



# BLET Auxiliary News

Working to bring about safer working conditions for Locomotive Engineers & Trainmen, educate spouses, and enhance the lifestyles of railroad employees and their families.

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Winter 2011

Anita J. Caruso, President • Sereena Hogan, Vice President/National Legislative Representative • Linda D. Maher, Secretary  
Helen Brand, Treasurer • Gina Forman, 1st Vice President /National Outreach Coordinator • [www.bletauxiliary.net](http://www.bletauxiliary.net)

## IWC and SWCM Round Out the Convention Year

**71st International Western Convention  
August 21-27, 2011 - San Luis Obispo, CA**

**By Sereena Hogan, National Vice President, and  
Auxiliary Chairperson for the 2011 IWC**

It was my pleasure to serve as the Auxiliary Chairperson for the 71st IWC in San Luis Obispo. Chairman Mike Galvani put together a great mix of educational opportunities and fun activities for all to enjoy. We were a little short-handed on the opening day of registration until William Wallace, Local Chairman, Div. 362, and his wife, MAL Jodi Wallace, showed up on Sunday, August 21. Although they were not originally part of the organizing committee, they volunteered to help and their efforts proved invaluable throughout the conference. Thank you Will and Jodi!

The convention kicked off with the golf tournament on Monday. My husband Ken Kroeger, Associate Member of Auxiliary 28, volunteered to greet the golfers early that morning before they headed out to the course so that they would have the opportunity to purchase mulligans, a traditional fundraising activity for the Auxiliary Scholarship Fund. Thank you Ken for your help!

Following the opening ceremonies on Tuesday morning, which featured a presentation by designated legal counsel, we all gathered in the sunny atrium of the hotel for a buffet lunch.

We had an information-packed business meeting planned for the afternoon. Michael Collins, from the Railroad Retirement Board, shared facts and figures pertaining to this important aspect of railroad life. Kevin Potts, Vice President of Union Pacific Railroad Employees Health Systems, presented "The Complete Sleep Program" offered by Union Pacific to help its employees who suffer from sleep disorders. Bob Bloomer, National Association of Retired and Veteran Railroad Employees Director of Area Eight, educated us about what this organization has to offer to retired as well as active railroaders and their families. DLC Ed Pfister and his partner Anthony Petru shared information about the Whistleblower Law and FELA, and DLC Joe Weninger talked with us about the importance of carrying adequate auto insurance that will cover our spouses should they be involved in a van accident that occurs at no fault of the van company, especially if the party at fault is uninsured. We then watched the video, "We are United: BLET Walking Lockstep with One Another," created by the California State Legislative Board, with funding from the North American Railway Foundation, and featuring our



*photo courtesy of John Bentley, BLET National*

**Susie Burrola, President, Auxiliary 39, and National President  
Anita Caruso helped sell raffle tickets at the IWC**

own NorCal Auxiliary 39 President, Susie Burrola, and family, as well as Tim Smith, California State Legislative Board Chairman.

Our day ended with a fantastic wine tasting dinner at the scenic and elegant Edna Valley Vineyard, complete with music on the patio during the wine-tasting hour before dinner.

On Wednesday, as the BLET conducted educational workshops for its members, auxiliary members and guests were treated to a trip to Morro Bay, a nearby fishing village with a great embarcadero. We had lunch at a restaurant by the bay and then went shopping and exploring the area. Thursday was another day of workshops and classes, with a specialty class in the afternoon on wine and food pairing, presented by Tina Hoppe of Edna Valley Winery. This fun and informative class was well attended by auxiliary members, BLET members, and guests, who got to taste a variety of wines and food samples to see how they complement one another. We each left with a great appreciation of wine varietals and a newly educated palate!

The afternoon ended with a visit from Congresswoman Lois Capps, who represents California's 23rd District. Ms. Capps gave an inspiring talk about her support of unions, and the rail industry in particular, to a crowded roomful of railroaders and their families.

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## ***From the President:***

It's been a busy year for me and I must admit I am very glad to have some down time to spend at home! The four regional conventions went very well and we made over \$9,000.00 for our scholarship program from fundraisers held at three of the conventions. Thank you to all our BLET brothers and sisters for purchasing raffle tickets and to those who participated in the SWCM Golf Tournament to raise funds for our precious students. They appreciate your generosity and so does the Auxiliary! And many thanks to all of those who worked hard this year to put on some excellent conventions. A lot of work goes into planning, organizing, and running one of these events and we all appreciate the efforts of those who volunteer their time and efforts to our regional conventions.

I very much enjoyed visiting with the BLET National Officers, Auxiliary National Officers, members, new members, and the chairpersons of each convention. I met some wonderful people and it was a genuine pleasure to be able to travel throughout the country on behalf of the National Auxiliary. I especially treasured the time I was able to spend with my dear friend, Sereena Hogan, our National Vice President/NLR. She attended all the regional conventions along with me and we were fortunate to be able to spend some quality time together outside the work environment. We worked hard to generate interest in joining the Auxiliary and explained to the members and guests who attended our business meetings that it is imperative that we spread the word about our mission to BLET spouses. Boosting our membership is always foremost in our minds. We did garner interest in our organization and we hope this will continue for all future regionals.

I would like to give special recognition to our 1st Vice President/National Outreach Coordinator, Gina Forman, who is also in charge of our Mobilization Program, for all her efforts on our behalf keeping our mobilization coordinators informed of important information from the BLET to be conveyed to the members of the Auxiliary. When the BLET decided to hold a strike authorization vote, our mobilization network was called into action by BLET National Mobilization Coordinator Kent Confer. Sister Forman kept our members informed and the BLET Auxiliary was happy to help our BLET brothers with this important cause.

As a follow-up to my remarks in our previous newsletter pertaining to flooding in my area, I am happy to report that the Council Bluffs area is finally rebounding from the record flooding along the Missouri River. Thankfully, the levees, dikes, and floodwalls that protect the Omaha/Council Bluffs area from the "Mighty Mo" held throughout the three months of flooding. However, a tremendous amount of farmland in the highly fertile river bottoms was destroyed and it may take two or more years for this farmland to return to production. There was also severe damage to countless farmhouses, barns, and other structures. In addition, many small communities along the Missouri suffered varying degrees of damage.

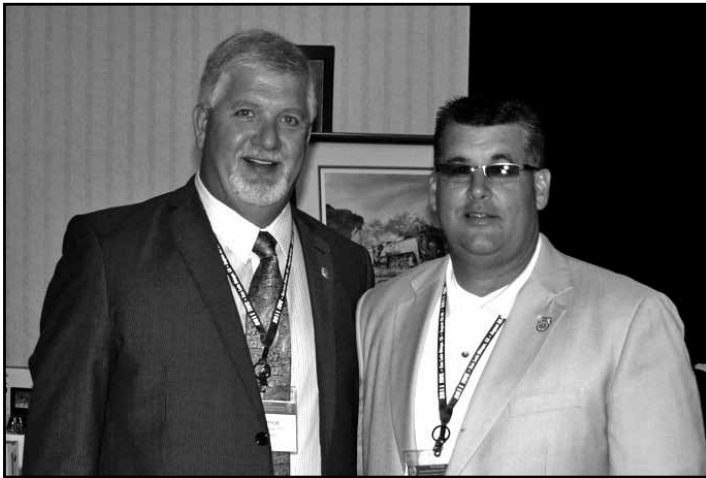
After over three months of closure, three stretches of interstate highways finally reopened. I-29 North was reopened between Council Bluffs and Sioux City in late September; I-29 South was reopened between Council Bluffs and Kansas City in early October; and I-680, which was literally destroyed, was reopened in early November. Kudos to Iowa Department of Transportation and their contractors for their part in this epic effort.

In closing, I would like to reflect on this past year and let you all know how humbled I am to be your National President. Those of you who know me realize this is not what I had envisioned back in 1980 when I joined the Grand International Auxiliary (GIA) in Osawatomie, Kansas. Things kind of work out the way they are destined and I promise to always do my best to represent you in the most professional way I can and do all in my power to promote the Auxiliary and help our great organization to grow and prosper.

Happy Holidays and best wishes to everyone. I hope you will be able to spend some precious, quality time with your friends and loved ones. Please continue to tell your railroader to be safe and return home to the family who loves and waits for him/her!

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## 71st International Western Convention, continued



*photo courtesy of John Bentley, BLET National*

**IWC Chairman Jim Lance and Chairman of the 71st IWC in San Luis Obispo, California, Mike Galvani**

On Friday morning, following the IWC Business Meeting, attendees boarded buses headed north to San Simeon to tour the infamous Hearst Castle, now a state historic park open to the public. We all enjoyed touring the majestic castle and its grounds and were treated to a barbecue lunch on the grounds.

Throughout the week, we had sold tickets at the Auxiliary Display Table for the annual Scholarship Fundraiser Raffle. Thank you to President Anita Caruso and auxiliary members Susie Burrola and Jodi Wallace for helping with this endeavor. And a very big thank you to the IWC for the financial assistance to purchase the raffle prizes, as well as to Mark Robb of BRCF for again donating the ever popular railroad print for our raffle. At the Closing Ceremonies Banquet on Friday evening, conference goers had the opportunity to make their final ticket purchases and the raffle was conducted after dinner, followed by an entertaining performance by comedy magician Robert Strong.

For those who wished to stay another day, a deep sea fishing trip along the coastline was offered. Although it was cloudy and overcast for most of the trip, a good time was had by those who went, and Bob Ricou, Investigator for the Hildebrand, McLeod, and Nelson law firm, caught the biggest fish.



**At the Auxiliary Business Meeting: left to right: Janice Holt, Sue Smith, Jodi Wallace, and Pat Leyshon**

Many thanks to Mike Galvani and his fiancée Bobbie Lee, as well as those members of Division 664 who donated their time and efforts to put on this great convention. Thank you also to Jim Lance, who is now the Chairman of the IWC, according to the new bylaw changes implemented at this convention. Jim once again did an outstanding job serving as emcee for the opening and closing ceremonies and keeping things rolling along throughout the week. And finally, thank you to the BLET National for their participation in the meetings and for offering the opportunities to educate our BLET officers and members about their duties and responsibilities. See you all next year in Billings, Montana!

## 76th Southwestern Convention

**September 18-22, 2011 - El Paso, Texas**

**By Kathy Hurst, National 2nd Vice President/National Assistant Legislative Representative and President, Guadalupe Auxiliary No. 28, Tucson, Arizona**



*photo courtesy of John Bentley, BLET National*

**National Past President/SWCM Co-Chair Becky Schneider and National Alternate Treasurer Terri Fleming at the SWCM**

The 76th SWCM, held at the historic Camino Real Hotel in El Paso, Texas, was a complete success. And I believe it is safe to say a good time was had by all. Co-Chairs Larry and Becky Schneider and their host committee are to be congratulated on a job well done. The convention commenced with early registration on Sunday afternoon and a Texas Hold'em poker tournament that evening to benefit the SWCM scholarship fund. Monday brought what I hear was a very successful golf tournament raising enough money from the proceeds to fund five scholarships, with some left over. For those not golfing, there was a tour of the historic Plaza Theater, local Missions (the oldest in Texas) and a stop on the way back at one of the largest model railroad exhibits, in the back room of Juanito's Liquor Store. The BLET Education and Training Department also sponsored an Event Recorder/Electronic Device Reading workshop and Mobilization training, followed by an evening reception that included some yummy hors d'oeuvres and beef baron. All workshops throughout the convention were open to Auxiliary members as well as BLET members.

Tuesday was the official opening day. Larry Schneider opened the ceremonies with the "empty chair ceremony" to acknowledge our BLET brothers and sisters who have lost their lives in the line of duty. El Paso State Representative Joe Pickett, who serves on the Texas House of Representatives Committee on Transportation, was next. He spoke fondly of El Paso and said it is the "safest city

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## Rail Safety Concerns Regarding Spent Nuclear Fuel Transport

Returning home from an eye-opening trip with my husband, Wisconsin State Legislative Board Chairman Anthony Dimond, I am prompted to submit a short update on an issue that will continue to crop up in society for centuries to come. What do we do with all of our radioactive waste? How do we finally dispose of it, rather than simply store it for the next generation, and who handles it as it makes its way to disposal sites?

In addition to his duties as Wisconsin State Legislative Board Chairman, Tony has also taken on Nuclear Policy Analyst responsibilities under the guidance of Chief Nuclear Policy Analyst and Oregon State Chairman, Scott Palmer. Twice during his service in this capacity, I have had the privilege of touring nuclear sites that are normally off limits to the ordinary private citizen, and both trips have made real to me an issue that is normally just an annoyance we hear about on the news, something that's going on far away and not in our own backyard.

On my first trip, I toured the Millstone nuclear power plant on the East Coast. It gave me a creepy feeling to stand only about 50 feet away from 10 gigantic concrete storage silos while it was explained that half of them were already full of spent nuclear fuel. One could wonder why we should even have nuclear energy given the many fears and issues associated with radioactive waste; however, the answer to this question was also made clear to me on this trip. A display on the plant's wall showed a line of some 60+ rail coal cars, next to a mock up of one tiny uranium fuel pellet no bigger than the end of my little finger. You guessed it; the energy in that little uranium pellet is equal to all of the energy in those 60 coal cars, a fact that simply amazes me and cannot be ignored given our scarce fossil fuels and the pollution and health hazards that they ALSO create.

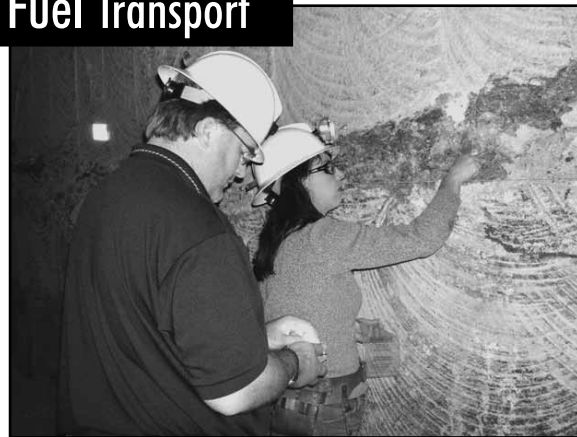
The ramifications of spent fuel storage at multiple plants were further explained to me by Tony. There are literally scores of these plants all over the country, each storing their

own radioactive waste, each slowly filling up, and each a ripe target for either an unthinkable accident or, worse yet, a terrorist attack. Considering this angle, it begins to make a great deal of sense to search for ONE alternative location where waste could be safely disposed, and not just merely stored, but this also opens the issue of how it would be transported, and how to make the shipping process as safe as possible.

On our most recent trip, we visited the Waste Isolation Pilot Plant (WIPP), an actual nuclear dump of sorts in Carlsbad, New Mexico. WIPP currently services more lower level radioactive waste than spent nuclear fuel, disposing of it permanently nearly a half mile below ground in a gigantic salt mine.

Our tour guide at WIPP explained the handling and disposal of the waste that comes into WIPP in detail, from the safety systems used by the trucks that haul this waste, to the laws governing each state through which those trucks pass. He then gave us a thorough account of how each type of canister is constructed, how it is unloaded with the utmost attention to safety, and how it is then scanned, re-scanned, checked, double-checked, and triple-checked for any integrity breaches or leaks before it is eligible to move down into the disposal mines.

We were allowed to see some of this process actually taking place with containers that had just recently been unloaded, and more trucks loaded with waste were arriving and waiting outside as we took our tour. We were then allowed to tour the salt mine itself, some 2000+ feet below ground. Eight storage rooms currently exist, six of which are full and sealed. A seventh room is currently being filled, and an



**Tony Dimond and Jessica Cole, approximately 1/2 mile below ground level at the WIPP facility in Carlsbad, New Mexico. They are investigating the sides of the salt mine where nuclear waste is permanently disposed of. Some of the rock salt contains bubbles of 250 million year old rainwater!**

eight room stands waiting. Two more rooms are under construction and there are plans for potentially more expansion in the future. In addition, one side of the mine contains research areas where more can be learned regarding this method of permanent nuclear waste disposal.

Although WIPP currently handles less radioactive waste than spent nuclear fuel, it's possible that it may gain approval for disposal of higher level waste in the future. And if not WIPP, another such facility may be in this country's future because of the problem of multiple and quickly filling storage sites at plants.

If an approved disposal facility becomes a reality, it's not hard to imagine that nuclear plants such as the one I visited would want to move as much of their spent fuel out of storage in as few shipments as possible. This will make rail a very attractive shipping option, and therefore makes shipment safety a prime concern to all rail families and all communities anywhere in the vicinity of a freight rail line that might haul such material.

Scott Palmer and Tony Dimond are staying abreast of the issue by touring sites like WIPP and hope to have input on the design and strength of any container that would be used to ship radioactive material

by rail. During the tour of WIPP, I was impressed with the design and strength specifications given for the impact minimizing shields used to truck in the highest level waste coming into WIPP, but I agree with Scott and Tony that the equipment used for rail transport of even more dangerous material must be much stronger for three reasons. First, rail accidents involve far greater weight and force than trucking accidents. Second, the material being hauled will be more radioactive than the waste currently being moved by truck; therefore, a breach that would expose an employee, or perhaps

a whole community, in the event of an accident, would be greater in its potential harmfulness. Finally, rail allows much larger quantities to be shipped at once, thereby minimizing risks associated with multiple small shipments, but this also multiplies the dangers that one accident or one terrorist attack could cause, because so much more radiation could potentially be released in a single incident.

Issues like secure rail container design and employee protection programs will be extremely important. Having heard the description of the tests that the trucking

containers must meet to be considered safe, and having seen the procedures taken at the nuclear plant and at WIPP to insure absolutely safe handling protocol for employees, I am sure this can be achieved.

We are fortunate to have many dedicated people in the BLET keeping on top of this issue, because while it's one that we might not have to worry about for awhile yet, it's a definite possibility for the future. Regulations, protocols, and equipment can be created to make safe rail transport of spent nuclear fuel a viable option in the future.

## ***Tidbits from YOUR National Secretary, Linda D. Maher***



I would like to take this opportunity to wish each and every one of you a very blessed, healthy, safe, and Merry Christmas and a Happy New Year.

It has been a year since I took office as the National Secretary. It has gone by very quickly as there are a lot of responsibilities to handle.

This upcoming year will be another new beginning for me as my husband Pat will officially be retired after 42 ½ years working on the railroad on January 2, 2012, and we will head to Hawaii on January 3. You will see him at the regional meetings pushing my bags.

### **NOTICE TO ALL AUXILIARY SECRETARIES AND MALs**

I will be sending out secretary packets and your MAL dues notices after Christmas and I have included our Hawaii address in the letters so that you can mail dues directly to me instead of having the post office forward any mail and risking it getting lost. Scholarship applications should also be sent to this address and the form has been changed to reflect the mailing address. Postage is the same as it would be if you mailed it to my Ohio office. PLEASE fill your forms out completely so that I am able to keep all of my records updated. Auxiliary national dues are \$25.00 for retirees (over 60), widows, and widowers, and active auxiliary members' dues are \$50.00 per year. Please remit accordingly. Members-at-large dues are \$30.00 for retirees (over 60), widows, and widowers, and \$50.00 for active members-at-large.

### **SCHOLARSHIP APPLICATIONS**

BLET Auxiliary Scholarship applications can be obtained on our website at [www.bletauxiliary.net](http://www.bletauxiliary.net). You may also connect via a link from the BLET website at [www.ble-t.org](http://www.ble-t.org) under "Departments" BLET Auxiliary. Scholarship applications for the

2012-2013 academic school year are due in my office April 1, 2012. **PLEASE BE SURE TO FOLLOW THE INSTRUCTION SHEET COMPLETELY** so you know what documents need to be submitted with your application. Incomplete or late applications will not be considered. If you have any questions, I will be happy to assist you.

You will also find our article, along with others pertaining to scholarship opportunities, in the BLET Newsletter that is published in February 2012.

### **WELCOME TO OUR NEWEST MEMBER**

Welcome to Maureen Shirley, St. Cloud, Minnesota. This year we have had 10 new MALs join the BLET Auxiliary. What's holding you back from joining? I would like to challenge every MAL for the year of 2012 to bring in one new member, which would double our size. Remember, it can be the mother, father, daughter, or son (18 years or older) of a BLET Auxiliary member or BLET member to be eligible for membership in the BLET Auxiliary. Remember that we also have Associate Membership for any person interested in promoting the mission and goals of the Auxiliary through their attendance at meetings, working with auxiliary members or members-at-large, or who has a desire to stay informed on issues affecting members of the BLET. An Associate membership has limitations as noted in our Bylaws under Article III, Associate membership, Section 6.

### **NEW PROJECT**

I have taken on a task of knitting scarves to sell to raise money for the auxiliary. They cost \$15.00, \$20.00, and \$25.00 each, and make great gifts or stocking stuffers. If you are interested in learning more about these, please call (440) 944-6579 and I would be happy to assist you.

*Linda Maher can be reached by phone at 440-944-6579, by e-mail at [biddykaili@aol.com](mailto:biddykaili@aol.com), or [sissy62756@mac.com](mailto:sissy62756@mac.com) or by mail at 29215 West Miller Road, Willoughby Hills, Ohio 44092.*



## FELA vs. STATE WORKERS' COMPENSATION

[and company ordained doctors] – by Ben Saunders, Designated Legal Counsel

Over 100 years ago, the United States Congress enacted the Federal Employers Liability Act. It was specifically designed to give a federal compensation remedy to railroad workers injured on the job working in interstate commerce. It is essential to understand that under the provisions of this federal law, there was not then, and is not now, a provision for a railroad worker to receive any form of state workers' compensation.

Decades later, around the time of the Great Depression, Workers' Compensation Statutes came into vogue. These statutes were passed in every state to cover workers hurt on the job in that state. No state's compensation statute covers railroad workers because it was recognized that railroad workers had a Federal remedy that preempted state workers' compensation laws.

Nevertheless, many a man who was hurt working on the railroad, believing Workers' Compensation was his only remedy, settled his railroad injury claim for only lost wages, believing that was all he was entitled to receive. If the injured railroader later discovered he could not physically do his job, then he would simply walk away and go to the house! The reason for this travesty of justice was that these working men cooperated with their employing railroad without realizing they had given up their federal rights under FELA for a minimal sum by signing a release of all claims with a highly trained railroad claim agent.

In this century, education is the key. It is absolutely essential to understand that under the Federal Employers Liability Act, when a railroader is injured, or worse yet, loses his life, the worker and/or his family have the right to recover all damages sustained from the harm caused by the railroad. There is no cap, no ceiling, and no legislated pay scale applicable in FELA. Payment is due for all losses including both past and future loss of income, as well as compensation for past pain and suffering, future pain and suffering, and in some instances hedonic damages.

Regarding medical treatment, the rail labor unions representing the various crafts have done a wonderful job negotiating, as part of the Collective Bargaining Agreement, medical coverage for men hurt on the job where the carriers are responsible for medical bills through an insurance company like United Healthcare or Aetna. This means that an injured man does not have to be treated for his injury by a company doctor to get his bills paid for an on-the-job injury.

Further, under the provisions of the Collective Bargaining Agreements, and the medical coverage policies that were written pursuant to those negotiations, that are managed by the healthcare providers, an injured worker has a choice to treat with a doctor of his choosing to make sure he gets treatment from a patient-oriented physician who cares about making a correct diagnosis and prognosis, or he can go to a company ordained doctor recommended by a claim agent!

The reason it is important to get treatment for an on-the-job injury by a doctor personally chosen by the injured employee is that, in today's world, many railroads have adopted workers' compensation physicians, approved by workers' compensation insurers, to do railroad medical examinations. These designated physicians often minimize the injury and give the call to the railroad, allowing the injured employee to go back to work, usually sooner rather than later, claiming any pain is age related and not due to a railroad injury. For example, arthritis is an age-related disease in some instances; however, it can also come from a traumatic injury that is correctly diagnosed as traumatic arthritis. If trauma causes the pain, the railroad must pay for the pain caused by the injury that made the arthritis become active.

Also, when dealing with medical treatment following an on-the-job injury at the railroad, an injured railroader must always remember the axiom that the legal follows the medical. I have preached this concept for over a decade and a half at BLET meetings throughout the United



States. I am still not certain everyone fully understands that if an injured employee prematurely settles his case prior to the time that the doctor is able to give a time-tested prognosis, and he goes back to work and experiences such pain that he cannot perform the duties of his job, the case is over and he has no right to proceed further as he signed a settlement and release document with the railroad.

A great example of what is referred to above is the case where a railroader ruptures a disc in his spine moving a jammed drawhead. Let us say he was 50+ years old, and had asymptomatic pre-existing degenerative disc disease. The cause in fact of the rupture, the diagnosis, and the inability to work is the diagnosed frankly herniated disc from the drawhead accident and not the fact that he may have had some age-appropriate arthritis in his spine. The man has a viable FELA case. FELA law always recognizes you take your victim like you find him!

Remember, from a legal standpoint, there is no rush to get back to work under FELA before your own patient-oriented physician certifies that you are able to do so. FELA allows three years to bring a lawsuit. To the contrary, in my state of Louisiana, there is only one year to bring a state tort negligence case, so plaintiffs often rush into filing lawsuits that they would not ordinarily file fearing they will lose all rights after a year from the accident if no suit is filed.

Finally, it should be remembered that if negotiations fail, FELA Designated Legal Counsel are known for being litigators who

are not afraid to try cases before juries in both State and Federal courts when the railroad will not pay what is reasonable and just compensation to the employee it injured on the job. In this field of practice, many a railroader has obtained a million or multi-million dollar verdict from a jury for damages resulting from an on-the-job injury.

Should anyone have any questions about this article or the FELA, please do not hesitate to call me or any other Designated Legal Counsel for advice as we have agreed pursuant to the DLC Rules of Conduct to answer questions to guide an employee in the right direction after he is injured.

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## Retirement Rocks!

**By Mary Anna Mullins, Secretary/Treasurer, Generosity Auxiliary No. 37, Little Rock, Arkansas, and Past International Officer**

Holiday greetings from Sherwood, Arkansas, a corporation within the Greater Little Rock area – and from Generosity Auxiliary No. 37. When President Anita Caruso called asking me to write a “Retirement Rocks” article, and after reading the three articles previous to mine, my first thought was: “Gosh, what to write about? –retirement is ‘old hat’ for me!” My husband Bill and I have been retired 22 ½ years, having retired in June 1989. I retired from a part-time office job, and he retired after 40 years with Missouri Pacific/Union Pacific Railroad. Bill hired out in the days of steam engines, following in the footsteps of his father, several uncles, and two cousins.

We have three sons – the oldest lives in San Marcos, Texas, and gave us two granddaughters who are now grown. The other two sons live here in Sherwood and we see them frequently. Not one of them wanted to follow in their father’s footsteps and work for the railroad; they all chose entirely unrelated vocations.

We started railroading in the days of overalls, bandanas, and those blue-striped, pointed caps that had to be starched and ironed! This was back in the days before pagers, cell phones, and smart phones. Of course, communications progressed through the years, but that did not diminish the need to be available when a run was called (mostly during the night!) – and there were always events that had to be

missed, because that train had to have an engineer when the time came to pull out for whatever destination it was headed.

After Bill’s retirement, we enjoyed lots of traveling, especially in the western states – Durango, Colorado, was one of our favorite destinations for many years. We also attended many Brotherhood/Auxiliary regional meetings, making lots of cherished friendships across the country. Bill and I co-chaired the SWCM in 1992 in Little Rock, and I also served as chairperson for the Spouses’ Auxiliary for the 2006 SWCM held here.

We have attended six national conventions of the Brotherhood and Auxiliary, starting in 1986 – both as BLE/GIA and BLET/BLET Auxiliary. Bill was honored to serve as BLE/BLET Chaplain for four conventions. I was elected and served as GIA International Treasurer for 10 years, and as International Chaplain for one five-year term.

For a totally different experience, Bill and I had a temporary residence in Los Gatos, California, over a four-year span in the 1990s, where we worked in the corporate office of my niece’s rehab business as she needed us. We flew from Arkansas to California a number of times, and thoroughly enjoyed not only working in a different field, but we enjoyed the different surroundings and activities as well. I also had family there. In fact, we had a ball the whole time!



**Mary Anna and Bill Mullins**

We never miss an opportunity to extol the pluses of retirement, and to offer help and information regarding related issues any time we are asked. As we have grown older – both of us are into our 80s and we just recently celebrated 62 wonderful years together – we do not travel nearly as much, but we still remain involved and busy, both in our individual special interests and activities, and many things that we do together. I am active in my Auxiliary, and we both keep an active interest in legislation. Bill is also very involved in Masonic work. In fact, Bill’s favorite quip is: “I am so busy now that I’m retired, that I don’t know how I ever had time to work!”

Yes, “RETIREMENT ROCKS” for us, and always has – we have thoroughly enjoyed all 22½ years! As with everyone, there were occasionally some rough spots along the way, but we have been, and still are, blessed with good health, a loving family, many dear friends, and a treasure-house of cherished, wonderful memories.

We wish each of you a Merry Christmas, and a Happy New Year!



# Legislative Update

By Sereena Hogan, National Legislative Representative

*The labor movement means just this: It is the last noble protest of the American people against*

*the power of incorporated wealth.*

— Wendell Phillips

## Tentative Agreement Reached in National Negotiations

Presidential Emergency Board 243 concluded its hearings on October 20 and issued its recommendations on November 5, 2011. The PEB report sent to President Obama included recommendations to resolve all issues in dispute over national wages, work rules, and health and welfare benefits between 11 rail unions and the nation's largest freight carriers. This began another 30-day cooling off period for the parties to meet again to attempt to negotiate a voluntary settlement driven by the PEB's recommendations. Shortly before the Thanksgiving holiday, the Carriers requested an extension to a 60-day cooling off period; however, the BLET declined to agree to the extension and the expiration of the cooling off period remained at 5:00 p.m. on December 5, 2011. In accordance with the provisions of the Railway Labor Act, the parties would at that time again be free to seek self help (strike or lockout). Also, Congress could intervene to legislatively prevent or stop self help by passing a law that forces the parties to accept the recommendations of the PEB as their settlement. That action, which could originate in either the House or the Senate, would require a majority by both chambers for passage and would be signed into law by the President.

In their presentations to the PEB, the Carriers took the position that the recently passed UTU agreement should be treated as a pattern in this round of negotiations. They maintained that record profits do not support wage increases for those who make those profits possible, claiming that future profit margins are at risk. With regard to health care benefits, the Carriers maintained that Rail Labor benefits are overly generous and they urged the PEB to shift the health care costs from the Carriers onto the backs of those who can least afford it—the oldest and least healthy workers and those with families.

Each of the unions in the two coalitions (the Coalition of Rail Unions and the Rail Labor Bargaining Coalition) presented argument, evidence, and testimony regarding craft-specific issues to the PEB. The BLET sought favorable PEB recommendations with regard to elimination of the entry rate and the two-tiered pay system; adoption of the away-from-home-terminal meal allowance that is part of the CSX agreement as the national standard; immediate increase of certification allowance to \$10.00 per trip or tour of duty, with adjustments for future general wage increases; and improved and enforceable minimum locomotive cab standards.

Rail Labor also presented joint argument, evidence, and testimony regarding wages, vacation, and health care benefits. The unions argued that continued record profitability and sustained productivity gains do justify wage increases greater than those agreed to during the last round of bargaining. They also requested a sixth week of vacation and proration of vacation for those who fail to qualify for the full allotment. On the issue of health care benefits, the unions requested that the PEB recommend no changes at this time.

In its report, the PEB recommended adoption of some of the Carriers' request that the UTU agreement be followed with modifications to those terms that would give the employees represented by the other unions a more generous settlement. They recommended larger general wage increases as well as a lump sum signing bonus for all employees covered by the agreement rather than lump sums being paid to only those employees working under the entry rate progression, as agreed to by the UTU. With regard to health and welfare the Board recommended that the parties adopt all of the changes that were in the UTU agreement, with some variations. The Board recommended that the increases to coinsurance and deductibles be phased in over an 18-month period rather than immediately. For the craft-specific issues that were presented by the various unions, the Board suggested withdrawal for most and local handling for a few. The only BLET craft-specific issue that the Board did not recommend be withdrawn was the one for certification pay for the conductors it represents; however, it did not recommend adoption either. Instead, it referred that issue to on-property handling.

Following the issuance of the Board's recommendations, President Pierce stated that those recommendations had placed the BLET and the Carriers at a point where they had to either reach a voluntary settlement or allow Congress to set the wages and working conditions for the members. He said that a voluntary settlement would be preferable to allowing a highly unpredictable Congress to take control of the dispute. He also pointed out that the only settlement available to the BLET included concessions on health and welfare benefits that the BLET has steadfastly rejected from the beginning.

Weeks of intensive negotiations ensued. During that time there were frequent contacts from the White House, the Secretary of Transportation, and leaders of both parties of the Senate and House of Representatives. On November 30 and December 1, President Pierce met with the BLET Advisory Board, the full National Wage Committee, and the General Chairmen representing every railroad involved in the dispute to review with them the Carriers' final settlement offer. During those meetings, a consensus was reached to submit to the membership a Tentative Agreement, allowing the members to vote on whether or not to ratify that agreement. With regard to the Tentative Agreement, President Pierce pointed out the following three things: "First, the wage terms are reasonable, and on a par with the 2007 National Agreement. Second, we have taken steps to significantly mitigate the impact of the PEB's health and welfare recommendations. And, third, you should be aware that Congress is poised to prevent us from making our stand on the health care question, because legislation already has been filed to impose the bare PEB recommendations — without the enhancements we have negotiated — before the cooling-off period ends."

President Pierce also issued the following statement to the membership: "I promised you as recently as September that we would put every ounce of our energy into the fight, and I can assure you that my promise has been kept. We have left no stone unturned, we have played out every scenario, and we have tried to overcome every obstacle the Carriers — and the system — placed before us. You have truly received our best, and I

thank you for your continuing support.”

As of December 5, General Chairmen in national handling have been provided a copy of the Tentative Agreement reached between the BLET and the National Carriers' Conference Committee (NCCC). That notice additionally advised that the BLET and NCCC have also entered into an agreement voluntarily extending the status quo cooling-off period to accommodate the membership ratification process for the Tentative Agreement and that no order to strike would be issued. Members are urged to carefully review the terms of the Tentative Agreement and vote in a timely manner.

### **War on Workers**

**Good News from Ohio:** On November 9, Ohio voters rejected legislation that would have nearly eliminated collective bargaining rights for 360,000 public workers in that state. Ohio's Issue 2, which resulted from SB 5, Ohio Governor Kasich's signature issue to scale back collective bargaining rights for public workers, was defeated by a 61 percent majority. Had it passed, the measure would have banned strikes by public workers, removed binding arbitration, and eliminated union negotiations over health care and other benefits. Although this represents a hard-earned victory for labor, BLET President Dennis Pierce warned that the War on Workers is far from over. He stated that word is already out that Ohio Republicans are planning to re-introduce portions of Issue 2 again next year and that we need to remain vigilant in our efforts to oppose these anti-union measures.

**Wisconsin Recall Election:** Elsewhere in the nation, plans are underway to recall Governor Scott Walker of Wisconsin, who initially waged the War on Workers earlier this year with his efforts to strip bargaining rights from state workers. United Wisconsin, a group collecting signatures to recall Governor Walker and Lieutenant Governor Rebecca Kleefisch, have reported that, as of November 30, volunteers have turned in 300,000 of the 540,208 signatures needed to trigger a recall election for the governor.

**More Attacks on Labor:** Republicans in both the Senate and the House have been lobbying to prevent the National Labor Relations Board (NLRB) from carrying out its mission to protect workers against employers' unfair labor practices and to strip the agency of its legal power and responsibility to protect union workers from employers' retaliation. The NLRB has been under attack by business groups and congressional Re-

publicans for allegedly favoring labor groups in a series of high-profile cases and rulings.

Thanks to the efforts of the Communications Workers of America (CWA) and other unions, an amendment recently introduced by Senator Lindsay Graham (R-SC) to bar the NLRB from pursuing a case against Boeing was defeated. Boeing was charged with retaliating against union employees by moving the work and some 1,000 jobs from Washington State to a new non-union production line in South Carolina. The bill passed in the House, but failed to get out of a Senate Appropriations Committee mark-up on a 15-15 tie vote. Although the amendment was focused on Boeing, it would have prevented the NLRB from pursuing any cases involving companies that move work from a union to a non-union plant to retaliate for lawful union activity. The NLRB officials contend that Boeing officials were illegally punishing union workers for past strikes by moving the work. CWA Legislative Director Shane Larson stated that the amendment “would set back decades of labor law and was an attack on all working people, their rights, and their jobs.”

On October 5, Representative John Kline (R-MN), Chairman of the House Education and Workforce Committee, introduced legislation to overturn a new NLRB rule that speeds up the union election process. Kline contends that the NLRB's action would weaken the economic recovery and that he and his Republican colleagues “are determined to hold the NLRB accountable for its job-destroying agenda.” Citing the “Occupying Wall Street” protests taking place nationwide, AFL-CIO President Richard Trumka stated that the GOP was going too far and that anyone who supports Kline's anti-worker bill should listen to the people on Wall Street rather than the CEOs or hedge fund managers. “What they'll hear,” Trumka stated, “is a call for action to create good jobs and end the inequalities caused by corporate greed and economic injustice.” On November 30, Kline's bill was passed on a nearly party-line vote, 235 to 188, in the Republican-controlled House. The bill overturns the June ruling that allows union elections to take place 10 days after employees call for them, instead requiring 35 days to pass before an election can take place. The measure will now go to the Democratic-controlled Senate, where it is likely to never reach the floor for consideration.

### **Amtrak Funding**

Although Congress has been unable to agree on very much lately, they did reach agreement in mid-November on funding for Amtrak,

bus transportation, commercial aviation, and transit through Sept. 30, 2012. The funding is for fiscal year 2012, which began October 1, 2011. For FY 2012, Amtrak will receive \$1.4 billion, or \$64 million less than it received in FY 2011. Of the 1.4 billion, \$681 million is targeted for capital improvements.

On the plus side, Congress agreed to scrap an earlier House effort to eliminate the use of federal dollars for 26 state-supported Amtrak routes, which help fund some 150 regional passenger trains serving nine million passengers annually. The not-so-good news is that funding for high speed rail was eliminated from the budget. President Obama had proposed \$3.6 billion for higher-speed rail for FY 2012, and \$53 billion over six years. The budget deal also requires Amtrak to impose overtime limits on employees and does not allow the railroad to offer discounts over 50% on normal peak fares.

### **Northeast Corridor Privatization Plan Scrapped**

On November 8, John Mica (R-FL), Chairman of the House Transportation and Infrastructure Committee, stated that he would no longer push his controversial plan to privatize passenger rail on the Northeast Corridor, and agreed that reforming Amtrak would suffice. Although he did not announce or call for any additional federal funds, he did urge that any future high speed rail funds that are returned to the federal government be reallocated solely to the Northeast Corridor.

### **Medicare**

A notice regarding Medicare Part B Premiums for 2012 is posted on the Railroad Retirement Board website. The notice states that the standard Medicare Part B monthly premium will be \$99.90 in January 2012, an increase of \$3.50 for most beneficiaries. For more details, go to: <http://www.rrb.gov/pdf/opa/pr11111.pdf>. Additional information about Medicare coverage, including specific benefits and deductibles, can be found at [www.medicare.gov](http://www.medicare.gov).

In the Autumn edition of this newsletter, I posted a website for Part B railroad Medicare services, administered by Palmetto, GBA. That website was listed incorrectly. The correct site is <http://www.palmettogba.com/palmetto/palmetto.nsf/DocsCat/Home>. Once there, click on Railroad Medicare on the left side of the homepage.

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## **76th Southwestern Convention, cont'd**

in the U.S.," and about his work to further transportation projects in the state. Mary Lonas, a representative from the Camino Real hotel shared with us some interesting facts and stories about the history of this interesting landmark built in 1912. Because Congressman Sylvestre Reyes' presence was required in Washington for votes, his aide Karl McElhaneey addressed the members, sharing information about the expansion of Fort Bliss and the new medical school in El Paso, along with the improvements in the VA treatment facilities in El Paso. He also addressed the War on Workers that is being waged at this time and what we need to do to fight it. BLET National President Dennis Pierce then came to the podium and thanked Larry and Becky for their hard work, introduced the BLET national officers and staff, and thanked the Auxiliary for the scholarship fund and the legislative work we do.

President Anita Caruso then addressed the audience, welcoming everyone to her "home convention," introducing the Auxiliary national officers, and thanked President Pierce and the BLET for their support of the Auxiliary that allows our national officers to attend important meetings and workshops. Larry introduced several local Teamsters and thanked them for their continuing support, and thanked all the convention committee for their hard work. The video entitled "Walking Lockstep with One Another," was shown. Lunch was hosted by Designated Legal Counsel (DLC), with informative presentations by those DLC in attendance.

At the BLET Auxiliary meeting that afternoon, each national officer in attendance addressed the group. Past President Schneider urged everyone to attend the Post Traumatic Stress Disorder (PTSD) presentation, which was scheduled for Wednesday. DLC liaison for the convention, Steve Young, as well representatives from Railroad Retirement and various health insurance groups spoke and took questions. Debra Barnett, UP Conductor and BLET member, and also a local representative from Operation Lifesaver, created some fun with an Operation Lifesaver trivia game. It was not just fun, but also educational.

That evening, we all boarded buses for the ride to McKelligon Canyon in the heart of the city, where we were treated to a fantastic Texas-sized, cooked-to-order ribeye steak dinner. The setting was beautiful, the food was great, and we were entertained by a young group of Folklorico Dancers and Mariachi Band from a local high school.

On Wednesday, breakfast was sponsored by LECMPA, followed by several BLET training sessions. Yours truly attended the Legislative Rep training and I wish there was room to share all that I learned; it was incredibly educational. Lunch was sponsored by the BRCF. After lunch, many of us attended the PTSD presentation, given by Dr. Vickie Thomas, Chief of the PTSD Center for Beaumont Army Medical Center at Ft. Bliss. She had experience treating not only returning soldiers, but also railroaders who have suffered from the disorder. There was also a Health Insurance/Railroad Retirement Presentation that afternoon, in addition to the Federal Railroad Administration program. It all came to a close at the Banquet where we were entertained by a rockin' 70s band, Fungi Mungle. The



**Debra Barnett led Auxiliary members in a lively game of Operation Lifesaver Trivia**

crowd really enjoyed dancing to the music late into the night. There were drawings for ever so many wonderful raffle prizes, including two beautiful handmade quilts, one of which was an original railroad design by Auxiliary 591 member Brenda Johnson-Roberts. You can see I wasn't kidding when I said it was a very busy four days! Many thanks to all who worked hard to put together a fabulous event! I strongly urge everyone to attend next year's SWCM in Galveston, Texas, at the Moody Gardens. Happy Holidays!

## **Important Information about Tax-Exempt Status for Local Auxiliaries**

**By Helen Brand, National Treasurer**

There seems to be quite a stir about the tax-exempt status of some of the auxiliaries. As National Treasurer, I do not receive copies of correspondence from the Internal Revenue Service to the various auxiliaries. It was in June of this year that I first became aware that some auxiliaries had been notified by the IRS that they had lost their tax-exempt status. I contacted Dr. Elaine Reese, BLET Director of the Office of Compliance, who advised that I get in touch with the IRS. If anyone has ever had any experience contacting the IRS, then you know that you never talk to the same person twice and each new person gives totally different advice on the subject. After much frustration, I again contacted Dr. Reese and was directed to contact one IRS employee who was very helpful and answered many questions.

In 2006, a new law was enacted regarding tax-exempt organizations. The National Auxiliary was and always has been tax-exempt. According to the IRS, each auxiliary was sent information about these changes and had three years to respond in order to keep their tax-exempt status. Also, according to the IRS, the auxiliaries that had not responded were sent another notice each year reminding them of the filing requirement. In May 2011, the three-year time limit ran out and the IRS contacted the various auxiliaries that had not responded and met the requirements of the new law, informing them that they had lost their tax-exempt status.

Before I took office as BLET National Treasurer in 2006, the Grand International Auxiliary Treasurer's accountant had advised each auxiliary to use the federal EIN number of the GIA, which would keep them on a tax-exempt status. There were then

— continued on back cover

## Mark Your Calendar Now for the 2012 Regional Conventions

### **Southeastern Meeting Association June 24-29, 2012 - Orlando, Fla.**

Arrangements Chairman Earl Karper (Division 35) is hosting the 2012 SMA at the Disney Coronado Springs Hotel (1000 West Buena Vista Drive, Lake Buena Vista, FL 32830, phone: (407) 939-1000). For details, visit [www.SMA2012.com](http://www.SMA2012.com). Contact Brother Karper: [ekarper@sma2012.com](mailto:ekarper@sma2012.com).

### **International Western Convention July 29-August 1, 2012 - Billings, Mont.**

Hosted by Arrangements Chairman Craig Gilchrist (Montana State Legislative Board Chairman, BLET Division 298) and Co-Chair D.B. Kenner (Division 195). At the Crown Plaza Billings (27 North 27th St., Billings, Mont. 59101, phone: (406) 252-7400). Contact Brother Gilchrist: [blecag@nemontel.net](mailto:blecag@nemontel.net); or Brother Kenner: [kennerdb@yahoo.com](mailto:kennerdb@yahoo.com).

### **From 1st VP/National Outreach Coordinator Gina Forman**



Hello Everybody! I hope this finds you all in great health and spirits as we enter this holiday season. I cannot believe this year is almost over! I realize this time of year is full of hope and joy, and for many of us, an extra amount of stress and demand. It is a busy time of year, and many of us have to deal with this additional burden while trying to balance the railroad lifestyle. Whether it is family gatherings spent without our spouses, or spending the actual holidays without them, it never gets easier.

I would like to remind you that you are not alone. Every railroad family has to deal with these very important issues right along with you. However, it is important not to lose yourself while making the holidays enjoyable for everyone else. Don't get so overwhelmed with holiday pressures that you end up making it miserable for yourself. I suggest that we all find something to do to help relieve the pressure, if only for a little while. Take a walk, make time for a good book, watch your favorite holiday movie, play in the snow, or soak in the sun. Whatever brings you peace, then make sure you do it. Everyone enjoys the holidays, and if the host is stress free, then that makes memories fun for everyone. From my family to yours, I send you all the happiest and safest holiday wishes!

*Gina Forman can be reached at 765-475-9902, [tweetys95@sbcbglobal.net](mailto:tweetys95@sbcbglobal.net), or 63 S. Hood Street, Peru, Indiana 46970*

### **Eastern Union Meeting Association August 19-24, 2012 - Atlantic City, N.J.**

Hosted by Arrangements Chairman Matt Kronyak (New Jersey State Legislative Board Chairman and Division 235 Local Chairman), the 2012 EUMA will be at Bally's Atlantic City (1900 Pacific Ave., Atlantic City, NJ 08401, phone: (800) 345-7253, [www.ballysac.com](http://www.ballysac.com)). Contact Brother Kronyak: [mcmkronyak@aol.com](mailto:mcmkronyak@aol.com) or (201) 978-6436.

### **Southwestern Convention Meeting September 9-13, 2012 - Galveston, Texas**

Hosted by Arrangements Chairman Jack Sweeny, Division 776 Local Chairman, the 2012 SWCM will be at the Moody Gardens Hotel (Seven Hope Blvd., Galveston, Texas 77554, phone: (888) 388-8484, [www.moodygardenshotel.com](http://www.moodygardenshotel.com)). Contact Brother Sweeny: [jrsweeny@coastal-link.net](mailto:jrsweeny@coastal-link.net).

### **Greetings from the Editor, Sereena Hogan**

I am so grateful for the submissions we have been receiving for the newsletter. I hope you are enjoying the articles from our members around the country, and the Retirement Rocks column as well. Many of our readers are retired and the rest of us are headed that way at some point.

On the subject of gratitude, as 2011 draws to a close, I find myself reflecting on the many things in my life for which I am grateful, many of them things that I take for granted. I realize there is a growing number of people in this country without jobs, without homes, and with not much to look forward to. Sure, there are those who just want to "live off the system," but there are also many who have become victims of this economy and this time in our history when the middle class is disappearing before our eyes. I understand it's not always easy to be a railroad spouse, but let's face it, compared to many, most of us live pretty good lives. We know that if we or our kids are sick or injured, we can get medical attention. And, God willing, our spouses will be home from that trip within a couple of days, not months or years, like many of those who are serving in the armed forces. I am very grateful that we have a union that is doing their very best to keep our benefits in place, to ensure that our spouses receive the compensation that they deserve, and to keep the workplace as safe as possible. This is not easy in these times when greed abounds and the attacks on unions keep coming from many directions. I am especially grateful for my wonderful, caring spouse and proud of his service to the union. I invite you to take some time this holiday season to remember those things in your life for which you are truly grateful. Happy Holidays everyone!

**Please send your stories, articles, photos, poems, etc., for our publication to:**

**Sereena Hogan, Editor & Publisher**

**BLET Auxiliary News**

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**The next issue will be published in March. Please have your submissions to Sereena by February 28, 2012**

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## Tax-Exempt Status for Local Auxiliaries, *continued from Page 10*

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and are now many auxiliaries under this status. Many auxiliaries are much like my home auxiliary and have very sparse funds and few members. As with most auxiliaries, everything is done on a volunteer basis and the few extra dollars that are in the treasury are used to cover items such as flowers for deceased sisters, etc. For my home auxiliary, a tax-exempt status is moot as we have nine members and each pays an additional ten dollars per year above the national dues, so tax-exempt or not, once our national dues are paid we only have about ninety dollars a year in our account.

Each year the BLET divisions, general committees, legislative boards, etc., file a Labor Management (LM) report and are required to file an IRS Form 990. Auxiliaries do not file LM reports but are required to file IRS Form 990. The BLET Office of Compliance sends out an authorization form each year requesting written permission to use the information on the LM to file with the Group. Without this written permission, the BLET is unable to include the division, general committee, or state board in the consolidation 990. The financial information is taken from the LM reports to prepare the 990. This year, shortly after Thanksgiving, each auxiliary will be receiving a form from me requesting authorization, along with some additional information, so that I can file a combined 990 much like the BLET Compliance Office does. Failure to respond will make each auxiliary responsible for filing its own Form 990. **Warning – only those auxiliaries that are exempt should receive**

**the authorization form. Those that lost their exempt status are required to file Form 1024 immediately to regain their exempt status.** Those units that lost their exempt status cannot file until they receive their notification of re-instated exempt status. Notice 2011-43 explains in more detail the language that must be included in the letter which will be attached to the Form 1024.

Those auxiliaries that did not use the National EIN and failed to file the proper paperwork within the three-year time limit must now file IRS Form 1024 and pay one hundred dollars (the National Auxiliary will cover this expense) before December 31, 2012, to regain their tax-exempt status. Failure to do so by that date increases the reinstatement fee to between four hundred to eight hundred dollars. According to the IRS, this information was sent to each auxiliary prior to the loss of the tax-exempt status.

The short and sweet to this whole debacle is that if the auxiliaries had used the EIN of the former GIA (now BLET Auxiliary) as advised many years ago, the issue would not exist. Also had the various auxiliaries filed the proper paperwork within the three-year grace period, the issue would not exist.

As of this writing, I am still working with Dr. Reese and the IRS employee to help resolve the issue. I can and will assist in any way I can, providing I have the information that I need

Wishing each of you and yours a safe and joyous holiday season.

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