OSHA fines Union Pacific for threats, intimidation

Sadly, there is a part of ‘no’ that railroads just can’t understand. So, once again, the Department of Labor’s Occupational Safety and Health Administration (OSHA) has hit a railroad in the wallet for violating an employee’s rights as protected under the Federal Railroad Safety Act of 1970, which was supplemented by the Rail Safety Improvement Act of 2008.

The latest wallet-lightening fine was imposed by OSHA against Union Pacific for retaliating against a Pocatello, Idaho, based locomotive engineer who was forced to work and prevented from seeking medical treatment for a migraine headache, blurred vision, dizziness, vomiting and a bloody nose. OSHA found that the engineer’s supervisor – who also was ordered to pay a portion of the fine – used “threats and intimidation to dissuade the engineer from seeking or gaining access to medical care during his shift.”

Yes, the UP supervisor chose to order an ill locomotive engineer, whose situational awareness was clearly compromised, to operate the train.

Said OSHA in imposing more than $25,000 in punitive and compensatory damages, plus attorney fees: “It is critically important that Union Pacific Railroad employees know that OSHA intends to defend the rights of workers to report safety concerns. We will bring the full force of the law to make sure workers who are retaliated against for reporting health and safety concerns are made whole.”

Incredibly, this was the sixth time since 2009 that OSHA has found Union Pacific in violation of an employee’s rights enumerated by the Federal Railroad Safety Act of 1970 and the Rail Safety Improvement Act of 2008. BNSF Metro-North Railroad, Norfolk Southern and Wisconsin Central also have been penalized by OSHA for similar violations.

In late 2011, Union Pacific was ordered immediately to reinstate an employee and pay him back wages, compensatory and punitive damages and attorney fees totaling more than $300,000 after the employee was suspended, without pay, and then terminated after notifying UP of an on-the-job injury.

The Federal Railroad Safety Act of 1970 extended whistleblower protection to employees who are retaliated against for reporting an injury or illness requiring medical attention. The Rail Safety Improvement Act of 2008 added additional requirements ensuring injured workers receive prompt medical attention, and established prohibitions on carrier intimidation and harassment of injured workers aimed at ending a culture that placed the winning of carrier safety awards and year-end managerial bonuses as a higher priority than treatment and prevention of injuries.

The purpose of these laws, passed by Congress after the UTU documented a railroad culture of harassment and intimidation against injured and ill workers, is to protect railroad workers from retaliation and threats of retaliation when they report injuries or illness, report that a carrier violated safety laws or regulations, or if the employee

Conservatives pressing attack on working families

Public transportation funding, transportation jobs, workplace safety, Railroad Retirement and Medicare are under a mean-spirited and sustained attack by congressional conservatives who are trying to muscle their agenda through Congress prior to the November elections.

The UTU and Sheet Metal Workers International Association – now combined into the Sheet Metal, Air, Rail and Transportation Workers (SMART) – along with other labor organizations, public interest groups, congressional Democrats and moderate Republicans, are working on Capitol Hill to block these attempts, which could be devastating to working families.

UTU National Legislative Director James Stem and SMWIA Director of Governmental Affairs Jay Potesta outlined the conservatives’ agenda that has surfaced in proposed congressional transportation reauthorization and budget legislation:

- Cut $31.5 billion in federal transportation spending, which would threaten some 500,000 American jobs.
- Eliminate federal spending for Amtrak and expansion of intercity rail-passenger service and high-speed rail, with a direct impact on jobs associated with that service.
- Gut federal spending for the Alaska Railroad, which would force elimination of scores of train and engine workers represented by the UTU.
- Delay implementation of positive train control, which is a modern technology to reduce train accidents and save lives and limbs.
- Eliminate federal spending for expansion of local and regional transit service as Americans scramble to find alternatives to driving in the face of soaring gasoline prices. The federal spending cut would prevent the return to work of furloughed workers from budget-starved local transit systems and likely cause layoffs of still more transit workers.
- Encourage privatization of local transit systems, which would open the door for non-union operators eager to pay substandard wages and eliminate employee health care insurance and other benefits.
- Remove any requirement for shuttle-van operators, whose vehicles cross state lines, from paying even minimum wage or overtime, a proposal, which if enacted, could lead to applying that legislation to interstate transit operations.
- Eliminate Railroad Retirement Tier I benefits that exceed Social Security benefits even though railroads and rail employees pay 100 percent of those benefits through payroll taxes, with no federal funds contributing to Tier I benefits that exceed what is paid by Social Security.
- Replace direct federal spending on Medicare in favor of handing out vouchers to be used to purchase private insurance, which will undercut the viability of Medicare.
- Provide large tax breaks to millionaires and preserve tax breaks for Wall Street hedge funds that cater to the wealthy, while cutting by two-thirds federal assistance to veterans and public schools.

The UTU member-supported political action committee (PAC) is helping to fund election campaigns by labor-friendly candidates and a labor-wide “get-out-the-vote” drive will go door to door across America in support of labor-friendly candidates in advance of November elections.

In the meantime, UTU and SMWIA legislative offices will continue their education campaign on Capitol Hill, visiting congressional offices to explain the economic devastation the current conservative agenda would impose on working families.
Local 194, Elkhart, Ind.  
Local Chairperson, Treasurer and Legislative Rep. James E. Ball Jr. is looking to add another title to the front of his name: state senator. A Norfolk Southern conductor/engineer, Ball, 40, has formally entered the race for Indiana’s Senate District 12. A U.S. Army veteran, Ball said he was inspired to run by the thousands of workers who stood at the Statehouse in opposition to the right-to-work bill, which was authored in the Senate by his opponent in the fall election, State Sen. Carlin Yoder, R-Middlebury. Ball said 60 to 70 percent of Hoosiers didn’t want the bill to pass and that the Senate has “lost touch with working families.” He is a member of the VFV, the American Legion, the Knights of Columbus and the Eagles. He and his wife, Angela, have three children. For more information, call (574) 361-6156 or email Hoosiers4JimBall@gmail.com.

Local 204, Pueblo, Colo.  
UTUIA Field Supervisor Charlie Skidmore and his wife, Elaine, thank all of their friends and fellow members for the telephone calls, emails, cards and cookies expressing well wishes after Skidmore experienced a heart attack while on the road in February. “It was quite an experience, but I’m doing great and I’m happy to be back on the job,” Skidmore said.

Local 240, Los Angeles  
All railroads and their friends and relatives are invited to participate in the 11th Annual FSRail Classic golf tournament at 2 p.m. Monday, May 14, at Sierra Lakes Golf Course, according to Local Chairperson Harry J. Garvin Jr. The cost of the four-person scramble, shotgun start tournament is $75 per person and includes a tri-tip barbecue, great prizes and great fun. Participants should commit and remit to Frank Carmona at 30250 Pebble Beach Dr., Sun City, CA 92586, by April 13. Contact Carmona at (951) 301-6525, (909) 770-3366 or by email at FSRail@hotmail.com.

Local 492, Sacramento, Calif.  
Photographs by retired former Secretary & Treasurer Daryl Stinchfield are on display in the lobby of the West Valley Credit Union, 130 Sunrise Blvd. in Roseville, Calif. New sets of images will appear every two weeks until the end of May. Since retiring from Union Pacific, Stinchfield has been polishing his craft as a photographer. He said he will graduate with a degree in photography from Sierra College in May.

Local 607, Thayer, Mo.  
Conductor Matt Skiba, center, meets with FRA Administrator Joe Szabo, left, and NTSB Chairman Daniel T. Elwell of the railroad Day on Capitol Hill. It is an opportunity for railroads, shippers and other industry representatives to present a unified industry message to members of Congress.

Local 1687, Belen, N.M.  
The first meeting of bus employees of First Transit in Farmington, N.M., was held Feb. 29 at the Marriott Hotel in Farmington, and the following individuals were elected as officers of the local committee of adjustment, Secretary & Treasurer Donald A. Gallegos Sr. reports: Stephen Gallegos, Local President; Antonio Olguin, vice local chairperson, and Kathryn Strube, local secretary. International Vice President Bonnie Morl also met with the employees to answer questions for their first contract with the company.

Local 1689, Williamson, W. Va.  
At their monthly meeting Feb. 28, the members of this Norfolk Southern local voted to make a $500 donation in supermarket gift cards to Jacob’s Well Mission, a local charity that provides hot meals to the needy. Local Vice President Stephen Mosley reports that the vote was held at the suggestion of Local Trustee Gary Mosley, who had made personal donations to the charity in the past. The charity also provides clothing to residents in need. “The whole experience was very humbling and I am glad to be a part of it,” Mosley said. “As a local, we are hoping that we can continue to give more donations to the mission in the future and that this might inspire other locals to give to charities in their areas.”

Local 1440, Staten Island, N.Y.  
The members of this local congratulated Richard Hahlo following his elevation to the office of local legislative representative, Secretary & Treasurer Vincent LaBella reports. “Rich has the drive to learn and the desire to serve, and he is committed to protecting the safety rights of the represented members on the MTA Staten Island Railway,” LaBella said. Hahlo can be reached by email at utu1440starextyoffice1@gmail.com or by phone at (718) 775-1566. In other news, LaBella reports that conductor Anita Serrano, 61, died March 9. She had worked for the Staten Island Railway since 1999. Members of the local send their prayers to her son, Christian, a locomotive engineer for the railway. LaBella also noted that Barbara A. Briggs, the mother of General Chairperson Thomas Wilson, died last month.

Local 1689 President Chad Blackburn, left, presents an envelope containing gift cards to Jacob’s Well Mission operator Janette O’Brien. They are joined by Local Secretary & Treasurer Jimmee Brown, right, and Local Trustee Gary Mosley.

Local 1933, Washington  
More than 40 members from various Amtrak locals attended a UTU town hall meeting here March 20, Legislative Rep. Samantha Royster-Cunningham reports. Guest speakers included International Vice President John Previsich, Alternate National Legislative Director John Riech, District of Columbia Legislative Director Willie Bates, GO 726 General Chairperson Dirk Sampson, Vice General Chairperson Charlie Yara, UTU Field Supervisor Chris Bolkcom and Designated Legal Counsel P. Matthew Darby. Members received updates about Amtrak contract negotiations, conductor certification and workplace injury protection, and had the opportunity to sign voter-registration cards and apply for absentee ballots. Monthly UTU PAC contributions were increased by $200 as a result of new members registering. The other locals participating in the meeting were 838, 1370 and 1470 and 1522.
Six state legislative directors retire

Six state legislative directors – Wisconsin’s Tim Deneen, Louisiana’s Gary Devall, Georgia’s Howell Kown, Nebraska’s Ray Lineweber, Montana’s Fran Marceau and Idaho’s George Millward – are retiring, or have recently retired.

Tim Deneen

Deneen retired at the end of March. His replacement is Craig Peachy.

He hired out in 1969 on Chicago & North Western (now part of Union Pacific), the third generation in his family in railroading. He was elected local chairperson in 1974 and served continuously to 2006.

“With line abandonments, crew reductions and repeal of the Wisconsin Safe Train Law (fireman protection), I understood the importance of the UTU legislative branch and was first elected legislative representative in 1980. I served continuously to 2006 when I assumed the state legislative director’s office upon the retirement of Tom Dwyer.

“I am very proud of our commitment and achievements. I believe we need to provide as much education to all our members as possible. Using the UTU News and the UTU website to educate our members, we can give them pride in their achievements. I believe we need to provide as much education to all our members as possible.

“I am proud to have been able to serve the members and hope to continue to serve after I retire,” Kown said. “I may still go down to the capital and bang on some heads once in awhile.”

Ray Lineweber

Lineweber retired at the end of March. He hired on in May 1969 as a brakeman on Chicago, Burlington & Quincy (now CSX).

George Millward

Millward, a member of Local 78 in Pocatello, will be retiring in July.

Wisconsin governor facing recall

Wisconsin Republican Gov. Scott Walker, the architect of anti-union legislation in his state, faces a recall election in June.

He becomes the first governor in Wisconsin history to face recall.

The UTU, through its Collective Bargaining Defense Fund, worked with other labor organizations to obtain almost one million signatures to force the recall election, almost twice as many as required.

Republican Walker tried to limit effectiveness of labor unions

The New York Times reports that, in the nation’s history, only two governors have been removed from office through recall votes: California Gov. Gray Davis in 2003 and North Dakota Gov. Lynn Frazer in 1921.

A former White House counsel to President George H.W. Bush, C. Boyden Gray, was quoted that the Walker recall election “has national implications” as working families react to a string of attempts by conservatives in many states to restrict collective bargaining rights and limit the ability of labor unions to represent workers.

Also facing recall in June are Wisconsin Republican Lt. Gov. Rebecca Kleefisch and three Republican state senators, all of whom supported the anti-union legislation; while a fourth resigned from office prior to facing a recall election. That vacant seat will be filled in the June election.

In August 2011, two state senators who had supported Gov. Walker’s assault on collective bargaining rights were successfully recalled and replaced by more moderate lawmakers.

In 2011, the UTU Collective Bargaining Defense Fund was instrumental in overturning, at the ballot box, an Ohio law restricting collective bargaining rights.

Meanwhile, a federal court in March invalidated portions of Wisconsin law – one provision requiring annual recertification of a union, and another denying workers the right to have union dues withheld from their paychecks. Both were found in violation of constitutional free speech rights.

UTU in deal with Progressive Rail

MINNEAPOLIS — The United Transportation Union and Progressive Rail have finalized a first-time collective bargaining agreement for Progressive Rail train and engine workers represented by the UTU.

Progressive Rail is a shortline with four locations around Minneapolis, interchanging with major railroads.

UTU International Vice President John Previsich, who assisted in the negotiations – aided by a mediator with the National Mediation Board – said the agreement “provides for significant wage increases with pay classifications equal for all, a grievance process and a seniority preference for assignments and bidding. Overall, this is an excellent first agreement that dramatically improves wages, rules and working conditions for Progressive Rail employees.”

Previsich said the agreement received “overwhelming approval by the covered employees, who are to be commended for their solidarity and perseverance through a long and drawn-out negotiating process.

Praised were the negotiating efforts of General Chairperson James Nelson (GO 261), “who was instrumental in obtaining the fair and equitable agreement that the Progressive Rail employees deserve,” Previsich said. “Also deserving of recognition are Minnesota State Legislative Director Phil Qualy and the officers and members of Local 911, Minneapolis, all of whom supported the negotiating effort during every step of the process.”

UTU News for April 2012
A workplace culture of fear and intimidation destroys morale, saps productivity and is against the law. Yet, too often, that is the culture facing our members.

The UTU was instrumental in convincing Congress to make such a culture unlawful through passage of the Federal Railroad Safety Act and Rail Safety Improvement Act.

There are 150,000 skilled men and women employed throughout the United States, Canada and Puerto Rico in the construction, manufacturing, service, railroad and shipyard industries.

More than 2,000 SMWIA members are employed by U.S. freight and commuter railroads and Amtrak.

Depending on the railroad, you might be more familiar with the craft called pipers or pipe, tin or knick knocker, or plumbers. We are all sheet metal workers.

As a union, our jurisdiction varies from railroad-to-railroad, the major- ity of work consists of pipe fitting on locomotives and passenger coaches. We also perform pipe work in shipyards, buildings and on engines of all kinds.

SMWIA members are responsible for building, erecting, assembling, installing, dismantling and maintaining metal parts.

We weld, braise and solder on locomotives, cars and buildings. We cut, thread, bend and braze air lines, water lines, gas lines, oil lines and steam pipes on locomotives, coaches and in buildings. We also inspect locomotives, operate waste water treatment plants, maintain roadway equipment and service locomotives on the road.

Our sheet metal workers are employed in railroad bridge and buildings departments, communi- cations and signals departments and maintenance-of-way departments. They maintain the various stations and buildings that the railroads own or lease. They are responsible for signage, plumbing, heating and air conditioning, drainage, roofing, locksmithing and switch heaters.

On Southeast Pennsylvania Transportation Authority, the majority of SMWIA members are coach cleaners. We own a percentage of the work force, and the membership is assigned by percentages when vacancies occur.

SMWIA members have the option of participating in an apprenticeship program in which they may become mechanics.

Fortunately, OSHA is taking these violations seriously, imposing significant fines against carriers – sometimes in the hundreds of thousands of dollars – to cover back wages, punitive damages and attorney fees.

OSHA has also ordered the carriers to post notices regarding the law and the ability of workers to notify OSHA about violations, known as whistleblower protection.

If you have been threatened, intimidated or disciplined for reporting safety hazards, injuries or seeking medical attention, contact your general committee representative or state legislative director with the facts and they will assist you in reporting violations to OSHA.

I have imposed on UTU designated legal counsel an obligation to assist members, as necessary, after they have made a complaint to OSHA.

We know OSHA will act, as it has numerous times in recent months, saying, in imposing fines, “Railroads have created a climate of fear instead of a climate of safety.

“The safety of all workers is endangered when employers intimi- date injured workers so that they don’t report injuries.”

SMWIA members are the backbone of railroad operations and deserve respect on the job as well as the right to return home to their families in one piece.
April 2012 UTU News

State Watch

Utah

State Legislative Director Jay Seegmiller has filed to run for Utah’s 2nd Congressional District. The district is currently held by Democrat Jim Matheson who has decided to run in Utah’s new 4th District. “The 2nd District has been held by a Democrat for the last 12 years, so this is a winnable open seat,” Seegmiller said. “Currently there are 11 Republicans, two Independents, one Constitution Party member and three Democrats in the race, and I am considered the front runner on the Democratic side.”

Seegmiller said he brings working family values that built Utah, and our nation, to this race. “Utah’s spirit is rooted in the belief that a hard day’s work is rewarded with the ability to support family, friends, and community,” he said. “I fully understand the importance of protecting FELA, Railroad Retirement and investment in Amtrak.”

In 2008, Seegmiller won election against the sitting Utah speaker of the House, a Republican, by a large margin. “It was the first time a sitting speaker of the House had lost in a general election in 45 years,” Seegmiller said.

If you would like to know more about Jay’s race and how you can help a fellow UTU member, log onto www.jayforjobs.com or call (801) 609-4JAY.

Feds probe bus defect

Buses manufactured over the past two decades by Motor Coach Industries (MCI) are the object of a federal investigation by the National Highway Traffic Safety Administration into whether drive shafts can dislodge during operation and cause bus operators to lose control of the coach.

The investigation is focusing on 4,000 MCI D-Series buses with a steerable rear axle and manufactured between 1992 and 2012.

The Associated Press reports that the loss of a drive shaft is thought to have caused two fatal crashes.

Louisiana

The Louisiana State Legislative Board recently held its reorganization meeting and elected David Duplachain (Local 1066, New Orleans) the new state legislative director in the wake of the retirement of Gary Drevoll. Board members are (back row, left to right): Kevin Chassion (Local 1947, Lake Charles); Joe Bennett (Local 1458, DeQuincy, board chairperson); Collins Brundige III (Local 976, Shreveport, secretary); Andrew Clackum (Local 639, Lake Charles, third vice assistant director); Mike Roe (Local 1337, New Orleans, assistant state director); front row, left to right: Wade Adams (Local 1501, Baton Rouge); Chris Christianson (Local 1545, Monroe, first vice assistant director); Anthony Starks (Local 781, Shreveport, second vice assistant director); Curby Acosta Jr. (Local 1936, New Orleans, alternate chairperson); Duplachain, and Charles Robinson (Local 1678, Minden).

Minnesota

The Minnesota state legislative board, which convenes quadrennially, recently met to elect officers and coordinate efforts. The group also hosted Gov. Mark Dayton and UTU National Legislative Director James Stem. In the front row, left to right, are Jack Wruck (Local 911, Minneapolis); State Legislative Director Phil Quady; Dan Paradise (Local 1614, St. Paul, assistant state legislative director) and Brian Hurstad (Local 1177, Willmar). In the back row, left to right, are Wayne Newsom (Local 100, Minneapolis); Geoff Bosser (Local 1175, Duluth); Tim Sparks (Local 1976, St. Paul); Matt LaFline (Local 650, Minneapolis); Steve Haus (Local 1292, Proctor) and Joel Anderson (Local 1087, Virginia).

Bus Department

By Bonnie Morr, vice president
bonniemorr@sbcglobal.net

Bus operators take FTA survey

Many of our bus locals have responded to a survey focusing on the health conditions of bus operators.

This is a very important step in identifying some of the health issues that we face while on the job.

The Transit Bus Operator Workplace Health and Wellness Survey, sponsored by the Federal Transit Administration (FTA), is an effort to understand health, safety and wellness issues faced by bus operators, and to learn how employers and labor unions are addressing these challenges.

Also responding to the survey were more than 200 transit companies.

Specifically, the survey sought responses on:

• The current state of bus operator health and wellness;
• Health promotion programs and policies;
• The union locality’s perspectives on bus operator wellness and workplace health promotion programs, policies and activities;
• Identification of who does what to contribute to bus operator health promotion;
• Opinions on how health promotion and wellness affect the work environment, driver retention and transit operations.

All information gathered in this survey will remain confidential, and the results will not indicate specific locals, employers or employees.

The results will be shared when made available by the FTA.

www.utu.org / www.utuia.org
There are several key areas to consider when thinking about retirement. Whether you are about to pull the pin or drop off your final passenger, here is a brief guide to assist you in applying for and transitioning into retirement. Those nearing retirement age might also wish to review this centerfold – especially with regard to financial planning.

Preparation for retirement can seem like a second full-time job. For sure, gaining an understanding of – and, preferably, preparing for – Medicare, Railroad Retirement or Social Security is no minor task. Understanding your financial needs in retirement is also of crucial importance. And, staying in touch with your industry and former co-workers – made possible by the UTU Alumni Association – surely has mental-health advantages.

This guide is merely a guide. Ultimately, each person is responsible for preparing properly for retirement benefits and managing their post-retirement assets.

### Monthly benefits

- **Railroad Retirement and Social Security annuities and their spouses will receive monthly benefit checks directly from the federal government.** It is wise to arrange, when applying for retirement benefits, to have the checks deposited electronically into your bank account.

- **Whether it’s Railroad Retirement, Social Security or CalPERS, those agencies will respond to your request for estimates of monthly retirement benefits available to you and your spouse. Your current retirement choices should be to obtain this information now, because those benefits are the foundation of your post-retirement income. You should also work with a certified financial planning advisor or a UTU financial representative, about post-retirement financial issues.

### Time to retire

Filing for retirement benefits – and investigating Medicare health-care options – should begin at least three months prior to your planned retirement date.

Filing for benefits generally is accomplished by visiting a Retirement Board office, Social Security or CalPERS field office, where you will be asked to provide various documents. These will be used in the processing of retirement benefits payable to you and your spouse. (See the article, “Help your document search early.”) Information on the location of field offices may be obtained by calling the toll-free telephone number listed on the opposite page.

During the pre-retirement interview, you may be reminded or told that there is an advantage to you or your spouse waiting a little longer to draw retirement benefits. But you should know that decisions made on post-retirement earnings, and how such earnings are reported to Railroad Retirement, Social Security or CalPERS benefits.

### Benefits available to most rails

After a lifetime of hard work, UTU rail, bus and airline members look forward to a secure retirement.

In an ideal world, it would be that simple. In the real world, careful planning and attention to detail are essential. Topping the list of retirement concerns are money and health-care insurance; but you also must present certain documentation prior to receiving benefits.

### Sources of income

As a rule of thumb, between 70 and 80 percent of retirement income need to enjoy a comfortable retirement, says the Social Security Administration.

Neither Railroad Retirement (covering career railroad workers), Social Security (covering certain California public transit agency workers) was intended to be a retiree’s sole source of income, and thus will replace only about 40 percent of pre-retirement income, says the Social Security Administration.

Railroad Retirement, Social Security and CalPERS retirement benefits should be thought of as part of a three-legged financial security stool – CalPERS retirement benefits should be thought of as the other two legs to include other investments, such as money market accounts, certificates of deposit, individual retirement accounts (IRAs), a 401(k) savings plan and whole life insurance. (See the article, “Your UTU helps provide secure retirements.”)

### Be prepared to file for benefits

- **Transportation employees who are planning to retire should be aware of: what steps to take and what documents are required when applying for Medicare, Railroad Retirement Board (RRB) and Social Security Benefits. Being prepared can prevent delays and ensure you can draw benefits as soon as you choose to retire. To ensure a smooth and speedy process, perform the following tasks:**
  1. **Contact the RRB or Social Security at least a month before retirement to inform them you wish to apply.**
  2. **Call the Medicare hotline to review your Medicare options – should begin at least three months prior to your planned retirement date.**
  3. **Ask the Medicare hotline to send you a handbook, and discuss any unique or unusual circumstances that might affect your annuity.**
  4. **Secure in advance original or certified copies of required documents, such as proof of age, marriage, and any military service claimed. Photocopies cannot be accepted. Applicants for disability annuities are required to submit supporting medical information, and should have as much medical documentation available as possible at the time of filing.**
  5. **Be prepared to provide Social Security number and relevant information, such as dates of birth, marriage, divorce for spouses, for instance.**
  6. **Be able to provide banking information for direct deposit of benefits.**
  7. **Be able to provide detailed information on non-railroad pensions or jobs, such as dates worked and employer identification numbers (ERINs) or dates worked by the employer and spouse.**

### Join UTU Alumni

- **Your UTU helps provide secure retirements**

The UTU Insurance Association can help build the third leg of your financial security stool to, and during, retirement.

UTU whole life policies provide a death benefit while accumulating cash value. The death benefit protects your surviving family if you die; and the cash value becomes a source of tax-deferred savings available during your retirement years. UTU whole life policies provide a death benefit while accumulating cash value.

UTU Alumni and individual retirement accounts (IRAs) earn guaranteed interest that is tax-deferred until you draw down the balance. You may invest in UTU Alumni annuities at age 65. Existing IRAs and employer 401(k) plans may be rolled over into a UTU IRA.

To learn how the UTU can help make your retirement more secure, talk with a UTU financial supervisor, or call the UTU toll-free line at 1-800-518-8842.

UTU International
www.utu.org

UTU Insurance Association (UTUIA)
www.utuia.org

United Healthcare GA-23111/Plan F
Toll free (888) 558-8842

UnitedHealthcare GA-46000/Plan E
Toll free (800) 842-5252

UTUIA
Toll free (800) 827-1000
www.utuiia.org

Palmetto GBA
Toll free (877) 772-5772

U.S. Railroad Retirement Board
Toll free (866) 842-5252

www.rrb.gov

www.utuiia.org

### Begin your document search early

- **Document your search early.**

To apply for Railroad Retirement or Social Security benefits, you must provide certain information, and it is suggested you begin the process at least three months prior to your anticipated retirement date.

You will need the following information to register successfully for benefits:

- **Proof of age:** An original birth certificate or a certified copy (not a photocopy) of the marriage certificate.
- **Proof of military service:** To be eligible for military credits, you will need to use a copy of your discharge papers (DD-214). Note: When you were discharged, you likely were mailed a copy of your DD-214 with the record in regard to your military service.
- **A copy of your most recent IRS form W-2 from your employer (filed with the Internal Revenue Service).**

Railroad employees contemplating retirement are eligible to receive a “Retirement Medicare Kit” from United Healthcare. To obtain one, you should contact United Healthcare at (800) 842-5252. A railroad employee’s dependent or survivor should have available original or certified copies of their birth certificates.

With some advance planning and intention to detail, the transition from employment to retirement should be smooth sailing. The best time to begin the process is now.

### Be prepared to file for benefits

Transportation employees who are planning to retire should be aware of: what steps to take and what documents are required when applying for Medicare, Railroad Retirement Board (RRB) and Social Security Benefits. Being prepared can prevent delays and ensure you can draw benefits as soon as you choose to retire. To ensure a smooth and speedy process, perform the following tasks:

1. Contact the RRB or Social Security at least a month before retirement to inform them you wish to apply.
2. Call the Medicare hotline to review your Medicare options – should begin at least three months prior to your planned retirement date. The Medicare hotline may be ordered or downloaded at www.medicare.gov.
3. Ask the Medicare hotline to send you a handbook, and discuss any unique or unusual circumstances that might affect your annuity.
4. Secure in advance original or certified copies of required documents, such as proof of age, marriage, and any military service claimed. Photocopies cannot be accepted. Applicants for disability annuities are required to submit supporting medical information, and should have as much medical documentation available as possible at the time of filing.
5. Be prepared to provide Social Security number and relevant information, such as dates of birth, marriage, divorce for spouses, for instance.
6. Be able to provide banking information for direct deposit of benefits.
7. Be able to provide detailed information on non-railroad pensions or jobs, such as dates worked and employer identification numbers (ERINs) or dates worked by the employer and spouse.

### UTU News

The addresses of all the RRB’s field offices are toll-free (800) 827-1000.

Contact information follows. Note where telephone numbers for enrollments and other information are available to help you secure your plans for retirement.

UTU International
www.utu.org

UTU Insurance Association (UTUIA)
www.utuia.org

United Healthcare GA-23111/Plan F (Medicare supplement
www.palmettogba.com

UnitedHealthcare GA-46000/Plan E (Early retirement health insurance
www.rrb.gov

Railroad Retirement Board
Toll free (800) 842-5252

www.rrb.gov

Railway Employment
Toll free (888) 558-8842

CalPERS
Toll free (800) 525-7777

Department of Veterans Affairs
Toll free (877) 772-5772

www.va.gov

www.rrb.gov

www.palmettogba.com

www.rrb.gov

www.rrb.gov

www.va.gov

www.va.gov
Retirees keep railroad family alive with reunions

Railroading gets in your blood, and blood is family. And families need reunions, and that is what UTU retirees Jim Zimmerman and Harold Arter do: they hold reunions for railroad retirees living in and around Oklahoma City.

They have been doing it for nearly 40 years. (Zimmerman is a member of Local 1188, Oklahoma City. He also served as Oklahoma state legislative director from 1975 to 1992. Arter was a conductor on the Santa Fe for years but ended up retiring from a homebuilding career.)

The reunions had their genesis as a Santa Fe Railway softball team back in the 1950s, Zimmerman said. “There’s eight or 10 of us left from that.”

That group and other co-workers and their wives then started having dinners together back in the 1980s, Zimmerman said. But the wives got bored with the railroad talk, and now it’s the men who continue the tradition.

Zimmerman said he was at a funeral about 30 years ago when he thought it sad that he only saw friends from the railroad when somebody died. Soon after, he and Arter began visiting rail friends all over Oklahoma, stopping by yards and depots. Eventually they started scheduling regular get-togethers.

“I believe at our first meeting we had about 17 come,” Zimmerman said.

While attendance at the meetings grew quickly, the group faces the realities of age as friends die. “About one in five cannot make our meetings because of doctor appointments,” Zimmerman said.

The retirees reunite every few months to reminisce about their hard work and the friendships they forged on the railroad.

Group of friends from former Santa Fe have met for 40 years

The group, now 40 strong, recently met at Spencer’s Barbeque in Midwest City. The oldest was 93.

Zimmerman started on the Rock Island Line at age 20, earning $12 a day, and logged 42 years as a railroad worker, retiring in 1992. Like most of the men in the room, he knew all the others by name.

“These guys made up five-man crews, and sometimes we’d work a few weeks together and sometimes we’d work a few months together,” he said.

For more information on these meetings, call Zimmerman at (405) 391-4250.

Chesser to attend Colorado retiree lunch

Railroad retirees in Colorado are invited to a luncheon hosted by former State Legislative Director Jack Shaver.

The event will take place at 11:30 a.m. Wednesday, May 9, at Cinzetti’s Italian Market, 281 W. 104th Ave. in Northglenn.

Retirees from all unions and crafts, as well as their spouses, are invited, Shaver said.

The cost per person for the buffet meal is $15, and reservations are required. Please mail checks by May 2 to Shaver at 16052A Deer Ridge Dr., Morrison, CO 80465.

Contact Shaver at (303) 697-9794 or jackvshaver@comcast.net.

276 years young

Retirees from the former Missouri Pacific and Union Pacific enjoy a once-a-month get together in St. Louis, Alumni Association member Norbert Shacklette of Local 1823, St. Louis, reports. Three nonanerians who made it to the meeting include Wendell Hooks (seated; Local 1402, Dupo, Ill.; retired Illinois Division conductor, 93 years old); Eugene Harmack (standing left; Local 1823; retired Eastern Division conductor, 91 years old) and Fred White (standing right; Local 330, Poplar Bluff, Mo.; retired Missouri Division conductor, 92 years old). All three were the sons of railroaders.

276 years young
Accidents can happen to anyone, at any time

Protect yourself and your family from accidents, on and off the job, for less than $1 per day

The UTUIA’s accident indemnity plan provides you with money when you need it most: when you’ve had an accident and cannot work.

Benefits are paid for emergency treatment; hospital confinement; exams; physical therapy; ambulance services, and more.

Use the money for whatever you want: mortgage payments; car payments; medical expenses. The choice is yours.

The UTUIA offers two levels of benefits; you choose the level of protection you and your family desire.

▷ All benefits are paid directly to you.
▷ Benefits are paid at full value, regardless of any other insurance you have.
▷ Benefits will never be reduced.
▷ Your premium does not increase with age.
▷ You will never be singled out for a rate increase.
▷ Guaranteed renewable to age 80.
▷ No physical required.

Call or email today: (800) 558-8842 utulasales@utu.org

Call the toll-free number above, email the address above, or send in the coupon at right to request a plan benefit brochure. Certain conditions and exemptions may apply.

I would like more information, please

I would like to learn more about UTUIA’s accident indemnity plan.

(Please print)

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Sex Male □ Female □

Telephone number with area code

Mail to: UTUIA, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333

UTU seeks predictable work schedules for all members

The results of a recent National Sleep Founda-

tion study should get UTU members nodding in

agreement.

The UTU National Legislative Office and

UTU state legislative directors will be using the

results of this study to educate lawmakers and reg-

ulators about the value of adequate sleep.

This is what the National Sleep Foundation

reported:

- The people we trust to take us or our loved

ones from place to place often struggle with sleep.
- Pilots and railroad operators are most likely
to report sleep-related job performance and

safety problems.
- Almost two-thirds of rail workers in safety

sensitive positions and one-half of airline workers
in safety sensitive positions say they rarely or nev-

er get a good night’s sleep on work nights.
- If given one more hour off between work

shifts, over one-half of pilots and rail workers in

safety sensitive positions report that they would

use the hour for sleep.
- Transport workers have challenging schedu-

les that compete with the natural need for sleep.

UTU National Legislative Director James

Stem says that “while there has been some

improvement in safety laws and regulations

aimed at combating fatigue affecting transporta-

tion workers, those laws and regulations fall far

short of what is needed.

“There remains a total lack of predictable work

schedules for safety critical operating employees,”

Stem says. “And there remains a misapplication

of existing work-rest provisions that actually

make fatigue reducing applications worse, espe-

cially for regularly scheduled yard assignments.
- For commuter airline pilots, the problem of

fatigue abatement is especially severe,” Stem

says. “Commuter airline pilots and flight atten-

dants in safety critical roles are not furnished

lodging during break periods, requiring them to

use public airport facilities, rather than hotel

rooms, for rest periods.”

Meanwhile, the National Sleep Foundation

offers the following advice to will help trans-

portation workers obtain better rest:
- Use your bedroom only for sleep to strength-

en the association between your bed and sleep.
It may help to remove work materials, computers

and televisions from your bedroom.
- Select a relaxing bedtime ritual, like a warm

bath or listening to calming music.
- Create an environment conducive to sleep

that is quiet, dark and cool, with a comfortable

mattress and pillows.
- If you can’t sleep, go into another room and

do something relaxing until you feel tired.
- Exercise regularly, but avoid vigorous work-

outs close to bedtime.
- If you are experiencing excessive sleepiness
during work hours, contact your health care pro-

fessional for a sleep apnea screening.

About 25 percent of railroad and airline workers admit that sleepiness has affected their job performance

- About 25 percent of railroad and airline

workers in safety sensitive positions admit that

sleepiness has affected their job performance

at least once a week. This compares to about 17

percent of non-transportation workers.
- One in five pilots and almost one in five rail-

road workers has made a serious error or had a

close call due to sleepiness.
- Six percent of transportation workers – air,

bus and rail – have been involved in car accidents
due to sleepiness while commuting to or from

work. This compares with just one percent of

non-transportation workers.
- Among all workers, airline and railroad work-

ers in safety sensitive positions report the most

workday sleep dissatisfaction.

We need your photos

The UTU International is seeking

good railroad, bus and airline photos.
High-resolution digital photographs

should be emailed to “utunews@utu.org”.
Printed photos should be mailed to UTU

News, 24950 Country Club Blvd., Suite

340, North Olmsted, OH 44070. Include

the UTU member’s name and local num-

ber, the name(s) of the person or persons

in the photo (left to right) and any other

information. All photos become property

of UTU.

www.utu.org / www.utuia.org
Job briefings can save lives and lives

Job briefings can prevent serious injuries and fatalities, says the Federal Railroad Administration in a switching fatalities and severe injury update. The FRA cites 23 fatalities that have occurred as a result of what it terms “inadequate job briefings.”

The FRA offers the following tips for “an effective job briefing”:

- First, a job briefing is different from a safety briefing. A job briefing is specific to upcoming work and its interrelated and independent tasks.
- A safety briefing is more general, often occurring at the beginning of a shift.
- Engaging communication is crucial among employees during the entire time switching operations are being performed, including periods when tasks are changing or when anomalies occur.
- This is important always to monitor work-in-progress, especially for anomalies. When work changes occur, the employee involved may not maintain current with these changes. They may be unaware of the tasks to be performed, and this may place them in peril.
- All crew members should be empowered to stop work and request a job briefing.
- A job briefing is a two-way exchange of information to reach an understanding of the tasks being performed. All should participate in the job briefing, regardless of seniority. All should be heard about concerns of upcoming work. All should understand the exact nature of work to be performed.
- A job briefing cannot be standardized, generalized or simply rule based. Switching acts can be unique to circumstances and location. A briefing must be adequate and specific to the acts.

Website offers wealth of medical information

Railroad employees and/or their eligible dependents covered under the national railroad medical, prescription drug, dental, vision and life insurance benefits plans are now able to find information on the RR Information Depot webpage: www.rrinformedepot.com.

(Notice that this website pertains only to the nationally negotiated railroad health and welfare plans. If you and/or your eligible dependents are not covered by these benefits plans – and this includes Amtrak employees – you should continue to seek information about your health care benefits from your employer.)

Each of the benefits administrators for railroad employee health care insurance negotiated under the national railroad medical, prescription drug, dental, vision and life insurance benefits plans will host a home page at the Railroad Information Depot. They include Aetna, Highmark, MetLife, Medco, VSP and UnitedHealthcare.

By logging on to www.rrinformeddepot.com, railroad employees will find a central point of access for information about health care benefits, regardless of which benefits administrator provides coverage, such as:
- Alerts and important dates regarding annual open enrollment periods;
- Current topics of interest and news on specific health issues;
- Access to summary plan descriptions;
- Information on medical care, mental health, substance abuse, disease management, wellness programs, pharmacy, dental care, life insurance, vision care, and sickness benefits, regardless of the health care benefits administrator;
- Links to network providers, helpful tools and educational materials, contact information, and the various forms necessary for filing for benefits;
- A dedicated retirement section providing information and links to assist you in transitioning into retirement;
- Railroad Enrollment Services information to ensure you understand who is eligible for coverage under your plan and the documentation required.

At the website, you will be able to navigate over a topic to read more about what it offers; and, if it’s what you are looking for, you will need only to click on the topic to find more in-depth information.

A postcard was mailed to all railroad employees covered under those plans announcing the launch of the new website.

The webpage is also available on the “Health Care” page accessible from the UTU webpage home page, www.utu.org.

UTU DLC have pledged to help members who complain

Earlier this year, OSHA elevated in agency priority its whistleblower protection efforts, placing enforcement directly under OSHA’s assistant secretary of labor. OSHA said the elevation was an effort “to strengthen employees’ voices in the workplace.”

A rail employee may file a whistleblower complaint directly with OSHA, or may contact his or her general chairperson or state legislative director for assistance.

UTU designated legal counsel have pledged to assist members, as necessary, after they have made complaints to OSHA.

A listing of UTU designated legal counsel can be found on the UTU website (www.utu.org) or may be obtained from local or general committee officers or state legislative directors.

OSHA fines UP

Continued from page 1

refuses to work under certain unsafe conditions or refuses to authorize the use of safety related equipment.

An employer is outright prohibited from disciplining an employee for requesting medical or first-aid treatment, or for following a physician’s advice.

Retaliation, including threats of retaliation, is defined as firing or laying off, blacklisting, demoting, denying overtime or promotion, disciplining, denying benefits, failing to rehire, intimidation, reassignment affecting promotion prospects, or reducing pay or hours.

Smartphone app improves health care

There is now a smartphone application (“app”) for UTU members covered under the Railroad Employees National Health and Welfare Plan or the National Railway Carriers and UTU Health and Welfare Plan.

The mobile app is available for users of iPhone, BlackBerry and Droid platforms, and the app will link to Aetna, Highmark BCBS, UnitedHealthcare and Medco.

The app will allow you to:
- Obtain your member number and other pertinent information, and even allow you to print a temporary medical ID card;
- Obtain cost and quality data for certain providers and services (transparency tools can help you make more informed choices);
- Access claims information, popular tools and explanation of benefits;
- Find providers in your area, call them and obtain directions to the provider;
- Check benefits and coverage information;
- Contact member services via phone or email.

Here is how to download the app: Log onto the secure member sites of Aetna (www.aetna.com); Highmark BCBS (www.highmarkbcbs.com); UnitedHealthcare (www.myuhe.com) or Medco (www.medco.com). You will need your secure user ID and password to proceed. If not registered on the site, you will have to do so when you log on.

Once logged on, you will find information on how to download the provider’s app to your smartphone. Remember that federal regulations or employer policies may prohibit your using electronic devices, including smartphones, while on duty.

EPA proposal threatens coal, rail jobs

The EPA is accepting comments on its proposal prior to finalizing the rule. If the EPA does not back down, coal interests are expected to mount a federal-court challenge to the rule, according to news reports.

The senior Democrat on the House Transportation & Infrastructure Committee, Rep. Nick Rahall of West Virginia, said the rule “scares electric utilities, said that the EPA proposal ‘threatens the viability of coal.’ News reports quote experts who say that the EPA ruling, if it stands, could eliminate 15 percent of U.S. coal-fired plants.

China, meanwhile, uses more coal than the United States, Europe and Japan combined, according to The New York Times.
Get ready for the 2012 regional meetings

The 2012 UTU/UTUIA regional meetings have been designed to provide a grand sense of fraternalism, lots of work-related education and opportunities for the whole family.

As before, each regional meeting will run for 2-1/2 days, ending early on the afternoon of the third day. The evening of the first day has been left unscheduled so you, your family and friends will be free to explore and enjoy the many offerings of the regional meeting cities.

UTU regional meeting registration and hotel information, as well as web links to make hotel reservations online, can be accessed by visiting www.utu.org and clicking on the “Meetings” box.

All those attending the regional meetings must be registered in order to attend any planned social function. Children ages 11 and under who are pre-registered are complimentary. The registration form is on the right.

A completed registration form listing each attendee, regardless of age, and complete payment in U.S. funds must be received at the UTU International, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333, by June 4 for the Portland meeting or by July 9 for the Memphis meeting or the registrant will be charged an on-site registration fee of $200.

The pre-registration fee for the 2012 regional meetings is $150 per member, spouse or child over age 11, the same fee charged the last five years. Additional fees apply for the golf outings. You must make your own room reservations and certain deadlines apply.

The $150 registration fee covers all workshop material; a welcoming reception the night before the meeting; three lunches and one evening meal. Those wishing to attend only the workshops do not need to pay the registration fee. No one-day registrations are offered.

You may cancel your meeting registration 10 days prior to the first day of the meeting or the golf outing without penalty. Call the International at (216) 328-9400 or email i_k_cashin@utu.org immediately regarding any changes or cancellations.

Portland, Ore., June 18-20:
Hilton Portland Hotel, 921 S.W. Sixth Ave., Portland, OR 97204-1202, www.portland.hilton.com

Reservations: (800) 445-8667 toll free; (503) 226-1611 direct; reservation code: UTU
Room rate: $139 single/double, plus taxes; rates good for three days before and after meeting, depending upon availability.
Reservation deadline: May 14, or until rooms being held for the UTU are reserved
Parking: $27/day valet; $18/day self park
Golf outing: The regional meeting golf outing will take place Sunday, June 17, at the Reserve Vineyards and Golf Club in Aloha, Ore. The cost is $80 per golfer, which includes golf, lunch and more.

Memphis, Tenn., July 23-25:
The Peabody Memphis, 149 Union Ave., Memphis, TN 38103 97204-1202, www.peabodymemphis.com

Reservations: (800) PEABODY toll free; (901) 529-4000 direct; reservation code: 721839
Room rate: $134 single/double, plus taxes; rates good for three days before and after meeting, depending upon availability.
Reservation deadline: June 18, or until rooms being held for the UTU are reserved.
Parking: $15/day valet; $10/day self park
Golf outing: The regional meeting golf outing will take place Sunday, July 22, at Mimiich in Millington, Tenn. The cost is $80 per golfer, which includes golf, lunch and more.

Spouse tours, discounts

At the Portland regional meeting, the UTU is offering a tour of the Columbia River Gorge and a city tour, and at the Memphis regional meeting a tour of Graceland and the National Civil Rights Museum. The union also has arranged discounts on airfare and rental cars at both locations. Go to the “meetings” page of www.utu.org for details.

UTU REGIONAL MEETING REGISTRATION FORM

Registering before the regional meetings speeds sign-in procedures, helps organizers plan more accurately, and saves on meeting costs. Each person attending the regional meeting, including family members and guests, MUST be registered in order to attend any event. Please note that these meetings last 2-1/2 days and conclude on the afternoon of the third day. Registration fees are $150 per person; children 11 years of age and under are complimentary. On-site registration is $200 per person. All fees must be paid in U.S. funds. Canadian funds will be accepted, possibly delaying your registration. If you have questions, consult your bank. Registration forms with payment must be received at the UTU International by June 4 for the Portland meeting and by July 9 for the Memphis meeting for all members, spouses and guests to be considered pre-registered.

Which regional meeting will you be attending? □ Portland □ Memphis

| Member registration | | |
|----------------------|-----------------|
| Name | Local | Title (if any) |
| | | |
| Home address | City/State/ZIP | Phone number |
| | | Email |

| Transportation type: □ Automobile □ Air □ Other |

| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

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| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Spouse/guest tour: □ Sunday or □ Monday ($354 per registered spouse; $754 per unregistered spouse) |

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| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Child name | Age |
| | |

| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Child name | Age |
| | |

| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Child name | Age |
| | |

| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Tour: □ Sunday or □ Monday ($354 per registered child; $754 per unregistered child) No. attending |

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| Home address | City/State/ZIP | Phone number |
| | | Email |

| Meals | Day 1 | Lunch | No meal | Any dietary restrictions? |
| Day 2 | Lunch | Dinner | Both | No meals |
| Day 3 | Lunch | No meal | |

| Spouse/guest tour: □ Sunday or □ Monday ($354 per registered guest; $754 per unregistered guest) |

| Special needs? (Circle appropriate responses): Registrant / spouse / child / guest is: hearing impaired / visually impaired / in wheelchair / other: |

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<td>Handicap</td>
<td>Name</td>
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| Name | Handicap | Name | Handicap |

| (Golf fees are $80 per golfer; include in total payment. Please provide names of others if foursome.) |

| Payment options | Check/money order enclosed (U.S. funds only) | $ |
| Credit card | □ VISA | □ MasterCard |
| Card number | Exp. date | Total charged $ |

Signature

Should additional space be needed, make copies of this form and attach to the original. Make checks or money orders payable in U.S. funds to “UTU Regional Meeting” and mail to UTU Regional Meeting, 24950 Country Club Blvd., Suite 340, North Olmsted, OH 44070-5333. Persons who do not pre-register for the regional meeting but choose to register at the meeting site will be charged an additional $50. Space on the tours is limited; reservations are accepted on a first-come, first-served basis.
BNSF rescinds rule after labor complaints

After BNSF announced it would demand highly personal information from employees relating to off-duty medical procedures and issues, the UTU and the Sheet Metal Workers International Association (SMWIA) asked the Equal Employment Opportunity Commission (EEOC) to investigate.

The proposed new carrier rule, said the UTU and SMWIA, is discriminatory and violates federal law by requiring workers to provide highly personal medical information.

Within days, BNSF rescinded the policy rather than face an EEOC investigation.

As the UTU and SMWIA documented in their complaints to the EEOC, BNSF had no statutory right to view the information – that its proposed rule was in violation of the Americans with Disabilities Act, the Genetic Information Nondisclosure Act, the Civil Rights Act and the Pregnancy Discrimination Act by requiring that employees provide the railroad with doctors’ notes, diagnostic test results and hospital discharge summaries.

“Each day that BNSF’s policy remains in effect, more employees face the likelihood of having their statutory rights violated,” the UTU and SMWIA told the EEOC.

“And once an employee’s rights are violated – that is, once BNSF has been notified of the away-from-work medical condition or event and has obtained the employee’s statutorily-protected medical information – there is no way to undo the violation,” the UTU and SMWIA told the EEOC.

Additionally, said the UTU and SMWIA, the medical information that BNSF sought was likely to reveal a disability that is neither job related nor consistent with business necessity, and is likely to result in BNSF obtaining genetic information.

Moreover, the proposed BNSF rule would have discriminated against women affected by pregnancy and/or related medical conditions, the UTU and SMWIA told the EEOC.

Other labor organizations filed similar complaints with the EEOC.

Inside this issue of the UTU News:

- UTU local officer Skiba wins rail essay contest. See page 2.
- Utah State Legislative Director Seegmiller runs for Congress. See page 5.
- Thinking of retiring? A how-to guide can be found on pages 6 & 7.
- UTU member keeps fraternalism alive for 40 years. See page 8.