

The logo for UTU News features the letters 'UTU' in a stylized, bold font. The 'U' on the left is blue, the 'T' in the middle is red, and the 'U' on the right is blue. To the right of 'UTU' is the word 'News' in a large, black, sans-serif font. The 'T' in 'UTU' has a red arrow pointing to the right, extending over the 'News' text.

The Official Publication of the United Transportation Union

WELCOME TO THE "VOICE OF TRANSPORTATION LABOR"

"This is great. I only wish we could have been the union to come up with the proposed new policy."

— a BLE general chairperson, when shown the UTU's proposed discipline policy on NS

News & Notes

AFL-CIO endorses Gore

The UTU was the only major rail-transportation union which heeded the AFL-CIO's call to support the presidential candidacy of Vice President Al Gore at the federation's recent convention in Los Angeles. "Our cooperation with the AFL-CIO on the Gore endorsement shows that we are still working hand-in-hand with it on major issues of importance to union members everywhere," said James Brunkenhoefer, UTU national legislative director and a convention delegate. "We have answered the federation's call to support Al Gore for the benefit of our members and all rail-transportation workers, and are concerned that the leadership of the Brotherhood of Locomotive Engineers may be leaning towards an endorsement of George W. Bush. There is only one candidate for labor to support: Al Gore."

Drivers select UTU

Ballots in the representation election for part-time bus drivers employed by Evergreen Trails in Seattle, Wash., have been tabulated and the UTU has been chosen as the employees' bargaining representative. Bus Vice President Bernie McNelis thanked Local 324 General Chairperson Brian Donald for his hard work throughout this effort and said the local would be gathering ideas from the part-time drivers to draft a contract proposal. Approximately 120 new members will join their full-time counterparts in the local.

Hurricane victims fund

Concerned members of the UTU have established a hurricane victims fund to assist their brothers and sisters who have lost their homes and/or vehicles as a result of the severe weather and flooding that ravaged the eastern U.S. when Hurricane Floyd struck in September. Donations can be sent to the UTU Hurricane Victims Fund, P.O. Box 1138, Portsmouth, VA 23705. For information, contact Alternate National Legislative Director James A. Stem, Jr., at (919) 848-3235, or by e-mail at <jamesastem@aol.com>. The maximum donation a UTU local can make without a referendum vote is \$600. General committees and state legislative boards can make a donation in any amount, subject to committee or board approval.

Mail your questions

Correspondence which requires a formal response must be directed to the International via the traditional postal services. E-mail inquiries will not be answered. Local officers who handle internal matters with various departments at the International may continue to do so via e-mail.

BLE blocks health options

BLE stops thousands of engineers from participating in new BlueCross/BlueShield option

CLEVELAND — Thousands of UTU members working as locomotive engineers are not being allowed to enroll in the new National Railway Labor Conference/UTU Health and Welfare Plan because the Brotherhood of Locomotive Engineers (BLE) has refused to allow them to be eligible.

Now that those eligible have received the new UTU Health and Welfare Plan materials, many locomotive engineers are asking the UTU International why UTU members working under BLE contracts did not receive enrollment forms.

"We said it would be right and fair if all UTU members can participate in the new UTU plan," said Assistant President Byron A. Boyd, Jr. "The BLE said, 'Not if they're locomotive engineers and work under contracts we hold.' They said, 'Nuts!'"

"So, now the BLE is holding health insurance choice hostage for thousands of locomotive engineers who belong to the UTU," continued Boyd. "This is just one more reason

Unification Update

As this issue of *UTU News* goes to press, the National Mediation Board is waiting for a third member to be confirmed by the Senate. Until that occurs, any decision on UTU's petition for a representation election on the Union Pacific Railroad is considered to be unlikely. For the latest developments, access the UTU web site at <<http://www.utu.org>>.

why one union should represent all operating employees. The BLE just doesn't want locomotive engineers who belong to the UTU to get a better healthcare choice than engineers who belong to the BLE."

Beginning January 1, 2000, the new UTU plan offers BlueCross/BlueShield as a healthcare option, along with United HealthCare and Aetna. The National Health and Welfare Plan, to which the BLE and UTU belong, does not have the BlueCross/BlueShield option.

"Dating back to the discussions between UTU and BLE in exploring the possibility of creating a new union," said Boyd, "we told BLE about our intention to implement this plan and

Continued on page 8

"Cram-down" bill introduced

Idaho senator seeks to end injustice in railroad mergers

WASHINGTON, D.C. — At the urging of the UTU, a Republican senator from Idaho has introduced an historic piece of legislation that would end the practice of "cram-down" following railroad mergers.

Senate Bill 1590, introduced by Sen. Mike Crapo (R-Idaho), would forbid the Surface Transportation Board (STB) from overriding or modifying collective bargaining agreements between railroads and their employees to complete future railroad mergers.

Crafted with the assistance of the UTU's Legislative Department, S. 1590, also known as The Surface Transportation Board Improvement Act, was introduced by Crapo

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UTU pushes time-off law

Employees can choose time off; reaction to new BNSF policy

WASHINGTON, D.C. — In the wake of the Burlington Northern Santa Fe Railroad's (BNSF) now-infamous Availability Policy, the UTU is spearheading federal legislation that would let railroad workers choose whether they need time off.

See Editorial, Page 4

Introduced by Cong. Steve LaTourette (R-Ohio) and backed by other rail labor groups, the UTU "guaranteed time off" legislation will provide that any train employee who has worked, or been available for work, for seven consecutive days cannot be required by a railroad to work, or be available for work, for at

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Around the UTU

News from around the U.S. and Canada

Local 104, Sault Ste. Marie, Ont.

Members working for the Sault Ste. Marie Transportation Commission recently signed a new three-year pact with the city, bringing improved benefits, wage increases totaling 7.9% and a \$500 signing bonus. Local Chairperson **Blair Reid** said an attempt to downgrade supplemental health coverage was resisted until dropped by the city.

Local 200, North Platte, Neb.

Two more houses are available to Habitat for Humanity beneficiaries thanks to the efforts of members who contributed their energy to the organization for the second year in a row, according to Local President **I.C. Smith**. Secretary and Treasurer **Mack McConahay** noted members can make donations to the **North Platte Area Habitat for Humanity, Box 1785, North Platte, NE 69103**.

Local 201, Trinidad, Col.

Members are congratulating **Mike Dardanes** and his wife **Evelyn**, whose daughter **Denille** was recently elected president of the National High School Rodeo Association at the 1999 National High School Finals Rodeo in Gillette, Wyo.

Local 228, Cedar Rapids, Iowa

In September, members employed by Union Pacific and the Cedar Rapids & Iowa City Railway held their annual all-crafts picnic to promote solidarity, according to Legislative Representative **Steve Miller**, who noted that a 19-inch TV/VCR was won in a drawing by **Dave Delano**. Thanks go to all the sponsors who donated prizes, as well as to the law firms of **Hoey, Farina & Downes; Hubbell, Sawyer, Peak, O'Neal & Napier; Hunegs, Stone, Koenig, LeNeave & Kvas; Tello & Associates; Yaeger, Jungbauer, Barczak & Roe, and Pratt & Tobin**.

Local 343, Hamilton, Ont.

The death of **Orville Robert Bryer** is being mourned by members working on Canadian National, according to Local Vice President and Chairperson **Scott Montani**, who noted many were trained by Bryer when they started their careers. Montani also offered the local's best wishes and prayers on Remembrance Day to those whose loved ones died in the course of performing their duties.

Local 759, Newark, N.J.

Local Chairperson **Joe Frierson** met last month with the part-time drivers who voted to be in the same unit as the full-time drivers working for O.N.E. Bus Co. Frierson is setting up contract negotiations on their behalf, a process delayed when the company appealed the results of the representation election held earlier this year.

Local 770, Heavener, Okla.

An account has been established to benefit five-year-old **Kaitlyn Taylor**, whose father **Ronnie Taylor** was killed in a tragic accident on the Kansas City Southern on September 13, according to **Tommy G. Robinson** and Local Chairperson **John Locke**. Send contributions to account #152870 (ABA routing number for wiring instructions is 103102591) at Central National Bank, P.O. Box 340, Poteau, OK 74953.

Local 1188, Oklahoma City, Okla.

Members are grateful to their UTU brothers and sisters across North America who an-



Former secretary of Local 631 Fred George (left) and his brother, Local Chairperson Thomas George, present Heather Durham with financial aid for her education.

Local's generosity aids bereaved family

For Mrs. Carol Durham and her daughters, the "brothers" and "sisters" of Local 631 in Brunswick, Md., are as good as family.

When members learned Local Secretary and Treasurer **Bob Durham** was battling stomach cancer, they created a trust fund for the benefit of his daughter Heather, a high school student, and her eight-year-old sister Brooke.

According to Local Chairperson **Thomas A. George**, members began an intensive letter-writing campaign, targeting all UTU locals in the U.S., as well as state legislative boards and general committees. "In a couple of short months," George said, "more than \$17,000 was donated."

Bob Durham passed away in July 1998, but before he did, members of the local had arranged for him to be guest of honor at a surprise appreciation banquet. Those in attendance included National Legislative Director James Brunkenhoefer, representatives of various UTU Designated Legal Counsel firms, and members of other UTU locals.

Most of the money collected for the family was placed in a trust fund for Brooke, with Thomas George, **Greg Loy** and **Derek Trumbetic** acting as trustees. But about \$3,500 was kept in a local bank account for immediate access if needed.

Earlier this year, Carol Durham told the local that Heather was completing her senior year in high school, had earned numerous scholarships, was number one in her class and would serve as valedictorian, but needed money to finish paying for the 1999-2000 school year. Thanks to the efforts of Local 631, those bills have been paid.

"It was, without a doubt, the most gratifying experience of my life," George said. "Although Bob (Durham) is gone, he will not be forgotten."

answered the call for help in the wake of the tornado that devastated members' homes last May, according to Local Chairperson **Kenny Fox**. Donations totaled in excess of \$19,000, "proving that we stand behind each other, at work or at home," Fox said.

Local 1373, Philadelphia, Pa.

The Philadelphia/Wilmington Safety Committee again will sponsor the CSX Christmas Train, said Local President **Tony Mirarchi**, with Operation RedBlock committee members as attendants. This year's event is dedicated to the memory of the late **Joseph A.**

Kochersperger. The first of two trains leaves Wilsmere Yard at 9 a.m., Sunday, December 12, according to **Mike Majett**, who chairs the safety committee, with a second train out of Philadelphia around 2 p.m. For information, contact Majett at (302) 454-7804, or call Mirarchi at (215) 339-2723.

Local 1381, Hammond, Ind.

Engineer **D.R. Potter** secured a role in baseball history when, attending a game in St. Louis, Mo., he caught the 63rd home run hit by Sammy Sosa, according to **Danny Kortum**, treasurer of Local 1883 in Riverdale, Ill.

Local 1582, Albany, N.Y.

Best wishes for a speedy recovery go to Local Chairperson **Jim Kerner**, who is recuperating from a quadruple coronary bypass operation performed October 11. Those wishing to send a card can address it to Kerner at 50 S. First St., Apt. 1-B, Bergenfield, NJ 07621.

Local 1697, Lubbock, Tex.

Arbitration pursued by Local Chairperson **Roy Arnold** was successful in getting a member reinstated with seniority, back pay and benefits, except for a 30-day period. The member, terminated due to an "accident" in a snow storm, had been out of work since the end of January 1999. The UTU proved the situation should have been classified as an "incident" and the driver was given disparate treatment.

Local 1881, Baltimore, Md.

Members are mourning the loss of **William H. Baugher**, who died at his home September 3. According to Treasurer **Stephen W. Marsh, Jr.**, Brother Baugher worked the rails for 52 years, starting on the Western Maryland Railroad. "He truly was a gentleman's gentleman, and will be missed by all," said Marsh.

Local 1895, Chicago, Ill.

Members are reminded by Vice Local Chairperson **Larry Grutzius** to return their local election ballots no later than November 10. Meanwhile, congratulations go to **Rich Ross** and **Charles Neal**, who were elected by acclamation as legislative representative and alternate legislative representative, respectively, and thanks go to General Chairperson **Delbert Strunk** for his assistance to the local.

Local 1908, Buffalo, N.Y.

Chairperson **Carolyn Scarsella**, her committee and Vice President **Bernie McNelis** met with Laidlaw in September to continue negotiations. Two tentative pacts have been rejected by the local, and an extension keeps the current agreement in force until October 31. McNelis said the meeting was the first he attended, "and it appears talks will go down to the wire." Meanwhile, Scarsella, the newly elected Alternate Bus Vice President - East, was authorized to begin her new position effective October 4. The post had been vacant since **Trudy Weber's** retirement in January 1999.

Auxiliary of the UTU

President **Edythe M. Walter** last month addressed the Mo-Kan Lodge, the largest new chapter since Walter took her post, at the chapter's first official meeting. About 75 were in attendance, electing **Phyllis Nowlin** president, **Paige Combs** vice president, **Cathy Dixon** treasurer, and **Anika Owen** secretary. Also speaking to the group was UTU Kansas State Legislative Director **Don Lindsey** and Designated Legal Counsel **Mike O'Neal**.

State Watch News from UTU State Legislative Boards

Georgia

State Legislative Director **Danny Boyles** announced that ballots for the position of assistant state legislative director have been counted and that Mike Dickerson was elected to that position. Dickerson currently serves as a local chairperson and the legislative representative for UTU Local 674 in Augusta, Ga.

Maryland

The Maryland State Legislative Board has awarded the first **James E. Major** Memorial Scholarship, in the amount of \$2,000, to Jennifer Gillis, the daughter of engineer Terry Horner of UTU Local 600 at Cumberland, Md., reports Legislative Director **Larry Kasecamp**.

Ms. Gillis is currently enrolled at the Georgia Institute of Technology.

Applications for next year's scholarship are available from any local union officer or legislative representative of a Maryland UTU local.

The scholarship is fully funded by the board's annual golf outing, which will be held next year on June 6 in Mount Airy, Md.

"Please mark your calendars for this worthy fund-raising event," said Kasecamp.



Maryland State Legislative Director Larry Kasecamp presents a check to Jennifer Gillis, the first recipient of the James E. Major Memorial Scholarship, on the campus of the Georgia Institute of Technology in Atlanta, Ga.



Arkansas

Membership I, the UTU's mobile education and training center, spent September 10-20 visiting Union Pacific Railroad terminals throughout Arkansas, reports State Legislative Director Don Beavers. More than 350 UTU members, along with members of other railroad crafts, the Teachers' Association and the AFL-CIO, toured the motor coach and saw a video on rail labor history. Here, Arkansas Democratic Party Chairman Vaughn McQuarry, third from left, meets with UTUIA Field Supervisor Joe Cunningham, Alternate Vice President-South Jerry Batton and Beavers in Little Rock to express his appreciation for the loyal support TPEL has provided to the Democratic Party.

California

Gov. Gray Davis signed into law a measure which establishes pilot programs in the counties of Santa Cruz, Orange, Alameda and Santa Clara requiring motorists to yield to buses pulling away from bus stops, reports General Chairperson **Ian McFadden** (23).

Transit buses in these counties will soon be outfitted with flashing yellow "Yield to Bus" signs which are activated by the bus operator.

"It is expected that this legislation will greatly increase the on-time performance of the transit agencies affected and significantly reduce right-of-way accidents around bus pull-outs," McFadden said, crediting the hard work

of State Legislative Director **J.P. Jones** and all of the officers of Local 23.

Unfortunately, in a defeat to organized labor, Gov. Davis vetoed a union-sponsored bill that would have required any new operator of Metropolitan Transportation Authority bus routes to pay wages and benefits similar to those now received by MTA workers.

Various unions pushed for passage of the bill as a way to prevent the possible creation of a new San Fernando Valley transit zone that would likely be run by private operators.

Iowa

UTU members and their families were the only participants representing rail labor at the Labor Day activities in Des Moines, Iowa, state director **Pat Hendricks** reports. The UTUers joined about 100 other labor activists at an early-morning rally where Iowa Sen. Tom Harkin (D) announced his endorsement of Vice President Al Gore for president. They then participated in the city's annual Labor Day parade, which was led by Gore, Harkin and AFL-CIO Secretary-Treasurer Richard Trumka.

Gore and Harkin also met separately with invited labor representatives from the UTU and other organizations.



Vice President Al Gore responds to questions posed by labor representatives while Iowa Legislative Director Pat Hendricks, Mike Chapman (867), Emily Chapman and Connie Backoff listen. Hendricks asked Gore about a Senate bill regarding open access for shippers.

Bus Department

By Bernie McNelis

We must police our borders

Once again, we must address the North American Free Trade Agreement (NAFTA) issue. Everyone knows that Mexican companies, both bus and truck, are violating the trade agreement by operating beyond their current limits in the United States. The real concern is safety. Are the buses and drivers, who soon will be allowed to operate anywhere in the United States, meeting the same safety standards as the drivers from the United States? The answer is generally NO! The transportation unions from the United States are attempting to convince the government to delay the opening of the borders until several safety measures are in place.

Only a very small percentage of buses entering the United States from Mexico are being inspected. The United States simply does not have enough inspectors or facilities to do these inspections. Mexico still has not enacted, to my knowledge, hours-of-service regulations for its drivers. There still is no drug or alcohol testing being performed on Mexican drivers. The driving records and licensing verification of Mexican drivers will still not be available to our law enforcement agencies. What disparity: We get tested for looking the wrong way, yet drivers from Mexico, who are going to operate on our highways, are not being tested at all.

No longer do we hear outcries from Coach USA or Greyhound as to the disparity of NAFTA. Why not? Because both companies have purchased interests in Mexican bus companies. You do not hear about the disparity in wages between U.S. drivers and Mexican drivers, who earn about \$7 to \$9 per day. Why not? Because they hope they can pay us those same wages.

I strongly urge you to contact your legislators to keep the borders closed until the government can guarantee that the highways and roads will be safe, until Mexican drivers are properly trained; until they are governed by hours-of-service, drug- and alcohol-testing and vehicle inspection laws, and until drivers on both sides of the border are treated equally.



Yardmasters

By Don Carver

UP yardmasters ratify new pact

Union Pacific yardmasters ratified the new contract with 96% of ballots favoring adoption. Agreement packets are being prepared for mailing to the newly organized yardmasters.

The Council of General Chairpersons - UTU Yardmasters held its biannual meeting in Cleveland on October 15 and 16, 1999. The general chairpersons met to discuss and work on problems and issues of common interest. The exchange of ideas and solutions among the general chairpersons has proven to be very beneficial to the membership. The council is comprised of the 16 Yardmaster Department general chairpersons representing the craft membership across the nation.

The council also conducted an election of officers. The elected are Council President James R. Cumby (CSXT-Shared Assets-Amtrak); Vice Chairperson John Eschmann (Long Island-New Jersey Transit) and Secretary/Treasurer Doyle K. Turner (CSXT-CRR-Monon-NOPB). (See Photo, Page 11.) We congratulate these officers on their election, and look forward to working with them in the future.

Amtrak negotiations are tentatively scheduled for resumption November 9, 1999, in Philadelphia, Pa.

Negotiations will continue November 10 and 11, 1999, with Grand Trunk Western on a guaranteed extra board and other issues. We were not successful last session with the carrier. We are hoping for a more productive session in this round.

BNSF General Chairperson W. J. Cobean has undergone extensive shoulder surgery. We wish Billy a speedy recovery.



Charles L. Little, International President
Byron A. Boyd, Jr., Assistant President
Paul C. Thompson, General Sec./Treas.
James Brunkenhoefer, Nat. Legislative Dir.

“Smoking gun” at BNSF

No one could figure out what emboldened Burlington Northern Santa Fe Railroad to risk alienating its employees and unions by implementing its now-infamous Availability Policy. Why would the carrier take such a major chance to incur the wrath of its operating employees and their union leaders? Now we know the answer. The BLE said it was okay.

A “smoking gun” letter supporting the Availability Policy came to light during the October 14 Public Law Board hearing on this issue at the NMB. Written on August 23 by BLE General Chairman John Mullen, BNSF used the letter to bolster its case by showing that the engineers’ union supported its new policy. To put it in simple language, BNSF told the arbitrator that the BLE told them it liked the new policy.

Mullen endorsed the policy that said it was okay for BNSF to force some employees to work up to 360 hours per month, or 30 twelve-hour days, with only one day off – which may be denied by BNSF for any reason. According to BNSF, Mullen also told several top BNSF officials he supported the new Availability Policy.

So, whose side is the BLE working on at BNSF? You be the judge. But in this case it surely wasn’t the operating employees’ side.

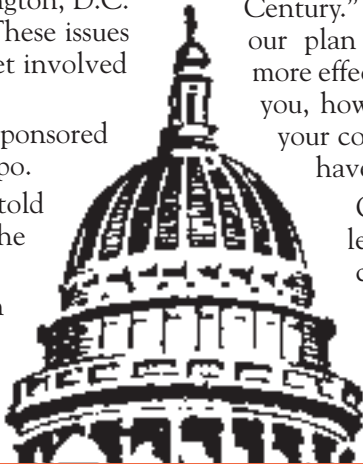
At Work in Washington

The enactment of laws to end “cram-down” and to guarantee time off for railroad workers are two of our major initiatives in Washington, D.C. Both are highlighted in stories on Page 1 of this newspaper. These issues are of vital importance to our members, and we urge you to get involved and help us turn them into law.

Of special note is that the anti-“cram-down” legislation is sponsored by a labor-friendly Republican Senator from Idaho, Mike Crapo.

That’s good news to STB Chairperson Linda Morgan, who told a Senate subcommittee considering her re-appointment that she believed new laws should be enacted to end “cram-down.”

Said Assistant President Byron A. Boyd, Jr.: “Linda Morgan has done more to protect rail labor during tough mergers conducted under unfair laws than any other person in government. She has earned the right to keep doing her job. We need Linda Morgan’s guts and experience at the STB.”



WASHINGTON WATCH

By James Brunkenhoefer

UTU, AFL-CIO back Gore. Will BLE leaders aid Bush?

President Little selected me, along with Alternate National Legislative Director James A. Stem, Canadian Legislative Director Tim S. Secord, Vice Presidents Anthony Iannone and Patrick Drennan, Alternate Bus Vice President Percy Palmer, Alternate Vice President Artie Martin, and California Assistant State Legislative Director Mike Anderson, to attend the AFL-CIO convention last month.

Long ago, President Little realized the importance of backing the right candidate for president in the year 2000. UTU has not agreed with all of the positions taken by the Clinton/Gore Administration, but there is absolutely no question that those positions were far superior to what happened during the 12 years under Reagan and Bush. One only has to look at Presidential Emergency Board 219, and the other givebacks forced upon the members of this union during those years, to realize how lacking their record was on labor issues.

UTU is unfortunately very aware of George W. Bush’s record in Texas and positions that he has taken as a presidential candidate. It was the Railroad Commission of Texas which wanted to add to the Union Pacific chaos by opening up railroads in Texas to additional competition. This meant that, instead of the railroads in Texas hiring, they would have been laying off and your jobs would have been going to non-union shortlines. As a presidential candidate, he has adopted a right-to-work, anti-labor agenda as part of his presidential platform. President Little and AFL-CIO President Sweeney recognize that early action is needed to preserve



The Earth isn’t Flat

Not that long ago, most people believed the Earth was flat. It was easy to believe because the world was only what you could see. Then Columbus sailed west and didn’t fall off the edge of the world, and some people changed their minds.

Many others didn’t. In fact, there are still many people living today who believe the Earth is flat. Or, the Earth should be what they want it to be...BLE.

That brings me to the end of the 20th Century, and what transportation labor needs to survive and prosper for the next 100 years.

What it doesn’t need is an archaic 19th Century labor structure taken advantage of by 21st Century transportation companies.

What it needs is one large, unified operating rail and transportation union that has the power to make things happen at the bargaining table and in Washington, Ottawa, and state and provincial capitals across North America.

What it needs is a blueprint and a track record of success. I believe the UTU is the only union in our industry that offers both.

In the middle of this newspaper, you’ll have the opportunity to look at our “Blueprint for the 21st Century.” This is the outline of our plan to make your union more effective. To do that job for you, however, we need to hear your constructive ideas and to have your participation.

Charlie Little and his leadership team have committed themselves to creating a union that can compete against the mega-carriers in Washington and at the

negotiating table. As you have seen this year, our political presence in the nation’s capital and across the continent is the highest of any union in its field.

Yet, the rail industry is retarded by those self-interested union officers who would prefer to hold back their memberships’ rights and benefits in the name of protecting an outdated 19th Century system – and their country club memberships and easy lifestyles.

Because of these officers at the Brotherhood of Locomotive Engineers, thousands of locomotive engineers, including UTU members, are not being allowed the option of selecting BlueCross/BlueShield as a healthcare insurance option. That may be the way it was done in the 19th Century, but punishing all engineers because you can’t provide the same high-level of benefits doesn’t belong in the 21st Century.

I am a locomotive engineer from the Union Pacific Railroad, and I know that if the BLE was blocking my healthcare choice, I would surely let them know about it. We believe that all UTU members, including all UTU-E members, should be able to select BlueCross/Blue Shield if they want, and that another union should not be able to stop them.

You have our pledge that we are doing everything we can to end this injustice. Help by doing your part and telling the BLE not to hold your healthcare choice hostage.

Tell them that the Earth isn’t flat anymore.



Byron A. Boyd, Jr.

UTU, NS finalize new START discipline policy

CLEVELAND – All UTU general chairpersons on the Norfolk Southern (NS) Railroad were expected to attend a meeting late last month to finalize the carrier's new discipline policy, a top NS general chairperson has reported to the International.

Only UTU chairpersons off the NS and UTU International officers were expected to attend this crucial meeting, which is intended to bring NS's antiquated discipline policy in line with those now in operation on CSXT and the Union Pacific Railroad.

NS's new START (System Teamwork and Responsibility Training) policy is designed to foster trust and cooperation while providing for safe and efficient service. It is also meant to provide employees the opportunity to reach their full potential.

In an October 19 letter to the International about the status of the START policy, UTU General Chairperson Delbert G. Strunk, Jr., said that the Brotherhood of Locomotive Engineers (BLE) "had no input in the process at all."

Strunk said he was told that the BLE had an article on its website stating they were in the process of developing a new discipline policy and that details would be forthcoming. "First, to say I was a little surprised...about the BLE's statement...is in itself an understatement. The BLE has no information on this issue because they have not been part of the process to actually develop a new discipline policy. Also, they have no information to pass on because WE, the UTU, have not finalized the details of the policy, and, to put it bluntly, THEY had NO INPUT at all."

Strunk reported that General Chairperson Jim Clark and he met with NS representatives on October 7 in Cleveland. At that time, acting on behalf of the UTU and with the concurrence of Chairpersons Pate King, Dave Benson, Bruce Daniel and Walter Eubanks, they presented NS with a proposed new discipline policy that is similar to the one now in operation on CSXT. Another meeting was held on October 14 to further refine the new START policy, and what promised to be the final meeting was scheduled for late last month.

"Brother Clark and I were told during our meeting on the 14th that the carrier had let a BLE general chairperson review the document they were to give us prior to our meeting," Strunk said. "The carrier advised that this BLE general chairperson's response was, 'This is great. I only wish we could have been the union to come up with the proposed new policy.'"

In closing, Strunk wrote, "I would like to thank you (President Little) and Assistant President Boyd for your assistance and guidance on this

issue. I am certain that NS would not be willing to make the changes in their antiquated discipline policy without your help."

START highlights:

The new policy is designed to provide positive learning experiences, training, and employee growth opportunities in a cooperative environment. The policy is effective January 1, 2000.

- Rule infractions are divided into three categories: minor, serious, and major. Only for major offenses will employees be removed from service pending a formal hearing.
- The policy is not intended to alter the application of the policy on alcohol and drugs or the application of Rule G.
- Employees will not be disciplined for failing to immediately report an injury, if, as soon as the injury manifests itself, the injury is reported.
- Employees will not be subject to a formal discipline hearing for sustaining an injury.
- Employees will not be subject to formal discipline for minor offenses unless the employee has three such offenses in a three-year period in which case the offense will be handled in the same manner as a serious offense.
- Minor offenses will be handled by initiating the alternative handling process within three days, jointly by the local chairperson or employee and the Division Superintendent or his designee, who will utilize alternative handling such as training and education to correct mistakes, reinforce proper procedures and emphasize the importance of conforming to the safety and operating rules.
- An employee will be subject to no more than a 30-day deferred suspension for a single serious offense within a three-year period; an employee will be subject to no more than a 30-day actual suspension for a second serious offense within a three-year period; an employee will be subject to dismissal for a third serious offense within a three-year period.
- Employees whose engineers' certificates are revoked for a period that is longer than any discipline that may be imposed may exercise their seniority to another craft during the period of revocation.

Feedback

Setting the record straight: I&M Rail Link, BNSF accident

To the UTU News:

When any railroader is killed on the job, it hurts us all. The death of two BLE members on August 11, 1999, caused by an I&M Rail Link (IMRL) collision with a BNSF local train at Clinton, Iowa, has scarred us all deeply. We offer our sincere condolences to the families of the IMRL members who were killed.

However, there are certain important facts regarding this accident that have been misreported on the BLE website and in its International newsletter. We believe incidents such as these should not be exploited and abused by any responsible labor organization, and we intend to set the record straight.

Here are the facts:

1. The BNSF train crew was issued a valid track warrant by the dispatcher;
2. The 24-car BNSF train (not cars) was on the main line within yard limits switching (serving a customer);
3. The IMRL dispatcher not only gave them permission to occupy the main line verbally, but had full knowledge that they would occupy the main before the IMRL intermodal train arrived;
4. The IMRL trainmaster was with the IMRL switch engine at Comanche, Iowa (siding two miles from Clinton) and had radio communication not only with the BNSF crew, but the IMRL intermodal crew. There were no cars left unattended as implied by the BLE newsletter. In fact, it was only because of having 23 loads in the BNSF train that we kept from having a worse mishap.

The BLE says in its story that "the accident site was within yard limits, which means the train should have been proceeding at a slow speed being prepared to stop at any time. Investigators said the train was doing 22 mph, a negligible 2 mph over the speed limit."

There is no such thing as a "negligible 2 mph" in the railroad business. Restricted speed and the yard limit rules are FRA-written mandates! Does

the BLE suggest that anything over the speed limit is negligible? Does the BLE suggest a collision with anything within yard limits is negligible?

The BLE also reported that "BNSF still has trackage rights on the Clinton portion and operates a local freight, and apparently it was this local that left some cars in the path of the I&MRL train."

Wrong again. No cars were left unattended! The NTSB and the BNSF have found no rules culpability and/or responsibility with the BNSF crew. That's fact.

Accidents like this should not happen, but this could have been worse than it was, and we must take steps to make sure that doesn't happen.

The IMRL operates only with employees hired as locomotive engineers, some of whom receive scant training. There are no conductors or brakemen – and that is another story about what the BLE did on the Soo Line and IMRL that makes conditions unsafe.

What training do IMRL engineers receive? Is it adequate? The answer to those questions is becoming more obvious all the time.

UTU pushes hard for appropriate training for its members. We endorse, encourage, and support our Conductor Training Agreement and the UTU Engineer Training Agreement. UTU makes every effort possible to present not only the best-qualified employees in the field, but to provide the most efficient and well-trained members to the carrier.

I have tried to stay neutral about the UTU/BLE representation issue, but a proactive union that cares about the safety and welfare of its members would push for stronger training on carriers like the IMRL. It would not sign agreements that compromise safety and shut out the other operating crafts.

Could that be one big reason why accidents like the one at Clinton, Iowa, happen? It's something to think about.

Sincerely,
Bill Clevenger
Local Chairperson, UTU 195

Blueprint For The 21st Century

A Plan to Keep the UTU on Track as North America's Premier Rail and Transportation Union

One Union for All

The time is now for one union to represent all railroad operating employees. It is time to step out of the 19th Century and into the 21st Century of rail and transportation representation.

In order to protect historical craft autonomy most effectively, and to best ensure the survival of all current operating employees, the time has long since come for one union to represent them all. Failure to do so will permit the railroads to continue to play us against each other, thereby manipulating our joint bargaining power against us. That practice must be eliminated with the end of the 20th Century, and cannot continue into the 21st Century.

Pocketbook & Quality of Life Issues

Our members' economic future lies in the union's ability to secure contracts that reflect the true value of their work: This holds true not only in the rail industry, but also in all other forms of transportation. Our bus operators and airline pilots must also achieve equitable pay levels. As we enter the 21st Century, transportation workers must have improved work schedules that allow normal family lives.

Increase wages and benefits to equitably reflect members' increased productivity: North American railroad workers are the most productive in the world, according to the World Bank. Since 1980, the railroads have tripled productivity by increasing ton-miles by more than 50%, and the industry's overall rate of return on investment has increased dramatically. Operating crews are not now receiving their fair share of wages and benefits that compensate them for increased productivity. That must change.

Elimination of the dual basis of pay and entry rates: The foundation was laid in the 1996 agreement with a 5% increase on entry rates when promoted to engineer, conductor or other assignments. Now is the time to do away with entry rates and dual basis of pay for all post-1985 employees.

Guaranteed and predictable time off: All rail, bus, airline and associated members must be guaranteed predictable time off without any reduction in pay for working less days, hours, or miles. We laid the foundation for this in the rail industry with the agreement at the National Wage and Rules Panel concerning work/rest guidelines.

Enhanced Education & Training

New-hire training and promotion: There must be sufficient on-the-job training to enable new hires to learn safe and proper execution of duties, particularly prior to being promoted. An experienced "craft coach" must supervise this training for new hires. For this to happen the railroads must commit to a hiring and employment program that guarantees a sufficient workforce, which will enable a "craft coach" program for new hires to be implemented.

Labor/management partnership: The foundation to make this program work is a strong labor/management partnership that will develop curriculum and content for on-the-job training, select and create the duties of the "craft coaches," and determine the length of time prior to initial service and subsequent promotion.

Expedited Resolution of Grievances

Working around the Railway Labor Act: Unlike other industries, when rail labor and management have a dispute over application and/or interpretation of the collective bargaining agreement, rail labor is legally restricted from striking because of the Railway Labor Act. Instead, we are forced into binding arbitration to try to resolve disputes. Due to this system, we have built up a huge backlog of pending cases to be handled by arbitration, which is totally unacceptable, especially to a member who is out of service on a discipline charge. We have laid the foundation to change this process at the Wage and Rules Panel in 1998 with an "Expedited Arbitration Agreement" and we must move forward on this front, and also in regard to expediting out-of-service discipline cases.

Modernize Disciplinary Policies

The 21st Century means an end to 19th Century policies: Since the first spike was driven, railroad disciplinary policies have been focused on an old-style military way of doing things. This won't cut it in the 21st Century. Punitive action, suspension and dismissal will not cut it. These policies, and others, only lead to employee anger and resentment, which hurts everybody. What is needed is a turn to corrective counseling in conjunction with enhanced member training and/or education. It also entails solving core problems that cause discipline breakdowns, especially those caused by fatigue or lack of training, or both.



Dear Brothers and Sisters,

In 1995, the delegates at the Chicago convention embraced the "Blueprint for a New Beginning," and I believe the UTU's revitalization stands as testimony to our achievements.

In August 1999, the delegates at the Miami Beach convention overwhelmingly endorsed the policies of the International leadership team and our plan for the future highlighted in the "Blueprint for the 21st Century."



As the days become fewer before the 21st Century dawns, the UTU is committed to moving forward with increased focus and vigor so we can offer our members the best possible representation in the rail and transportation industries.

We are a union that is now regarded as a leader in the North American labor movement. We are a union whose integrity and innovation are talked about by major political leaders in Washington and elsewhere across this continent.

Our plan is to keep the UTU's momentum going for four more years – and longer – and to set the agenda for rail and transportation labor in the opening years of the next millennium.

During the last four years we have built a solid foundation for future growth. The UTU and UTUIA are both financially strong and secure, and our total membership is growing. TPEL, our political action committee, is the top labor transportation PAC, and is very successful in backing winning candidates. We are doing many things well. But there is much more to do.

Our "Blueprint for the 21st Century," just like the "Blueprint for a New Beginning," spells out our broad plans to take positive action for immediate change, as well as what steps we must now take to ensure the UTU's long-term growth and vitality.

Your delegates elected me in 1995 to make a difference, and I believe that has been done. They re-elected me by an overwhelming landslide, and entrusted me with staying the course. I pledge to do that.

I pledge to keep the UTU at the top of the charts as the number one rail and transportation union in North America. I pledge to you a union that actively works to protect your job – and preserve all of the historical crafts in a rapidly changing economic world.

We are calling on our members to send us their sincere thoughts and best ideas so that they can be added to the new "Blueprint" as we build on its foundation and expand its vision.

Together we have the opportunity to keep building on something very special. Together we can shape our destiny and make a positive impact on the rail and transportation industries in North America.

Together, we are the UTU.

Fraternally yours,

Charles L. Little
Charles L. Little

Identify and eliminate the root causes: By working diligently to end many of the root problems that affect employees, discipline as we know it will be greatly reduced. Those problems include, but are not limited to: fatigue, lack of training/education, lack of experience, carelessness, etc.

Fair and impartial process: For change to be accepted as meaningful, the methods used to deal with disciplinary issues must be reached collaboratively and equally between labor and management representatives. An impartial individual or group must make the final determination if discipline is warranted.

Move toward corrective action and away from punishment: A progressive program that calls for creating programs meant to solve or correct problems must be utilized. Use of such programs as counseling, conferencing, and training and education must be tried, particularly for initial and secondary violations.

Accountability is the key: It's very simple: Those responsible for assessing discipline (i.e., railroad superintendents) must be held accountable for their actions.

Local Membership Initiative

Increase education and communication at the local level: For the UTU to be most effective, we must develop a more informed and educated membership and do it at the local level. This must include communicating directly with the local member as to the history of current collective bargaining issues and what the current state of the law (Railway Labor Act, New York Dock, Interstate Commerce Act, National Labor Relations Act, Federal Employers Liability Act) permits us to legally do in response to problems.

Increase knowledge and understanding of UTU's law: We must educate members about the internal law of the UTU (Constitution, Unification Agreement) and what it mandates us to do in regard to addressing and resolving modern-day issues. The local member needs to understand what his or her legal and reasonable options and alternatives are so an informed decision can be made.

New Member Education

Educate, motivate and show the value of our union: In today's world, a union has to

work harder to show its true value to members. That especially holds true for the new members who may not have the knowledge and background about what the UTU – and unions in general – have done and are doing to improve the workplace and better their quality of life.

The UTU must provide comprehensive information to new members about all aspects of its operations: This should include, but not be limited to: how dues are collected and spent; how representation works and what they should expect; how contracts are negotiated in the new member's industry; how contractual grievances must be processed in the new member's industry; how a strike may and may not be legally used in the new member's industry; legal ramifications of a wildcat strike; how regulatory agencies (Federal Railroad Administration, National Mediation Board, National Transportation Safety Board, Federal Aviation Administration) and their governmental mandates impact the new member's world; TPEL and its function, importance and success; information about International officers and their duties, background, experience, and more.

Organizing

A union on the move: While the UTU's roots and traditional strengths are in rail labor, we are continuing to aggressively organize other transportation industries, including bus operations, regional airlines, rail-van services, and others.

Shortlines: Just as the shortline railroad industry is beginning to consolidate, we will renew our focus on organizing strategic shortlines across North America.

Bus Industry: Strong efforts are anticipated in organizing bus operations across North America. We are also organizing companies that transport rail crews, and are looking at other bus operations.

Airline industry: Our plan is to seek other opportunities to organize regional airlines, and others, in this fast-growing transportation mode.

The International

Constitutional policies and procedures: We will continue with our policy to preserve the integrity of our Constitution and continue to be strongly committed to a literal application and interpretation of it.

UTUIA: The UTUIA now has record assets of more than \$222 million, and record reserves of \$35 million. We will continue to grow the UTUIA by looking at better ways to serve our policyholders and improve products to offer. We will also look at new marketing initiatives to expand the UTUIA to other transportation industry workers.

Education and Training: We will continue to invest in the education and training of our officers and members by devoting more time and resources to those key areas. To that end, we will develop special programs that will be used on *Membership I* to inform new members, local legislative representatives, local chairpersons, local secretary-treasurers, etc. The number of "mini"-Regional Meetings will be increased to provide more opportunities for information sharing.

Financial viability: The UTU currently has more than \$44 million in assets and is financially secure and stable. We will con-



tinue to stand vigilant over our finances, and will seek innovative solutions to maintain the union's funds at safe and appropriate levels.

Membership Services: In addition to enhanced education and training programs, our Membership Services office manages a telephone hotline and is available to handle special situations that affect members' interests.

UTU News and Website: The *UTU News* will continue to offer special coverage of key issues and publish special informational sections several times during the year. The UTU website, www.utu.org, is already recognized as one of the top information-based websites among unions around the world. That effort will be expanded as more members come online and look to the web as a primary source of information.

Bus Department: We will continue with our strong organizing outreach at strategically targeted locations around North America to add more bus operators, airline pilots and other transportation workers into the UTU fold.

Yardmaster Department: We will continue with our ongoing representation and organizing efforts to provide top-level services to yardmasters.

Political Action

Keep TPEL strong and vital: Our Transportation Political Education League (TPEL) is the top labor transportation political action committee (PAC) in the U.S. We must continue to push the value of TPEL to our membership and encourage all to actively participate in one of our most effective political tools. Because of TPEL, 98% of UTU-endorsed candidates won in the last elections.

Expand Washington, D.C., activity: The new UTU National Legislative Headquarters Building in Washington, D.C., helps cement our stature as the most influential transportation policy advocate among labor organizations. Our increased lobbying activity and the addition of an alternate national legislative director to work with the national legislative director has increased our focus and capabilities. The appearance of Vice President Al Gore and Congressional leaders Richard Gephardt and David Bonior at the Washington, D.C., Regional Meeting is testimony to the stature that the UTU has achieved in the corridors of power. We plan to build upon that stature.

Preserve FELA: We again re-affirm the need to preserve FELA and to propose legislation to strengthen its protections. Our program of providing Congress with information that shows the value of FELA to railroad workers is paying dividends.

Protect and preserve Railroad Retirement: There is no compromise on keeping the Railroad Retirement System strong and vital into the 21st Century. We WILL continue our efforts in Congress to keep Railroad Retirement apart and separate from other government retirement plans, including Social Security. In addition, we will work to secure equitable survivor's benefits for widows.

National passenger rail and commuter rail systems: The viability of Amtrak and commuter passenger rail in the United States is of vital importance to this union and to the Railroad Retirement System. We WILL continue to make every effort to maintain Amtrak and a commuter rail system at strong, viable levels.

BLE blocks

Continued from page 1

offer improved healthcare choice for our members, and we invited the BLE to participate with UTU in order to avoid this type of situation. But the BLE never responded to our invitation to do a better job in healthcare for our combined memberships. At the time it seemed a bit odd, but as we reflect upon their action to withdraw from those discussions, their motives in not responding are now obvious."

Boyd said that, as the deadline approached for determining the eligible employees of the participating Class I railroads who would receive the enrollment material, UTU again contacted the BLE and requested its concurrence in allowing plan eligibility to be based upon the individual's union membership, rather than being based upon the craft in which they work on a particular date in a calendar month.

"The only response we got from the BLE was, 'Nuts!'" Boyd said. "We're still trying to figure out who is 'nuts' over there, and why the BLE would denigrate such a famous World War II quote from General Anthony C. McAuliffe at the Battle of the Bulge with such small-minded pettiness. Once again, they've insulted veterans of that war."

Boyd continued, "If you belong to a union,

another union shouldn't block you from having all of the benefits of membership just because you happen to be working in a craft they represent at that moment in time, and they can't match the benefits."

Boyd said that the American worker wants healthcare choice, and that it is wrong for the BLE to block that choice.

"The BLE is a union that is taking away healthcare choice from thousands of railroad workers," said Boyd. "That's the exact opposite of what a respectable union should be doing. That's nuts!"

The BLE ignored the fact that its acceptance of the proposal that all UTU members be covered by the new health and welfare plan would have greatly reduced the plan administration issues, and would have a positive effect on the affected members as they would not have to guess whether they are covered under the UTU plan or the national plan in any given month. This could not be implemented without the concurrence of BLE as it involved agreements over which BLE has sole and exclusive jurisdiction.

As a result of this BLE position, the mailing of the enrollment materials was delayed approximately 30 days while UTU attempted to determine what may be in the best interests of the loyal UTU engineer members, who could be severely affected by the BLE's decision. It was determined that the best course would be to select September 1, 1999, as the

date to identify eligible employees as those who were reported by the railroads as working in a position represented by the UTU.

Frequently Asked Questions

While UTU engineers working under BLE agreements are not eligible for the UTU plan, the International will continue to handle any problems and/or complaints they may have with regard to the application of the national plan in order to assure that they receive all of the benefits the plan provides. The union encourages all members to contact the International Headquarters if they experience any such problems. Call Jeff Weisbarth at 216-228-9400, ext. 304.

Other frequently asked questions involve whether there will be any additional cost to members exercising their option to select Regence Life and Health as their Blue-Cross/BlueShield medical benefit provider and whether members covered by railroad hospital associations are eligible for the UTU plan.

The answer to the first question is that there is no additional cost in selecting Regence Life and Health.

In response to the second question, employees covered by hospital associations are not eligible, but their dependents are eligible for the UTU plan. This is an identical application to that which is currently in place under the national plan.

Time-off law

Continued from page 1

least 72 hours unless the employee voluntarily chooses to do so.

"It means if you work all or part of seven days and you want to take three days off to be with your family, you can do that," said UTU International President Charles L. Little. "Most every other American worker can get uninterrupted days off, or a nice weekend, if they work seven days straight, and railroad workers deserve the same treatment."

Little said such legislation is needed because the BNSF did not honor its commitment to the March 18 work/rest guidelines agreed to at the National Wage and Rules Panel. Because of that action, Little said the "UTU and all of rail labor intend to vigorously pursue this legislation."

"We are taking the lead in shutting down BNSF's barbaric work culture where you could be made to work 30 straight days without a day off, and then you only get the day off if the boss says it's okay," said Assistant President Byron A. Boyd, Jr.

"If it takes an act of Congress to stop BNSF from treating its workers like they own them, then that's what we will do," Boyd continued.

"Despite BNSF's onerous Availability Policy, the American railroad worker is recognized by the World Bank as the most productive rail worker in the world."

Boyd pointed out that the average American worker is only required to be available to his or

As this issue of the UTU News goes to press, a federal arbitrator has not issued a ruling on the BNSF Availability Policy. A decision was expected by November 1. For details on that ruling and other related news, visit the UTU International website at <http://www.utu.org>.

her employer 24% of their time. BNSF employees, however, are required to be available to the railroad 75% of their time, and an employee being available less than 126 hours a week – or 18 hours a day – over a three-year period is subject to discipline.

"There's no room for railroad servitude in the 21st Century," said Boyd. "BNSF might win at the arbitration hearing, but they will not win on this issue. This is about the health, safety and well-being of our members and that's more important than BNSF's profit for the year."

The BNSF Availability Policy could force some employees to work up to 360 hours per month, or 30 twelve-hour days. The policy

allows these employees only one day off per month, which may be denied by BNSF for any reason. If the employee then takes time off due to fatigue, the employee is subject to discipline.

Because of BNSF's action, UTU informed the Federal Railroad Administration (FRA) that it would no longer participate with the carrier on vital labor/management programs important to the agency.

Little told FRA Administrator Jolene Moloris that the UTU would no longer participate in Safety Assurance and Compliance Program (SACP) and Railroad Safety Advisory Committee (RSAC) projects with BNSF and the agency unless the work/rest principles were honored.

"Both programs are valuable," said Little, "but unless BNSF and its management comes to its senses and permanently withdraws this ill-conceived policy, we will not work with them on major industry issues. We cannot work with a railroad which broke its word so quickly and so badly. People who are employed on the BNSF railroad deserve normal work lives like everyone else in this country."

Boyd said, "BNSF could not have picked a worse time to break its word to rail workers, who deserve a better quality of life for themselves and their families. Its action is endangering labor stability in the entire U.S. rail industry, and has cast a serious pall over national contract talks."

Cram-down

Continued from page 1

for the purpose of "correcting an injustice for railroad workers, shippers" and others who have a contractual relationship with a railroad, he said.

In his introductory statement to the Senate, Crapo explained how legislation that was written in 1920 to exempt railroads involved in mergers from "inconsistent state and municipal regulations" is now used "to override contracts between railroads and their employees."

"This legislation deserves the support of all UTU members. It will remove the onerous procedures that have done so much damage to our members and their contracts," said UTU National

Legislative Director James Brunkenhoefer. "This law needs to be changed, and we will continue working to build support for this legislation under President Little's guidance."

UTU International President Charles L. Little said: "I hope that this gets the attention of the carriers and helps to solve the contractual problems related to mergers before Congress has to act."

Little thanked Sen. Crapo for introducing this legislation and praised the efforts of Idaho Legislative Director Dale Wheeler for his assistance in getting this legislation introduced before the Senate.

The legislation reads, in part: "The Board

shall not, under any circumstances, have the authority under this subchapter to break, modify, alter, override or abrogate, in whole or in part, any provision of any collective bargaining agreement or implementing agreement made between the rail carrier and an authorized representative of the employees of the rail carrier under the Railway Labor Act."

In his introduction of the legislation, Crapo emphasized that this bill would retain the exemptions that were the "the primary goal of Congress in 1920," while barring the STB from making wholesale changes to privately negotiated collective bargaining agreements.

"Collective bargaining agreements go to the very essence of the labor relations process. They are the result of hard-fought deliberations between labor and management...(they) do not come lightly and they should be honored, not subject to change by a federal agency," Crapo said.

Voices: What will you give thanks for this year?



Kenny Fox

L-1188, Oklahoma City, Okla.

"I'm grateful for the good health my family and I enjoy, and I'm thankful that my local has had the good fortune to be injury-free this year. I'm also grateful that the members here have shown a renewed interest in their union and have been more active than in the past. When they get more involved, it takes some of the load off the rest of us. As a worker for BNSF, I'm grateful that we have the UTU to help us fight this new Availability Policy."



Dale Slotness

L-1067, Virginia, Minn.

"I'm grateful that my family's healthy, I have a good job, and we've finally signed a contract after being without one for more than three years on the Duluth, Winnipeg & Pacific Railway, which is a subsidiary of the Canadian National. We got pretty much what we were looking for in this contract, so it turned out pretty good, particularly for the younger guys who hired on in the last five or six years. The carrier had wanted to completely eliminate brakemen."



Frank Hickman

L-1175, Duluth, Minn.

"I'm thankful for my health, for good friends, and for the time I spend with my family. I'm spending more time with my wife and twin daughters than ever before. I've been an engineer on the BNSF for 14 years, with 25 years on the railroad. For the past five years, we've enjoyed a crew-rest system that calls for 10 days on and then five days off. I'm thankful for the UTU, because it's the cream of the crop. I think we've got the best union on the market."



David Just

L-1973, Chicago, Ill.

"I'm thankful for my wife and my five children, and that we're all healthy. I'm a Union Pacific (UP) yardmaster, and I'm thankful the UTU made it possible for us to join with the other UP yardmasters to form the Union Pacific Union Yardmaster Council (UPUYC), which was able to reach an agreement with the carrier. I'm grateful that so many returned their ballots and voted on the agreement. If not, we could have ended up with officers from the carrier."

Fines to go up for gate dodgers

LOS ANGELES – Hoping to stem the tide of rail-related deaths and injuries, fines for motorists ignoring closed rail crossing gates along Metro Blue Line and MetroLink railroad tracks will jump substantially Jan. 1 under legislation signed recently by Gov. Gray Davis.

The minimum fine for driving through closed crossing gates would jump to \$271, the same amount charged motorists who violate carpool lanes on freeways. That represents a jump of \$167 from the current minimum of \$103.

Under the bill, written by Assemblyman Bob Hertzberg (D-Sherman Oaks), local transit agencies throughout the state would receive 30% of each fine, or at least \$81. The money would be earmarked for local safety programs.

The new fine would raise an estimated \$200,000 for the Los Angeles County Metropolitan Transportation Authority.

Raising money is secondary to creating a major new deterrent, said MTA spokesman Marc Littman.

Since 1990, when the Blue Line began, there have been 402 accidents and 47 fatalities, according to Littman. Accidents involving MetroLink trains have claimed 16 lives and resulted in 38 injuries since the commuter rail line began in 1992.

Monthly winner

This month's lucky winner of his choice of any item of apparel bearing the UTU logo is **Frank C. Hutter** of Cincinnati, Ohio. Brother Hutter is a member of Local 1282 in Peru, Ind., which represents workers employed by the CSXT (former C&O). These items are awarded every month by random drawing as a show of appreciation to the many members who have supported the UTU throughout the years. Congratulations to Brother Hutter!

FELA Update

How much in "damages" (dollars) is an injured person entitled to receive?

Unlike Workers' Compensation, there is no fixed amount set by law. No magic formula exists which determines the dollar value of an injury to a railroad employee. A great number of variables will affect the final amount.

First, what is the liability picture? If the railroad is clearly at fault, the case has more value than if there is an issue concerning its fault. If the injured person was also at fault, the value of the case is reduced. An injury which occurs in a dramatic way, such as through explosion or collision, will generally be worth more than one which is incurred in a less-dramatic way, such as by throwing a switch or tripping on a toepath.

Second, obviously, the more severe the injury, the greater the dollar value of the case. Loss of a limb will clearly have greater impact than a strained back.

Third, what kind of an appearance

does the injured person make? Someone a jury likes generally will receive more than someone who is not so appealing. A younger person with a severe injury probably will receive more than a person with the same injury but near retirement age. An employee involved with a family and in community activities will be more sympathetic than one not so involved.

Fourth, the ability of the lawyer handling the case will have an influence on the final sum received. Is the lawyer familiar with railroad law? Does the lawyer have access to sources of information on the railroad to help build the case? Can the lawyer effectively negotiate with the highly skilled railroad claims department?

All of these factors, and more, will have some effect on the value of the case, on the sum which ultimately is received by the injured railroad employee.

Monte Bricker, coordinator
UTU Designated Legal Counsel
1-888-241-7076

Senior News

Retiree enjoys exclusive clubs

Retired UTU member and golf enthusiast **Harry E. Wilson** knows something about exclusive clubs.

Wilson once enjoyed a year in which he played 2,364 holes. But the exclusive clubs he knows best are the ones he crafts individually for those similarly dedicated to the game.



Harry E. Wilson

"I've been making golf clubs for 40 years," said Wilson, a member of Local 724 in Ft. Wayne, Ind. "I put them together one at a time, with better quality control than you get with mass-produced clubs. If you're tall or short or just don't feel your clubs fit you, I can make clubs that are perfect for you."

Wilson considers making golf clubs to be a "cut-throat business," and said he was never tempted to pursue the life of a professional golfer.

Instead, taking a cue from his grandfather, a Chesapeake & Ohio (C&O) telegraph operator, and his father, who worked in the C&O shops, he made his career with the railroad. In March 1941, he started by scooping coal into steam engines on the Pennsylvania Railroad and joined the Brotherhood of Locomotive Firemen & Enginemen. With the onset of World War II, he worked a yard job, then went to work on passenger trains for 18 years. He retired in April 1983 as a Conrail engineer.

"I started golfing when I was 23 or 24," Wilson said. "When I had the yard job, I'd get off in the afternoon and play."

At the time, most golf clubs were made of wood, and he had made a custom set for himself. "A guy I played with liked them, and he kept after me to make some for him, so I gave him my set and built myself a new one. I've been making them ever since."

Though he advertises his skill once a year in the local paper, he thinks it's unnecessary. "I've been doing it so long, people just come. They know what I do and where I'm at."

Today, Wilson has about a thousand clubs at home, and belongs to a society of club collectors. Write to him at 8 Techwood Place, Lima, OH 49805, or call (419) 224-2703.

RRB, Social Security COLAs boosted with consumer prices

Social Security and Railroad Retirement Tier I benefits are scheduled to rise 2.4%, and Tier II benefits will increase 0.8%, in January 2000, the largest cost-of-living adjustment (COLA) in three years, according to reports.

The increase is nearly twice as large as the one applied in early 1999 because of a recent rise in consumer prices, the Social Security Administration said.

COLAs for Railroad Retirement annuities, like those scheduled for Social Security, are based on the rise in the Consumer Price Index (CPI) during the 12 months preceding October 1999.

While COLAs for Social Security and Tier I benefits increase according to the percentage of the CPI rise, Tier II benefits are adjusted by 32.5% of the change in the CPI.

Vested dual benefit payments and supplemental annuities also paid by the U.S. Railroad Retirement Board (RRB) are not adjusted for the rise in the CPI.

If a Railroad Retirement annuitant also receives a Social Security benefit, the increased Tier I benefit is reduced by the increased Social Security benefit. Tier II COLAs are not reduced by Social Security increases.

The 2.4% COLA also will affect Supplemental Security Income (SSI) benefits issued by the Social Security Administration (SSA). The maximum SSI benefit for an individual

will rise from \$500 to \$512.

The average monthly Social Security check for retired individuals will rise by \$19, from \$785 to \$804, SSA said, while the average retired couple (both receiving benefits) will see their monthly benefit income rise from \$1,316 to \$1,348.

Elderly widows or widowers living alone will receive a Social Security retirement benefit of \$775, up from \$757, while the average Social Security benefit for a disabled individual will rise from \$736 to \$754, SSA said.

Like Social Security benefits, Tier I and vested dual benefits paid to employees and spouses, and Tier I, Tier II and vested dual benefits paid to survivors, are subject to earnings deductions if post-retirement earnings exceed certain exempt amounts.

For those under age 65, the annual exempt earnings amount rises to \$10,080 in 2000 from \$9,600 in 1999. For beneficiaries ages 65 through 69, the exempt amount will rise to \$17,000 from \$15,500 in 1999. Earnings limitations do not apply to any annuitants age 70 or older, starting with the month in which they are 70.

For people age 65 through 69, \$1 in benefits will be withheld for every \$3 in earnings above the limit. For people under age 65, \$1 will be withheld for every \$2 in earnings above the limit.

New year brings changes to Medicare

For the 39 million Americans covered by Medicare, the out-of-pocket costs next year will be as follows:

- Premiums for Medicare "Part B" coverage for doctors' office visits and other out-of-hospital treatments will remain at \$45 a month. Most retirees have this amount deducted automatically from their Railroad Retirement or Social Security checks;
- The annual deductible for hospital care will rise to \$776 from \$768;
- Co-payments charged after the first 20 days of care in a nursing home will rise to \$97 a day from \$96. Medicare covers up to 100 days of nursing home care following hospitalization.
- Those who must pay a monthly premium for "Part A" hospital care coverage will get a break in 2000 as it drops to \$301 from \$309.

For more information, contact the Railroad Retirement Board or the Social Security Administration.

THE FINAL CALL

Following are the names of members of the UTU Retiree Program who have died recently, according to reports received at UTU International Headquarters. These brothers and sisters will be missed by their many friends and by fellow UTU Retiree Program members.

Local	Name	City/State	Local	Name	City/State	Local	Name	City/State	Local	Name	City/State
0001	Doyle, Vernon W.	Erie, PA	0318	Wheeler, Selden E.	E. Sparta, OH	0950	Austin, Morris H.	Hughes, AZ	1386	Delaney, Jr., A.S.	Waggaman, LA
0006	Wilson, Richard L.	Modoc, IN	0385	Katz, David	Merrick, NY	0991	Holdsworth, S.G.	N. Cumberland, WV	1391	Hoffman, Harold E.	Lorain, OH
0060	Kearney, William F.	Rockaway, NJ	0425	Colgate, Howard	Skamokawa, WA	1011	Harrington, Malvin	Polkton, NC	1393	Wood, Emery J.	Clarence, NY
0060	McLaughlin, L.D.	Lakewood, N.J.	0426	Urhausen, J.	Kettle Falls, WA	1016	Donnell, Jon R.	Stillwater, OK	1405	Bridges, Lawrence M.	Quincy, IL
0083	Swain, George W.	Houston, TX	0498	Lefko, Andrew	Exton, PA	1016	More, James G.	Enid, OK	1445	Krom, Walter	Little Falls, NJ
0083	Yeaman, Charles K.	Houston, TX	0650	Jenkins, Richard P.	Sibley, IA	1075	Murphy, Edward L.	Port Charlotte, FL	1491	Allen, Harold E.	Matamoras, PA
0113	Hesser, Leo R.	Winslow, AZ	0653	Mulholland, John J.	Blue Island, IL	1202	Hippensteele, David C.	Leo, IN	1518	Duchateau, James E.	Elkhart, IN
0254	Logan, William G.	Billerica, MA	0785	Miller, Gilbert L.	Central City, KS	1202	Shroyer, Charles E.	Ft. Wayne, IN	1518	Lehman, John E.	Wabash, IN
0265	Tauscher, Martin A.	Pocatello, ID	0832	Bochenek, Edwin J.	Stevens Pt., WI	1292	Haedrich, Jr., George F.	Duluth, MN	1549	Hoffman, Paul J.	Toledo, OH
0283	Miller, H.F.	Salem, OR	0898	Cronin, Robert N.	Boston, MA	1345	Tallent, Dora R.	Etowah, TN	1765	Baumann, Wilfred	Jenison, MI
0303	Black, Charles B.	Springfield, MO	0898	Thorne, Richard L.	Stoneham, MA	1366	Goodrich, Junius C.	Sandy, UT	1775	Gilbraith, T.N.	Boise, ID
0305	Yant, Mahlon A.	Lincoln NE	0904	Hilderbrandt, John E.	Evansville, IN	1375	Conaway, Edward E.	Langhorne, PA	1973	Trader, Kenneth W.	Kansas City, MO

Two members honored as Carnegie heroes

CLEVELAND – Although it has been more than two years since UTU Local 458 members **Kerry Osborne** and **Joseph Moloney** pulled their union brother **Donald Collings** from the burning, twisted metal that was once a locomotive, the significance of their actions has not diminished in the eyes of the Carnegie Hero Fund Commission.



Osborne

In September, the commission presented Osborne and Moloney with Carnegie Medals, which recognize acts of outstanding civilian heroism throughout the United States and Canada.

Both received an engraved bronze Carnegie medal, a financial grant and scholarship eligibility.

On the evening of April 6, 1997, the three crewmembers left a yard near Parry Sound, north of Toronto, on a 48-car Canadian Pacific train during a steady down-pour. The temperature had reached 72°F (20°C) that day, but had dropped significantly by nightfall, resulting in a mixture of rain and snow.



Moloney

In a remote area miles from their home terminal, the train plunged approximately 60 feet into a massive sinkhole, the rail bed and the earth surrounding it washed away by the rain. The entire region was made up of old bogs and marshland that had been filled in decades earlier to lay the trackage.

“As we rounded the bend, after doing this for 21 years, I had the feeling something wasn’t right,” said Osborne, who was the engineer that fateful night. “Then, all I saw was two steel treads. The ties and all of the bank had been washed away. I threw the train into emergency and turned to the other guys and said ‘Goodbye boys.’”

All four of the train’s locomotives and 14 of its cars left the tracks at the

area where the bed had collapsed. The lead locomotive came to rest on its right side, partly buried by embankment fill, and diesel fuel was leaking from the locomotives’ tanks.

“There was an explosion shortly after we hit the ground,” said Osborne. “The sound behind me was like that sound when you wait too long to light your gas grill. ‘Whoosh!’ It blew my boots off. I didn’t realize it until I was outside the train, that my feet were cold and wet.”

Moloney and Osborne were able to escape the lead locomotive through its door, which was now overhead.

The duo returned to the cab to free Collings, who was unconscious and face down in the cab, with at least one of the locomotives ablaze and the status of a propane tank car they were hauling unknown.

Moloney and Osborne moved Collings to an area nearby and, in freezing temperatures, removed their own coats to cover him. They remained at the scene, overcome by smoke from the burning diesel fuel, until help arrived about 90 minutes later.

All three were taken to an area hospital. Moloney suffered numerous cuts and bruises and missed nearly 14 months of work. Osborne also suffered cuts and bruises and underwent surgery for an injury to his shoulder. He missed about 19 months of work, much due to post traumatic stress. At this time, Collings has not yet returned to rail service.

“It was a terrible time,” Osborne said, speaking of the accident and its aftermath. “It was hell for a while.”

In congratulatory letters to the two men, UTU International President Charles L. Little thanked them for jeopardizing their own lives to save the life of another. “We therefore join the Carnegie Hero Fund Commission, and Brother Donald H. Collings and his family, in expressing our sincere appreciation of your meritorious deeds,” Little wrote.

Both men received the St. John’s Ambulance Award, one of the highest honors a Canadian civilian can receive. They are scheduled to travel to the Canadian capital of Ottawa soon to be presented with the Governor General’s Award.

“We are just lucky to be alive,” said Moloney. “It could have happened to any one of us.”



Operation RedBlock picnic

More than 1,300 employees, family members and friends recently attended the Operation RedBlock Family Day Picnic, the 13th annual, held this year on Labor Day at Stricker’s Grove Park in Cincinnati, Ohio. Employees from all crafts attended the event, and enjoyed hot dogs, hamburgers, soft drinks and more. Clowns provided entertainment and an amusement park was available for the kids. There was Bingo and many door prizes, including color televisions and bicycles. “The Cincinnati-area Operation RedBlock committees deserve a lot of credit for setting this up,” said UTU Director of Public Relations, Education and Training Eric Pack. “Also, the cooks did one heck of a job.” Above, left to right, are Dale Young, Operation RedBlock coordinator; Terry Collett, area team captain; Pack, and Dennis McMeans, area team captain.



Yardmaster Council meets

The Council of Yardmaster General Chairpersons met recently in Cleveland, Ohio, for their biannual meeting to discuss common issues and formulate a unified approach for resolution of the problems they face. At the meeting were (back row, left to right) Jerry Cooper, Lenny Forchione, Jerry Fortune, Jerry Martin, John Eschmann, Joe Mercurio, Rich DeGenova, Don Carver, Mike Thompson, and Jim Cumby; and (front row, left to right) Bill Headrick, Jr., Tom Turner, Dave Just, Billy Cobean and Doyle Turner.

TPEL HONOR ROLL

Individuals who have begun contributing to TPEL or increased their donations to \$100 or more per year within the last two months.

Name	Local	City	Name	Local	City
PLATINUM CLUB (\$1,200 OR MORE PER YEAR)					
Poland, Louis E.	151	Winslow, AZ	Emert, Jed E.	750	Knoxville, TN
Alexander III, Joel F.	622	Birmingham, AL	*Gray, Wilson	783	Spencer, NC
Beavers, Donald R.	656	N. Little Rock, AR	Peterson, Patrick E.	832	Superior, WI
Boyles Jr., Dan	1245	Atlanta, GA	Baker, Frederick D.	835	Bakersfield, CA
DIAMOND PLUS CLUB (\$400 OR MORE PER YEAR)					
Blakeney, Richard T.	838	Philadelphia, PA	Brucker, Russell A.	835	Bakersfield, CA
Smith, William J.	835	Bakersfield, CA	Evans, James W.	835	Bakersfield, CA
DOLLAR-A-DAY CLUB (\$365 OR MORE PER YEAR)					
Wilkins, Stephen C.	17	Marshalltown, IA	Garside, John E.	835	Bakersfield, CA
Pope, Thomas W.	30	Jacksonville, FL	Haggard Jr., James L.	835	Bakersfield, CA
Edwards Jr., Frederick L.	259	St. Joseph, MO	Hamilton, Robert A.	835	Bakersfield, CA
Bartels, Terry D.	281	Milwaukee, WI	Harrison, Don L.	835	Bakersfield, CA
Smotherman, Jerry L.	771	Needles, CA	Heatley, Robert S.	835	Bakersfield, CA
Woloshin, James P.	807	Tucson, AZ	Howe, Stewart E.	835	Bakersfield, CA
Morrison, Edward S.	886	Marquette, MI	Kincaid, Jamie L.	835	Bakersfield, CA
Roberts, Roger D.	1053	Selma, AL	Monsen, Patrick J.	835	Bakersfield, CA
Bay, Glenn E.	1081	Glendale, AZ	Montes, Alfred L.	835	Bakersfield, CA
Hartsfield, Andrew G.	1081	Glendale, AZ	Moore Jr., Raymond S.	835	Bakersfield, CA
Webb, Billy S.	1346	Nashville, TN	Rose, Dennis D.	835	Bakersfield, CA
Maj, Floyd R.	1348	Centralia, WA	Safley, Bruce G.	835	Bakersfield, CA
Baskerville, Dorian V.	1370	New York, NY	*Vizzard, John B.	835	Bakersfield, CA
Prisco, Salvatore J.	1370	New York, NY	Dietz, Richard A.	854	Portsmouth, VA
DIAMOND CLUB (\$300 OR MORE PER YEAR)					
Miller, Robert D.	18	El Paso, TX	Erickson, Robert J.	891	Whitefish, MT
Ellingsworth, Carl L.	219	Hannibal, MO	*Frost, James G.	891	Whitefish, MT
*Johnson, Ronald R.	239	Oakland, CA	*Fox, Charles E.	898	Boston, MA
Stanley, Randal L.	243	Ft. Worth, TX	Burdette, Billy G.	931	Greenville, SC
*Johnson, Carol E.	283	Portland, OR	Burdine II, James A.	931	Greenville, SC
Couch, Mark A.	763	Pittsburg, KS	Cox, Stephen M.	931	Greenville, SC
Nickloy, Russell M.	881	Montpelier, OH	Moorehead, Stanley	931	Greenville, SC
Turner Jr., Nathaniel O.	942	Florence, SC	Ard, Brian D.	942	Florence, SC
*West Sr., Ernest C.	974	Nashville, TN	Gibbs, Thomas L.	942	Florence, SC
Armitage, Richard S.	1201	Stockton, CA	Hicks, Stanley G.	942	Florence, SC
*Cutrer Jr., W.W.	1501	Baton Rouge, LA	Jenkins, Dennis C.	942	Florence, SC
Nelson, Harold K.	1780	Kansas City, MO	McCutchen, Stephen B.	942	Florence, SC
Turner, Doyle K.	1962	Toledo, OH	Shaw, Gregory E.	942	Florence, SC
GOLD CLUB (\$100 OR MORE PER YEAR)					
York, Rudy R.	5	Kansas City, MO	Small, Robert L.	942	Florence, SC
Simmons, Leslie A.	17	Marshalltown, IA	Wadford, Franklin K.	942	Florence, SC
Poole III, York D.	48	Norfolk, VA	Alexander, Jimmy N.	970	Abbeville, SC
Thacker, Larry D.	48	Norfolk, VA	Botts, Earl A.	970	Abbeville, SC
*Worley, Everett W.	94	Kansas City, KS	Home, Earl A.	970	Abbeville, SC
Floyd, Andrew J.	200	North Platte, NE	King Jr., William T.	970	Abbeville, SC
Kempt, Steven A.	200	North Platte, NE	Mundy Sr., Andrew M.	970	Abbeville, SC
Kohn, Chad G.	200	North Platte, NE	Sears Sr., Phillip W.	970	Abbeville, SC
Miller, Chad W.	200	North Platte, NE	Bryant, Edward L.	979	Salem, IL
Morris Jr., Leon E.	200	North Platte, NE	Brown, Timothy P.	982	Rochester, NY
Orr, James S.	200	North Platte, NE	*Cedar, George R.	1007	Syracuse, NY
Paulsen, Rodney C.	200	North Platte, NE	*Graham, A.A.	1011	Hamlet, NC
Rutter, Kent R.	200	North Platte, NE	*Tucker, K.E.	1011	Hamlet, NC
Salas, Eddie B.	200	North Platte, NE	Hood, Gerald L.	1216	Kansas City, MO
Whelan, Dennis J.	200	North Platte, NE	Clements, Gary D.	1313	Amarillo, TX
Sharp Jr., Raymond E.	226	Moberly, MO	Popp, Jerry L.	1370	New York, NY
Hilbers, Bryan G.	228	Cedar Rapids, IA	Brumfield, Elmer A.	1397	Columbus, OH
Volk, Christopher D.	258	Savanna, IL	Melican, William R.	1402	Dupo, IL
Sedlacek, Thomas J.	286	North Platte, NE	Howard, Walter Y.	1438	Lincoln Park, MI
Lenning, Christopher A.	306	Eagle Grove, IA	Gastmann, Timothy A.	1503	Marysville, KS
Adams Jr., James W.	311	LaCrosse, WI	Hunt, Richard L.	1503	Marysville, KS
Combs Jr., James M.	349	Kansas City MO	Bevacqua, Eugene F.	1505	Spokane, WA
Hogan, Charles C.	376	Louisville, KY	Coleman, Dan M.	1532	Kansas City, KS
*Platt, Howard	425	Indianapolis, IN	O’Brian III, Charles A.	1566	Buffalo, NY
Wade, Patrick G.	446	Cheyenne, WY	Garcia, Eduardo U.	1607	Los Angeles, CA
Meggs, Russell D.	462	Pine Bluff, AR	VanMarter, Kim R.	1620	Elkhart, IN
Williams, Kevin L.	464	Arkansas City, KS	*Fink, George W.	1637	Wishram, WA
Payer, John I.	469	Madison, IL	*Brabham, Marvin P.	1794	Eugene, OR
French, Brett A.	490	Princeton, IN	Hopstad, Floyd R.	1840	Glasgow, MT
*DuBose, G. Thomas	535	Macon, GA	Jiles, Christopher I.	1933	Washington, DC
Ekis, James L.	605	Grafton, WV	Kurter Sr., William S.	1933	Washington, DC
Gibbons Jr., Robert D.	679	Attleboro, MA	Burke, Dennis J.	1971	Atlanta, GA
Edwards, John O.	693	Brewster, OH	Hagans, Anthony C.	1971	Atlanta, GA
Fortune, Jerry L.	693	Brewster, OH			
Lambert II, Donald F.	693	Brewster, OH			

* = Retired Member

UTU News Look Inside



3 Presidential candidate Al Gore, endorsed by the UTU, led UTU members and their families in a Labor Day parade in Des Moines, Iowa. Details in State Watch.



10 Retired member and golf enthusiast Harry E. Wilson, of Local 724 in Ft. Wayne, Ind., has been building golf clubs for 40 years.



11 Kerry Osborne and Joseph Moloney have been honored for pulling their union brother Donald Collings from a burning, twisted locomotive.

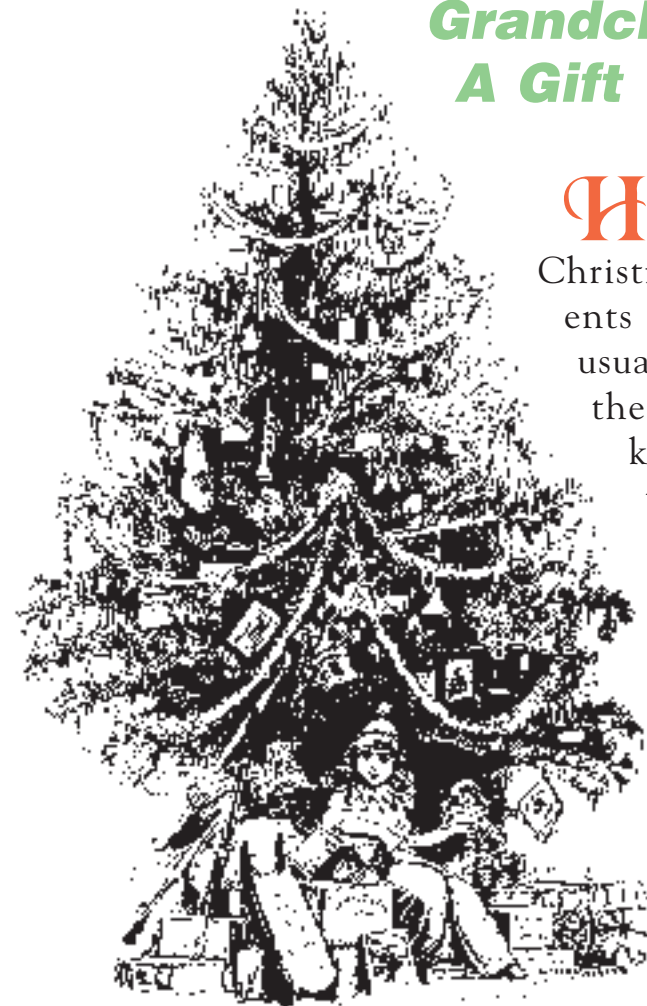
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