and your warnings is a feeling that never seems to fade. Then, if being sued, you may feel that you are in effect being blamed for the collision. Here are some words of advice for the membership should this happen to you:

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On a personal note, David Blunt, a designated Legal Counsel for the BLET for over 22 years, is pleased to announce that he has made Paul Slocumb a partner in his firm. Paul has an extensive background in the railroad industry and in the area of FELA and railroad crossing litigation. Blunt Slocumb Ltd. are honored to be Designated Legal Counsel for the Brotherhood of Locomotive Engineers and look forward to continuing to serve the needs of the membership.
BLET members scheduling vacations for next year are advised to check the BLET calendar, which includes information regarding events, social activities, and union meetings. The calendar can be accessed at the BLET website, and members are encouraged to book their vacations in advance to secure the best possible agreement for their vacations, including any changes to the carrier's rules.

Vacation destinations

Viato Hotel & Conference Center (705 Cherokee Orchard Road, Gatlinburg, TN 37738. Phone: (865) 436-9211). The room rate will be $129 per night. To contact Brother Martin, call (865) 436-9211 or email: BLET@msn.com.

Key West, Florida (Key West Convention Center, Key West, FL 33040. Phone: (800) 367-5860. The room rate will be $159 per night. To contact Brother Martin, call (865) 436-9211 or email: BLET@msn.com.

Phoenix, Arizona (Convention Center Phoenix, 200 E. Washington Street, Phoenix, AZ 85004. Phone: (602) 257-2000. The room rate will be $139 per night. To contact Brother Martin, call (865) 436-9211 or email: BLET@msn.com.

San Diego, California (San Diego Convention Center, 111 W. Harbor Drive, San Diego, CA 92101. Phone: (619) 232-1234. The room rate will be $179 per night. To contact Brother Martin, call (865) 436-9211 or email: BLET@msn.com.

More specific details and registration information for the 2009 BLET regional meetings will be announced in the coming months. BLET members are encouraged to book their rooms in advance to avoid possible shortages.

BLET forces delay of DOT 'strip search' rule

An order issued on October 31, the United States Court of Appeals for the District of Columbia Circuit, temporarily stayed the implementation of a Department of Transportation regulation that would have required direct observation of urine specimen donation in all return-to-duty and follow-up drug tests, which was to take effect on November 1.

The stay will remain in effect until the Court considers and rules on an emergency motion filed by nine unions — including the BLET and International Brother- hood of Teamsters — and the BNSF Railway to stay the regulation until it has ruled on challenges to the constitutionality of mandatory direct observation and an associated "strip search" requirement.

The stay is in accordance with its Proce- dures for Transportation Workplace Drug and Alcohol Testing Programs, which changes Section 40.67(b) of Title 49 of the Code of Federal Regu- lations, originally was published on June 25 and was scheduled to take ef- fect on August 25 along with a series of other changes to the regulation. Under immediate past regulations, a rail- road had the discretion to require direct observation during an individual return- to-duty or follow-up test, but was not re- quired to do so.

Among the other changes was the addition of Section 40.67(b), which re- quires a "strip search" in all instances of direct observation. Specifically, railroads must "request the employee to raise his or her shirt, pants, or dress/skirt, as appropriate, above the waist, and lower clothing and undergarments to show... by turning around, that they do not have a pro- phetic device [that could be used to deliver a substituted urine specimen]."

After the railroad has "determined that the employee does not have such a de- vice, it may permit the employee to re- turn clothing to its proper position for ob- served urination."

In mid-August, the unions and BNSF Railway filed the Petition for Review with the United States Court of Appeals for the District of Columbia Circuit, challenging both the strip search and the man- datory direct observation provisions on constitutional and statutory grounds. The unions are arguing that the regulation violates the Fourth Amendment of the U.S. Con- stitution, which protects citizens from un- reasonable searches. BLET National President Ed Rodzwic- zek condemned the direct observation rule and said the union would continue to search for ways to protect BLET mem- bers from this forced invasion of privacy.

"The DOT admits that its only evi- dence in support of strip searches and mandatory direct observation is anecdotal, proving once again that the new rule is a solution in search of a prob- lem," said Brother Rodzwicz. "BLET will continue to pursue every available avenue to protect BLET members from the humiliating and invasive course DOT has insisted upon."
Emergency Order No. 26 — BLET Frequently Asked Questions

(Ass of 10/31/2008)

Q: What is the best way to avoid violating the Emergency Order?

A: Regardless of the circumstances in which the Emergency Order permits the use of cell phones and other personal electronic devices, the surest way to avoid violating the Emergency Order is to turn off all such devices when you register for duty, store them in your grip, and do not retrieve and activate them until you have been relieved from duty.

Q: Can we use our cell phones (business or personal) while stopped and not operating the controls of the train?

A: The Emergency Order does not prohibit the use of cell phones for voice communication, provided that (1) the use of a personal electronic or electrical device is not required to ride rolling equipment during switching operations, and (3) no railroad employees are required to be on the ground, including any situation where other railroad employees are assisting in preparation of the train (e.g., an air brake test). Such use in this circumstance would be governed by railroad operating rules.

Q: Can we use our cell phones (business or personal) while being deadheaded in any mode of transportation?

A: Personal electronic devices must be turned off, with earpiece removed, while on a moving train, or when a duty requires any member of the crew to be on the ground or to ride rolling equipment during a switching operation or during any period when another member of the railroad is assisting in preparation of the train (e.g., an air brake test). A railroad-supplied mobile telephone or remote computing device may be used by a crew member deadheading in the cab of a moving locomotive for an authorized business purpose, but only after a safety briefing is conducted and all assigned personnel agree that it is safe to do so. A deadheading crew may also use a railroad-supplied mobile telephone or remote computing device to perform any function other than voice communication while on duty.

Q: Does the emergency order prohibit the use of a camera while on duty to document a safety hazard?

A: The Emergency Order specifically states that the use of a personal or electronic or electrical device to perform any function other than voice communication while on duty is prohibited. This would prohibit the use of cell phones with photographic capabilities for that purpose. However, it is unclear that a disposable camera — which is not an electronic or electrical device — falls within the scope of the Emergency Order, and the prohibition against the use of an electronic camera only seems arbitrary, particularly when it would be used to improve safety. We are preparing a Petition for Review in order to obtain a clarification from FRA concerning this issue.

Q: Is it permissible to use your cell phone while the train is not moving and you are on the locomotive clear of all tracks and not performing any safety sensitive duties under this Emergency Order?

A: The Emergency Order does not prohibit such use, provided (1) no operating employee is required to ride rolling equipment during switching operations, and (2) no railroad employees are required to be on the ground, including any situation involving the operation of the train (e.g., an air brake test). Such use in this circumstance would be governed by railroad operating rules.

Q: Is the use of calculators for such things as managing correct horsepower per ton, calculating tons per operative brake, dynamic brake and tractive effort, compliance, and correcting train length permissible?

A: Since the Emergency Order includes “executing a computational function” in the definition of “use of an electronic or electrical device,” and also specifically states that the use of a personal electronic or electrical device to perform any function other than voice communication while on duty is prohibited, it is clear that the use of a calculator is specifically carved out of the scope of the Emergency Order.

Q: Apparently, some of our members are using a GPS device to check their speed. The reason being that the... speed mile markers, out of some terminals, are located at 10 mph zones. We are working through the... EMT and the BLET... BLET National President Ed Rodzwicz endorsed the Emergency Order on behalf of BLET members. “We applaud the NTSB for bringing this information forward promptly, and the FRA for acting quickly,” Rodzwicz said. “Sadly, the use of personal electronic devices continues to claim a life and death issue for all operating employees and compliance with the Emergency Order must be absolute,” added Rodzwicz.
BLET’s Ohio Town Hall meetings a success

Several BLET National Division officers and General Chairman discussed issues of national significance with BLET members at two Town Hall meetings in Ohio.

The meetings, hosted in mid-October by BLET Division 95 in Cincinnati and Division 34 in Columbus, provided BLET members with information on the upcoming November elections. BLET members attended booth Town Hall meetings.

President Rodzwicz made a point about Emergency Order 26. BLET National President Rodzwicz, Vice President and National Legislative Representative Dennis Pierce, Vice President, and Ed Rodzwicz, BLET National President, gave presentations and engaged in lengthy question and answer sessions.

The meetings focused on the upcoming November elections, the importance of electing labor-friendly candidates to the membership as well as provide information about the new rail safety bill and the FRA cell phone ban.

More than 90 members from 11 BLET Divisions attended the Cincinnati Town Hall meeting. Boy Scouts William and Richard Wuerdeman, who belong to Scout Troop 519, were in attendance and led the BLET members in the Pledge of Allegiance to begin the Cincinnati session. The Scouts are the sons of BLET member Todd Wuerdeman, who is a conductor at CSX. The Scouts were invited to the meeting by Division 95 President Brian Herald and Local Chairman Danny Bennett to help fulfill requirements for their American Labor merit badges.

More than 40 members attended the Columbus Town Hall meeting, and many more viewed the event live via streaming media by Division President Jeff Scott.

The meetings are the significance of Presidential appointees, and how it affects the rail industry. Jeff Scott, who has become common place for BLET Division 34 regular meetings, BLET National President Rodzwicz spoke at length about Emergency Order 26, which bans the use of cell phones and most other electronic devices while in the cab of the locomotive. He said the Order came about following the fatal Metrolink accident in Chatsworth, Calif., which claimed the lives of 25 people, including BLET member Robert Sanchez.

He advised members to turn off their electronic equipment and store it in their grip while on duty. The surest way for BLET members to avoid violating the Emergency Order or associated railroad rules is to turn off all such devices when you register for duty, store them in your grip, and do not retrieve or activate them until you have been relieved from duty,” BLET National President Rodzwicz said.

BLET Vice President & National Legislative Representative John Tolman said the upcoming election is the most important of our lifetime, and stressed the need to elect labor-friendly candidates. State Chairman Hanely added that BLET endorsed candidates are selected in part by examining their past voting record on transportation issues, or pledge to support these issues in the future.

A highlight of Tolman’s talking points was the significance of Presidential appointees, and how it affects the rail industry. He stressed the importance of electing a labor-friendly candidate because the next President will appoint the Secretary of Labor, Secretary of Transportation, Administrator of FRA, all three members of the Railroad Retirement Board, the head of the National Mediation Board and many more.

The meetings were the significance of Presidential appointees, and how it affects the rail industry. BLET Vice President Dennis Pierce spoke about the Rail Safety Act, which was signed into law by President Bush on October 16. He addressed specific ways that the new law would impact Hours of Service for BLET members.

Jeff Scott, seated, prepares his computer to broadcast the Town Hall meeting on the Internet.

Members at the Town Hall meeting in Columbus.

Father and son, Doug D. Myers of BLET Division 44F with his father, Dr. Myers of BLET Division 285. Both are Norfolk Southern locomotive engineers.

General Chairmen from left: Rick Finamore, Cole Davis and Willard Knight.

Boy Scouts William and Richard Wuerdeman, BLET Division 95, with his son William.

Members at the Town Hall meeting in Columbus.

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Father and son, Doug D. Myers of BLET Division 44F with his father, Dr. Myers of BLET Division 285. Both are Norfolk Southern locomotive engineers.

General Chairmen from left: Rick Finamore, Cole Davis and Willard Knight.

Boy Scouts William and Richard Wuerdeman, BLET Division 95, with his son William.
President Bush signs rail safety bill

On October 16, President Bush signed a major rail safety reform bill that also provides billions of dollars for Amtrak.

The legislation was put on a fast track to passage largely due to the collision between a Metrolink train and a Union Pacific freight train on September 12. The safety portion of the legislation contains provisions mandating the implementation of Positive Train Control by 2015, a technology that could have prevented the deadly Metrolink tragedy. The legislation limits railroad operating crews to a maximum 276 hours per month, including limbo time. It limits limbo time to 40 hours a month the first year after enactment and 36 hours a month thereafter.

"In any piece of legislation, you aim high and hope that others will aim high with you," BLET Vice President & National Legislative Representative John Tolman said. "The Legislative Department worked hard, having several State Legislative Board Chairmen, General Chairmen and Vice Presidents lobbying with us to help craft the best bill possible, but unfortunately, we didn't get everything we asked for."

Some other rail safety provisions include:
- Targeted fatigue countermeasures: a railroad's plan shall take into account the varying circumstances of operations by the railroad, including different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances. The plan should include:
  - Employee education.
  - Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.
  - Scheduling practices for employees, including innovative scheduling practices, on-duty call practices, work and rest cycles, increased consecutive days off for employees, changes in shift patterns, appropriate scheduling practices for varying types of work, and other aspects of employee scheduling that would reduce employee fatigue and cumulative sleep loss.
  - Methods to minimize accidents and incidents that occur as a result of working at times when scientific and medical research have shown increased fatigue disrupts employees' circadian rhythm.
  - Alertness strategies.
  - Opportunities to obtain restful sleep at lodging facilities, including employee sleeping quarters provided by the railroad carrier.
  - The increase of the number of consecutive hours of duty rest, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, office or agents.
  - Avoidance of abrupt changes in rest cycles for employees.
- Additional elements that the Secretary considers appropriate.
- 10-hour call pilot project and scheduled call pilot project.
- Labor and management can negotiate alternative hours of service plans.
- Existing hours of service law shall apply to commuter, short haul passenger carriers, or intercity carriers until regulations are issued by the Secretary with in three years after the law is enacted.

The implementation of positive train control by 2015 includes:
- Mandating prompt medical attention for injured railroad employees.
- Providing for a study of the locomotive cab environment.
- Mandating critical incident stress debriefing.
- Mandating a study of railroad employee exposure to nuclear radiation.
- Requiring railroads to provide emergency escape breathing apparatus with respiratory protection for all crewmembers in locomotive cabs.

The bill authorizes $13.06 billion over five years for passenger rail; more than $2.6 billion annually for Amtrak, intercity passenger rail, and high speed rail programs, which is almost double what the U.S. is currently spending.

Passage and Amtrak Authorization: Finally!

By Sereena Hogan

What a shame that 25 people had to lose their lives and another 135 had to suffer serious injuries before Congress took action and passed rail safety legislation for both freight and passenger rail.

The head-on collision between a Metrolink train and a UP train in Chatsworth, Calif., brought the issue of rail safety to the national forefront. The September 12 tragedy also sent Congress scrambling to get both the Railroad Safety Improvement Act of 2008 (H.R. 2095) and The Passenger Rail Investment and Improvement Act of 2008 (S. 294) passed before they adjourned for the year.

The two bills were combined on September 29 and passed by the Senate on October 1 with 74 years and 24 days. Faced with a veto-proof majority in the Senate, President Bush had no choice but to authorize the legislation. He signed the bill into law on October 16, 2008.

(As an aside, Sen. Barack Obama voted for the measure, while Sen. John McCain voted against it. Despite his continued references to us all as "my friends," McCain is not our friend when it comes to rail issues.)

The new law requires large freight and passenger railroads to submit a plan to equip trains with positive train control systems (PTC) by the year 2015. Employ- ment of PTC will create a safer environment not only for rail passengers and crews, but for the public at large as more and more trains haul toxic materials across our nation.

We have always been strong supporters of PTC, but we still need to be wary of the efforts by the Carriers to replace a crew member with the technology. We need to maintain the fight for crew members of two persons for the safety of our loved ones on the railroad and the safety of our communities. It is not about jobs; it is about safety.

The new law also describes numerous other safety issues, including: operating employee fatigue; exposure to nuclear radiation and other toxic agents; crew radiation and certification requirements; critical incident stress debriefing; and prompt medical attention for employees injured on duty.

The legislation includes numerous other elements included in the final bill are disappointing. Probably the most disappointing was the insertion of a cap of 276 hours, including 40 hours of limbo time per month for the first year. This arbitrary cap will do nothing to mitigate fatigue. It will not improve our best efforts at mitigating fatigue, including training (train line up) and cannot solve power shortages.

For example, if you hold long freight engine- ers work for 18 hours a day, the cap limit them to 18.8 hours per day. If that crew member worked 20 days a month (i.e., 5 days a week); it works out to 13.8 hours per day — more than the current 12-hour Hours of Service Limit, but that does include limbo time. For someone working every day, 30 days a month, it equates to 9.2 hours per day every day. So where is the improvement?

We do understand that compromises were made to create a bill that not only included a cap for the railroads funding at $5.3 billion in capital grants, $2.9 billion in operating grants, $1.9 billions for intercity passenger rail over five years, and funding for Amtrak employees, which was eight years overdue.

Alarmingly, the bill delves into the potential of privatizing, which means the BLET and all of Rail Labor oppose. We will need to continue to fight to make sure that the billions authorized for Amtrak actually are appropriated in the coming years.

We are grateful for all of the good this bill will do to provide safer working environment and provide railroad employees the tools they need to report on unsafe working conditions, among many other things, along with real funding for our passenger rail system. However, it is unfortunate that we were unable to achieve some of our biggest goals for safety and quality of life. All I can say is we will keep on working to attain what is best for our family of rail workers and our communities.

John McCain is not our friend when it comes to rail issues.)

The bill authorizes $13.06 billion over five years for passenger rail; more than $2.6 billion annually for Amtrak, intercity passenger rail, and high speed rail programs, which is almost double what the U.S. is currently spending.

BY Sereena Hogan

National Vice President/National Legislative Representative

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United HealthCare announces GA-2311 open enrollment for November/December

During the months of November and December 2008, United HealthCare will hold an open enrollment under GA-2311. During this open enrollment, any individual eligible for coverage under one of the GA-2311 plans can enroll for the first time or re-enroll for coverage without any medical underwriting or requirement of good health.

There are no limitations for pre-existing conditions. Enrollment in November and December 2008 will be for coverage effective January 1, 2009. Only those applicants who mail their completed enrollment forms in November or December 2008 will be considered for open enrollment. The next opportunity to enroll during an open enrollment period will be in November/December 2010.

This open enrollment is being held for:

• Any individuals who were covered under any railroad health plan and were represented by a Railway Labor Board; or

• Any individuals who are members in accordance with the constitution or by-laws of one of the participating railway labor organizations and who are employed under the employer group health plan, which applies to them ends.

If someone you know meets the GA-2311 eligibility provisions, open enrollment provides an opportunity for them to become covered. You may also enroll your spouse or eligible children if they are not currently covered. In addition, enrollment under Plan F is available for your parent or parent-in-law. Anyone interested in enrolling shall call the following phone number to obtain an enrollment form or additional information:

• For persons eligible for Medicare, call 1-800-809-0453.

• For persons not eligible for Medicare, call 1-800-842-5252.

Details of the various plans are as follows:

Plan A Rate: $250.00

Applies to: Persons eligible for coverage under GA-2311 except persons eligible under GA-46000.

Plan B Rate: $325.00

Applies to: Persons eligible for coverage under GA-2311 except persons eligible under GA-46000.

Plan C Rate: $400.00

Applies to: Persons eligible for coverage under GA-2311 except persons eligible under Medicare, and persons eligible under GA-46000.

Plan D Rate: $500.00

Applies to: Persons eligible for coverage under GA-2311 except persons eligible under Medicare, and persons eligible under GA-46000.

Plan E Rate: $500.00

Applies to: Persons eligible for Full Medicare Coverage.

• Note: Enrollment during November and December of the open enrollment period provides for coverage effective the following calendar year, January 1st through December 31st. Each June 1st of that calendar year, and only at that time, adjustments to the premium for all plans under GA-2311 may occur. Additionally, if you are enrolled in either Plan A, B, or C under GA-2311, and a change in the premium amount you pay does occur, you will be allowed, at that time, to switch your plan to a different plan (A, B, or C) if available.

Part B – Occupational Disabilities

Effective Jan. 1, 2009:

• Part B will be voluntary.

• Cost will be $23 per month and will be payroll deducted with your monthly union dues.

• Weekly benefit for occupational disabilities will be $402 per week.

• Each eligible member will be insured for $50,000 of AD&D coverage.

• The benefit will not be subject to repayment upon receipt of FELA settlement (no repayment after personal injury settlement).

Part A – Non-Occupational Disabilities

Effective Jan. 1, 2009, the current plan covering both occupational and non-occupational disabilities will be modified:

• Part A will pay $402 per week for non-occupational disabilities only — an increase from $362 per week.

• Occupational disabilities will not be covered.

• Each eligible member will be insured for $50,000 of Accidental Death and Dismemberment (AD&D) coverage.

NOTE: This plan change will not impact members with current claims. Those members who have a date of disability prior to January 1, 2009 will continue to qualify for the $362 per week benefit for occupational or non-occupational as determined by the Plan.

• Claims for occupational disabilities prior to January 1, 2009 who have been administered as they are today, making them subject to repayment upon receipt of FELA settlement (repayment after a personal injury settlement).

Changes to BLET Short-Term Disability Insurance effective January 1, 2009

A number of changes to the BLET Short-Term Disability Insurance Plan will become effective Jan. 1, 2009. These changes will impact eligible employees working on a railroad that participated in the Wage Rules portion of the Dec. 16, 2003, National Agreement. Two parts to the Plan are offered as outlined below:

Part A – Non-Occupational Disabilities

Effective Jan. 1, 2009:

• Part A will pay $402 per week for non-occupational disabilities only — an increase from $362 per week.

• Occupational disabilities will not be covered.

• Each eligible member will be insured for $50,000 of Accidental Death and Dismemberment (AD&D) coverage.

NOTE: This plan change will not impact members with current claims. Those members who have a date of disability prior to January 1, 2009 will continue to qualify for the $362 per week benefit for occupational or non-occupational as determined by the Plan.

• Claims for occupational disabilities prior to January 1, 2009 who have been administered as they are today, making them subject to repayment upon receipt of FELA settlement (repayment after a personal injury settlement).

Part B – Occupational Disabilities

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• Part B will be voluntary.

• Cost will be $23 per month and will be payroll deducted with your monthly union dues.

• Weekly benefit for occupational disabilities will be $402 per week.

• Each eligible member will be insured for $50,000 of AD&D coverage.

• The benefit will not be subject to repayment upon receipt of FELA settlement (no repayment after personal injury settlement).

• The benefit will not be considered taxable income.

NOTE: Eligibility for Part B will be driven by your eligibility for Part A. You will have two options if you become ineligible for Part A. Pay $40 directly to the BLET Trust Fund by the 10th of the month for Part B and continue your payroll deduction of $23 for Part B or drop out of Part B. If you choose to drop out of Part B, you may discontinue the $23 payroll deduction. However, you may not resume coverage for Part B until a subsequent annual enrollment period.

• Participation in this additional occupational coverage is not required. If you wish NOT to participate, you must notify us in writing by completing and returning the opt out form prior to Dec. 1, 2008. Your completed form should be sent to the Secretary-Treasurer of your Division. If you are a BLET member and do nothing, you will be automatically enrolled in Part B effective Jan. 1, 2009.

• Members opting out of Part B coverage effective Jan. 1, 2009, will not be eligible for the coverage until the next annual enrollment period.

• UTLA members may purchase Part B coverage by making an annual payment of $276 to the BLET Trust Fund.

Questions? Contact Jim Bradford, BLET Short-term Disability Administrator: Bradford@ble-t.org

OPT OUT FORM — BLET SHORT TERM DISABILITY INSURANCE PLAN

(You need only complete this form if you wish to DECLINE Part B coverage.)

If you desire to OPT OUT or DECLINE coverage under the BLET Short Term Disability Insurance Plan, complete the remainder of this form. Be sure to include your signature and the date and deliver to your Division Secretary-Treasurer by December 1, 2008.

1. I choose to DECLINE Part B coverage, or OPT OUT, of the BLET Short Term Disability Insurance Plan, Part B. I understand that I may only seek enrollment in Part B during a future open enrollment period.

Signature: ___________________________ Date: ___________________________

Deadline to opt out is December 1, 2008!
Advisory Board September Activity

Advisory Board members met in Cleveland for one of their regular meetings. Seated: First Vice President Paul Sorrow, National Secretary-Trustee Bill Walper. Standing, from left, are Vice Presidents: Dennis Pierce, Merle Geiger Jr., Mike Twombly, Steve Speagle, Marcus Ruef, Rick Radke, John Tolman, and Lee Pruitt.

Election Day and our country’s future

Boasting a slogan like “Live Better,” you’d think that Wal-Mart would care about making people’s lives better. So why does it always seem like its executives are only out to improve our own? In an effort to push their anti-worker agenda, Wal-Mart executives have begun herding thousands of store managers and department heads into mandatory, captive-audience meetings across the country. Rather than a message of the meetings being “live better,” it was “live better by voting Republican.”

In the meetings, as reported by the Wall Street Journal, Wal-Mart executives said that if Democrats were successful in November’s elections, then Democrats would try to pass a law, called the Employee Free Choice Act, which would make it easier for workers at Wal-Mart and any other company to form a union. Wal-Mart claims the meetings are held to simply inform workers about the current political issues, which is true: the meetings provide union-busting information. However, the direct result of the events are more than just voter-registration drives—union leaders say that if Democrats were successful in November’s elections, they would try to pass a law, called the Employee Free Choice Act, which would make it easier for workers at Wal-Mart and any other company to form a union.

In addition to Wal-Mart denying people their right to form a union with its captive-audience meetings, it is attempting to thwart employees’ good judgment. But workers see through the company’s lies. “I’m not a stupid person. They were telling me how to vote,” said a Wal-Mart customer service supervisor who attended one of the company’s meetings, as quoted in the Wall Street Journal. “No matter how cheaply they are selling them, I’m not shopping at Wal-Mart,” said Kevin Targett, an 18-year delivery driver for DHL in the Detroit area. “It’s the biggest company around, and it’s not worth spending my money there until their employees get better wages and better benefits.” If we can get the Employee Free Choice Act passed, it would give workers a lot more say there.”

Targett is absolutely correct. The Employee Free Choice Act is originated because companies like Wal-Mart refuse to provide their workers with decent hours, wages and benefits. Yet Wal-Mart’s executives and other critics of the legislation, including Sen. John McCain, present the current labor laws, which allow corporations to repeatedly violate the law and trample employees’ rights while receiving little more than a slap on the wrist as punishment. Critics claim the Employee Free Choice Act will remove secret ballot elections for workers deciding to form a union. That’s another scare tactic and is simply not true.

Fraternally,
James P. Hoffa
Teamsters General President

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BLET Advisory Board members met in Cleveland for one of their regular meetings. Seated: First Vice President Paul Sorrow, National Executive Ed Rodzwicz, and National Secretary-Trustee Bill Walper. Standing, from left, are Vice Presidents: Dennis Pierce, Merle Geiger Jr., Mike Twombly, Steve Speagle, Marcus Ruef, Rick Radke, John Tolman, and Lee Pruitt.

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