



# 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.

Volume 2, Number 3

Autumn 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)

## 2011 Regional Conventions Carry on the Tradition of Fun, Fellowship, and Fundraising!

**84th Annual SMA – Asheville, N. C.  
June 12-17, 2011**

**By Jewell Graben, Auxiliary Chairperson for the 2011 SMA**

Things got off to a great start with registration Sunday afternoon. But suddenly we were all in the dark, due to a severe thunderstorm that caused



**MAL Bobbie Clarke led the procession of the flags at the SMA Opening Ceremonies, carrying the flag from her home state, Alabama**

the hotel and surrounding businesses to lose power for about three hours. The reception planned for later that evening was postponed to Tuesday because of the power outage.

Things were back to normal later that evening and Monday morning's opening ceremonies were wonderful. The ceremony began with the sound of bagpipes, which got everyone in the mood for the Asheville High School R.O.T.C. Color Guard who posted the United States and North Carolina flags, followed by the Pledge of Allegiance to the U.S. Flag and the opening prayer.

In the absence of Bettye Dollar, who was unable to attend the convention, I was designated to serve as SMA Auxiliary Chairperson for this event. I had recruited Auxiliary members from within the SMA to present the flags for each of the states that are a part of the SMA. As each state flag was brought in, those in attendance from that state rose with applause and cheers in support of their state's symbol of pride.

SMA BLET Chairman, Brother Dewey Brown, welcomed everyone and introduced BLET National President Pierce who spoke on some present issues concerning the War on Workers. President Pierce introduced the other National BLET officers in attendance.



**Sister Jewell Graben  
SMA Auxiliary Chairperson**

Brother Dewey then introduced me and gave me the opportunity to welcome everyone and introduce the National BLET Auxiliary President, Anita Caruso, who spoke to those assembled and also introduced the National officers who were in attendance. The Committee had chosen to have their annual Executive Council Meeting at the SMA this year. We were very happy to have them and for the opportunity to meet them in person.

After the opening ceremonies, auxiliary members enjoyed a luncheon meeting, sponsored by DLC Rick Shapiro. Mr. Shapiro talked to the spouses about their responsibilities in the event of

— continued on page 3



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

It's been a crazy summer for many of us in the Midwest. I asked for the heat and boy did I get it. What I didn't ask for is the late snow melt in the Rockies and the torrential spring rain that has caused unprecedented flooding in Nebraska and Iowa along the Missouri River. The "Mighty MO" has crested to unthinkable heights and long stretches of I-29, both north and south of Omaha/Council Bluffs, has been closed due to flooding, with no end in sight.

The predictions are that this stretch of highway, which connects us to Sioux City to the north and our hometown of Kansas City, Missouri to the south, might not be opened until November or December and that's IF there is no major damage to the bridges once the water subsides. It's been a chilling site to see all the destruction to businesses, homes, farms, and lives. I hope all these people will be able to return to some type of normalcy and get on with their lives soon.

We held our Executive Council meeting during the Southeastern Meeting Association Convention in Asheville, North Carolina. This is a big change from our regular routine of holding these meetings in the Spring at one of the Council members' homes, and it was a huge success. Our first day of the meeting was on Sunday, June 12, and the second day on Wednesday, June 15, 2011. It was a great chance for all of our national officers to attend the same regional convention and take care of Auxiliary business at the same time. It worked out beautifully and we will probably give it another shot in the future.

As I mentioned above, the first regional convention of this year was the Southeastern Meeting Association convention in Asheville. The Auxiliary Chair was Sister Jewell Graben of Auxiliary 189, Birmingham, Alabama, assisted by her daughter, Alice Thornton. Sister Jewell planned a lovely luncheon with a great, informative agenda (see article, front cover). It was a pleasure to have all the national officers together again for the first time since the National Convention in Reno, Nevada.

The Eastern Union Meeting Association was held in Long Island, New York. Sister Sereena Hogan and Sister Linda D. Maher were also in attendance. Sister Linda was the EUMA Auxiliary Chair and made beautiful baskets for our raffle to raise money for our Scholarship Program. She also secured several gift certificates donated by DLC to raffle and a beautiful framed print donated by Mark Robb (Associate Member-at-Large), International President of the Brotherhood Relief & Compensation Fund. The raffle was a huge success.

Sister Janet Louis and her husband Jim once again donated \$500.00 to be the prize for a separate raffle for the Scholarship Fund. Sister Trefana Christian (Member-at-Large) and her husband Steve won the \$500.00 and promptly donated it back to us in appreciation of the past scholarships that had been awarded to their children from the Auxiliary. This was a wonderfully gracious gesture and so very appreciated by us as well as the future recipients of our scholarships.

Things will begin to slow down once fall approaches, but not before attending one more regional convention, my home convention, the Southwestern Convention Meeting. We also have a new auxiliary in the process of being organized in Alliance, Nebraska. I look forward to going to Alliance to organize this new group and getting things off the ground and running there!

I wish everyone a wonderful fall, rich with color and beautiful in its majesty!

Anita J. Caruso, National President, BLET Auxiliary  
3341 S. 112th Street, Omaha, NE 68144  
(402) 330-6348 ~ bunziegia@cox.net





**Dewey and Christie Brown hosted the 84th Annual SMA**

work-related illnesses or accidents. The meeting was most informative and we enjoyed talking to Mr. Shapiro individually.

Sister Graben introduced Sister Caruso who spoke to the Auxiliary and introduced each of the national officers who shared with us some information about their duties and about themselves personally. It was interesting to see where all of them were from and to learn about their responsibilities.

I had brought some articles along that I have kept since the death of sister Zelma Hart in 1988, and was pleased to have the opportunity to share them with our members. There were old record books dating back to 1908 in the collection, as well as badges, pictures, and other memorabilia that were made available to anyone who wished to take them. Sister Caruso selected several items for the archives museum in Cleveland.



**Charlie and Helen Brand, and Gina Forman, enjoyed some social time at the Barbecue dinner at Taylor Ranch.**

In the absence of outgoing SMA Auxiliary Chairperson Bettye Dollar, an election was held for a new Secretary-Treasurer for the SMA. Sister Lawanna Poss was elected to serve a two-year term. As outgoing Secretary/Treasurer, I am honored to now become the SMA Auxiliary Chairperson. I look forward to working together with Sister Lawana for the next two years.



**Sister Linda Wingo, MAL, proudly carried the flag from her home state, Tennessee, at the SMA Opening Ceremonies**

Tuesday took us to the beautiful world-renown Biltmore House and grounds.

At lunchtime, we dined at the elegant Deer Park Restaurant. We enjoyed delicious food and wonderful 80-degree weather! It could not have been any more pleasant!

In the late afternoon, we loaded buses for a barbecue dinner at Taylor Ranch, a few miles away. It was the most beautiful landscape of hills, complete with a lake for fishing, trail rides in horse-drawn wagons, bluegrass music, colorful dancers, and great food. Can't get any better than that!!!

Wednesday was a free day for everyone to take advantage of this beautiful area of the country in whatever way they wished. On Thursday afternoon, there was an auxiliary tea and fashion jewelry show, featuring hand-made jewelry crafted by the mother of BLET spouse Rhonda Wallace and her business partner. Everyone could and did buy some! We all had lots of fun trying on items and seeing what each other had purchased.

Thursday night's banquet featured more bluegrass music, a fantastic magic show, good food, and a myriad of door prizes!

Our hats are off to Dewey and Christie Brown for hosting an enjoyable, informative and well-rounded week for everyone! CONGRATULATIONS ON A JOB WELL DONE!



*photo courtesy of Karen Decker*

**EUMA Conference Co-hosts pose with BLET National President Pierce, left to right: Jim Brown, President Dennis Pierce, Scott Decker, and John Bove**

**73rd Annual EUMA, August 2-7, 2011  
Long Island, New York**

**By Linda Maher, National Secretary**

Oh my, EUMA has come and gone and if you did not attend this one you missed a fabulous meeting! With EUMA being my "home" regional meeting, it was good to see a lot of people who I have known through the years and it was a great pleasure to have met so many new people. Our trip started out a little rough. What should have been a 1 hr. 20 min. trip from Akron, Ohio, to LaGuardia Airport turned out to be just shy of 24 hours of travel.

When we finally arrived, our angel-in-disguise, Mary Donch, met us at the airport and gave us a tour around New York City and we were able to attend church in her hometown of Long Island City. We then headed to a fabulous Irish pub for some lunch, then a little more touring, and off to the Hyatt, but not before we came to a dead standstill for close to an hour on the Long Island Expressway! I guess you could say, "WELCOME TO NEW YORK"! I was never so happy to see the Hyatt!

We took a day trip before our meetings were to begin on Tuesday to Washington, D.C., to place a wreath on my dad's grave to honor him as he is buried at Arlington National Cemetery. Thank goodness that at least the trains all ran on time!

On Tuesday morning, our work began! I started the morning with assembling three gift baskets I had brought for our raffle table, along with three Visa gift cards donated by Coffey, Kaye, Myers & Olley, and two Sears

gift cards donated by Hoey & Farina. A great big thank you goes out to the DLCs for their continuous support toward our raffles to support the Scholarship Fund. As the day went on and we continued to sell raffle tickets, another angel named Mark Robb from BRCF showed up with a donation of a beautiful railroad print to go with our raffle, and we made that our grand prize! We also had a separate raffle for the \$500 gift from Jim and Janet Louis that they generously donate towards the scholarship fund each year. Thank you to Anita and Sereena for helping, not only with selling tickets at the auxiliary table, but also for selling mulligans at the golf course on Thursday morning so I could play golf. Our raffle was a great success at EUMA and now I'm already starting to work on my prize giveaway for next year's convention in Atlantic City. I promise it will be especially from me! Later in the evening, we attended a welcome reception, which was a "Long Island Clam Bake." If you have never been to a EUMA meeting, you have no idea of the meal plan that is involved!

Guests enjoyed listening or dancing the night away to the "Big Shot Tribute Band." If you weren't tapping your feet or dancing in your chair you had to be dead. Conference Chairman John Bove joined right in singing with the band!

This being the 10th anniversary of the September 11 tragedy in New York City, a tribute was made at Wednesday's opening ceremonies with the presentation of a memorial wreath and dedication in honor

of the lives that were lost on that day. At our auxiliary meeting that afternoon, we had a guest speaker from the Long Island Convention & Visitors Bureau who shared interesting facts about the area and places to visit. DLC Mitchell Kaye also spoke briefly to those in attendance.

Thursday was a fun day for all! Conference attendees could choose a day at the water park, the golf tournament, or shopping during the day, then a barbecue dinner, topped



*photo courtesy of Karen Decker*

**EUMA Committee Member Karen Decker enjoys a dance with 2012 EUMA Host Matt Kronyak**



**National Secretary Linda Maher accepts \$500 scholarship donation from Steve and Trefana Christian at the EUMA**

off with an evening adult comedy show. What a great time my husband Pat, Cole Davis, K.L. Jackson, and I had golfing. Thank you to all the golfers who purchased mulligans for the tournament!

A number of educational workshops were offered during the day on Friday and the awards banquet was held in the evening, at which time we drew the winners in our raffles. Thanks to all who purchased raffle tickets and congratulations to all the winners. A special thanks goes out to Mr. Steve Christian who won the \$500 drawing and then donated his winnings back to the BLET Auxiliary Scholarship Fund! Once again, the meal was outstanding, and to top it off, a Viennese Dessert Hour! How could you pass this up?

As we wrapped things up on Saturday with the Manhattan Dinner Cruise, which included sights of Chelsea Pier, the Empire State Building, the World Trade Center Site, Ellis Island, Brooklyn Bridge, Central Railroad of New Jersey Terminal, and the Statue of Liberty, just to name a few. It rained a little, but the weather had cleared so that we were able to enjoy the cruise and watch the shorelines light up as darkness fell. At the end of the evening, we were all saying our goodbyes. What a blessing to meet so many new friends and acquaint ourselves with many old friends during the week. I am so proud to be part of the BLET Auxiliary and this great Union that provides a variety of educational workshops to its membership at these conventions. Thank you to Jim Brown, Scott Decker, John Bove, and all who played a part in putting this together. We look forward to seeing more new faces in Atlantic City, August 20–24, 2012. Won't you come and join us? See you then!

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



Welcome to our new members since our last publication: MAL Lynda K. Stockinger of Baton Rouge, Louisiana; Associate MAL Mr. Paul Nowakowski of Orchard Park, New York; Retired Associate MAL Mr. C. Edward Way of Fairview Heights., Illinois; MAL Kathy McWilliams, of Bakersfield, California; and MAL Keri Weick, from Martin, North Dakota.

*May you have only pleasant hours  
To melt your cares away,  
And the warmth of Irish laughter  
To bring gladness to each day.*

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.

### **2011-2012 Scholarship Recipients**

**EUMA Recipient:** Mark Willard, son of Mr. & Mrs. Kenneth Willard, BLET Division 122 (Leona A. Louis Memorial Scholarship)

**IWC Recipient:** Brooke Switzer, daughter of Mr. & Mrs. Ricky Switzer, BLET Division 811

#### **SWCM Recipients:**

Alexander G. Evans, son of Mr. & Mrs. Jim Evans, BLET Division 527 (John & Brenda Casteel Scholarship)

Katelyn E. Evans, daughter of Mr. & Mrs. Jim Evans, BLET Division 527

Adam J. Tippery, son of Mr. & Mrs. Steven Tippery, BLET Division 183

#### **IWC-only Recipients:**

Rachel McWilliams, daughter of Mr. & Mrs. Robby L. McWilliams, BLET Division 664

Thomas R. Schmitt, son of Mr. & Mrs. Michael F. Schmitt, BLET Division 174

Jacqueline Shrader, daughter of Mr. & Mrs. Thomas Shrader, BLET Division 134

Jamie M. Shrader, daughter of Mr. & Mrs. Thomas Shrader, BLET Division 134

1st Alternate : Mark A. Shirley, son of Mr. Greg Shirley

2nd Alternate: Hannah Renick, daughter of Mr. & Mrs. Steve Renick



# Legislative Update

By Sereena Hogan, National Legislative Representative

## Supreme Court Upholds FELA Negligence Standard in *McBride v. CSX*

On June 23, the U.S. Supreme Court rejected the argument of CSX Transportation that would have made it much more difficult for railroad workers to be compensated for on-the-job injuries resulting from a railroad's negligence. In the case of *CSX v. McBride*, filed pursuant to the Federal Employers' Liability Act (FELA) by BLET-designated attorney John Kujawski, Mr. McBride was awarded \$184,250 in damages for injuries sustained in an accident during his employment by CSX Transportation. CSX appealed to the Seventh Circuit Court of Appeals, stating that the instructions given to the jury did not include one requiring that it apply a higher "proximate cause" standard. In other words, CSX maintained that McBride needed to prove that the railroad's negligence was the main or direct cause of the accident. The Seventh Circuit affirmed the trial court jury's verdict in March and CSX then appealed that ruling to the Supreme Court. The Supreme Court held that the jury instruction "proper in FELA cases ... simply tracks the language Congress employed, informing juries that a defendant railroad caused or contributed to a plaintiff employee's injury if the railroad's negligence played any part in bringing about the injury." The Supreme Court also noted that the jury instruction that was "sought by CSX would mislead" a jury in the proper application of the law.

Congratulations to BLET Designated Legal Counsel John Kujawski and the team he assembled to fight for Brother McBride's rights. This important ruling marks a victory for all of rail labor.

## Amtrak Funding for FY 2012

In July, Senator Jim Webb (D-VA) drafted a letter to the Senate Appropriations Subcommittee that has jurisdiction over Amtrak, requesting full funding (\$2.2 billion) for Amtrak's intercity passenger rail service. The letter, co-signed by 19 other senators (17 Democrat and 2 Independent), points out the continued rise in ridership that Amtrak has experienced in recent years, its importance to our nation's transportation system by reducing congestion and easing dependence on foreign oil, and Amtrak's success in meeting the deadlines imposed by the Passenger Rail Investment and Improvement Act of 2008 to assess its future needs and return the Northeast Corridor to a state of good repair. To see the full text of the letter and the list of senators who signed it, go to <http://standupfortrains.org/supporters/docs/Senate%20letter%20supporting%20Amtrak.pdf>.

If your Senators have not yet signed on to this letter, please encourage them to do so. (Some may have signed on after the initial letter was drafted.) Protecting Amtrak and its 19,000 employees is essential to the continued solvency of the Railroad Retirement System.

## BLET in Strong Opposition to Privatizing Amtrak

On June 15, the Competition for Intercity Passenger Rail in America Act was introduced by Chairman of the House Transportation and Infrastructure (T&I) Committee, Rep. John Mica (R-FL), and Chairman of the Railroads, Pipelines, and Hazardous Materials Subcommittee, Rep. Bill Shuster (R-PA). According to Rep. Mica, the plan incorporates competitive bidding and private sector involvement to bring high-speed rail to the Northeast Corridor and improve intercity passenger rail service nationwide. A *Railway Age* editorial deemed it the latest "Let's Pull Amtrak Apart, Pulverize All the Pieces into a Blender, Dump It Out,

and Let People Who Have No Idea What They're Doing or Talking About Attempt to Mold Something Back Together" bill. Amtrak President and CEO Joe Boardman stated that this bill would likely mean the end of Amtrak and the national passenger rail system that Congress authorized nearly 40 years ago. Rep. Corrine Brown, a key Democratic member of the House T&I Committee, stated that the plan could also have an unintended consequence: draining the Railroad Retirement Fund. Amtrak employees make up 10 percent of the national railroad retirement system, providing a large percent of the money in the trust funds.

BLET National President Dennis Pierce expressed to members of the U.S. House of Representatives in a letter dated June 20, 2011, that the BLET strongly opposes the Republican plan to privatize and dismantle Amtrak, stating that the Mica/Shuster plan would jeopardize the jobs of 19,000 Amtrak employees and would undermine the stability of the Railroad Retirement system, thereby hurting all railroad workers.

Amtrak has experienced a steady rise in ridership in recent years, which should be seen as a sign of growing success. The railroad has projected that its annual ridership will this year, for the first time ever, exceed 30 million passengers in the fiscal year ending September 30. The projection is based on strong June ridership numbers and expected ticket sales for July-September. The railroad has wisely invested the federal funding it has received to improve infrastructure and equipment, making it a more attractive means of travel in these times of high gasoline prices. So far this year, ridership is up 6.4 percent. Continued investment in Amtrak and passenger rail in general will support continued growth. Please encourage your members of the House to stand together in support of Amtrak and its workers.

BLET National Vice President Stephen Bruno testified on June 20 at a U.S. Senate hearing about ways to fund much-needed national infrastructure improvements. At the hearing, entitled "Building American Transportation Infrastructure through Innovative Funding," Brother Bruno stated that private funding must be used to supplement, not replace, current sources of public funding. He also stated that "American labor must continue to have the same protections they are entitled to and have fought so hard to acquire." He pointed out that the Mica/Shuster plan would saddle Amtrak with all its debt while removing the Northeast Corridor, which is its biggest asset. He eloquently stated that "[t]his would endanger passenger and commuter rail throughout the country, and it would cause significant job losses among Amtrak employees. It places corporate shareholder interests ahead of the interests of the general public. The Mica/Shuster proposal invites corporate locusts to swarm in, acquire, and leverage the profitable assets and leaves nothing but a rotting husk."

A copy of Vice President Bruno's complete testimony can be found at: [http://www.ble-t.org/pr/pdf/Bruno\\_7.20.11\\_Testimony.pdf](http://www.ble-t.org/pr/pdf/Bruno_7.20.11_Testimony.pdf). A copy of President Pierce's letter can be found at [www.ble-t.org/pr/pdf/mica\\_proposal.pdf](http://www.ble-t.org/pr/pdf/mica_proposal.pdf).

### **Teamsters Rail Conference Passes Resolution Regarding High-Speed Rail**

On June 30, at the Teamsters 28th International Convention, a resolution to support high-speed rail and the union jobs that should go with it was passed by the 1,800 delegates, with full support from its 70,000-member Rail Conference. The resolution states that, "any high-speed passenger rail train that operates in this nation must have a certified and trained locomotive engineer in its cab to ensure its safe operation." BLET National President Dennis Pierce, who is also President of the Teamsters Rail Conference, stated that current plans in Congress to privatize Amtrak would exempt employees of the privately owned railroads from important labor

protections, such as the Railway Labor Act, Railroad Retirement Act, and the Railroad Unemployment Insurance Act.

Fred Simpson, President of the BMWED and IBT International Vice President, and BLET Amtrak Vice General Chairman Craig McDowell also spoke in favor of the resolution.

### **Budget Control Act of 2011**

The House and Senate passed the Budget Control Act of 2011 on August 2 and it was signed into law by President Obama on the same day. The law involves the introduction of several complex mechanisms, such as creation of the Congressional Joint Select Committee on Deficit Reduction. This is a 12-member committee (now being referred to as the "super committee") made up of six Democrats and six Republicans.

As Congress returns to work in early September, and the "super committee" sets out to develop a plan to cut a minimum of \$1.5 trillion out of the federal budget, it will be interesting to watch this process unfold in a climate where bipartisan cooperation in Washington, D.C., is about as rare as hen's teeth. In the first stage of its determinations, the super committee members must cut \$917 billion in discretionary spending over 10 years from Cabinet-level agencies and the thousands of programs they administer. If the committee does not agree by a 7-vote consensus, or if they do not obtain approval of the House and Senate, automatic cuts totaling \$1.2 trillion will then be implemented across the board. That will include deep cuts in the military, as well as all three major entitlement programs. The committee must develop their plan by November 23 and Congress must act on it by December 23. No amendments are allowed and Senate approval will take only 51 votes instead of the usual 60 needed to avoid a filibuster.

### **Railroad Medicare**

Did you know that railroad retirees have their own Medicare plan, administered by Palmetto GBA Railroad Medicare Part B? I was not aware of this until I heard it

at a recent presentation on Railroad Retirement at the IWC in San Luis Obispo, California. Palmetto, contracted by the Railroad Retirement Board, has been offering these services in conjunction with the Centers for Medicare and Medicaid Services for four decades. To find out more, go to: <http://www.palmettogba.com/palmetto/providers.nsf/Docs-CatHome/Railroad%20Medicare>

### **Congratulations are in Order!**

Congratulations to Deborah A.P. Hersman who was confirmed by the U.S. Senate on August 2, 2011, to serve a second two-year term as Chairman of the National Transportation Safety Board. The NTSB conducts comprehensive investigations of transportation accidents and makes safety recommendations. Ms. Hersman has been a member of the board for seven years and has been on scene at numerous major transportation accidents, including the disastrous freight train collision and hazmat spill in Graniteville, South Carolina, in 2009, that killed nine people, as well as the collision between two Washington Metropolitan Area Transit Authority trains that resulted in nine fatalities in 2009.

Congratulations also go out to Vince Verna who has been named as the new BLET Director of Regulatory Affairs, effective August 1, 2011. Vince is from my home town, Tucson, Arizona, and has served in many positions over the years for BLET Division 28. Most recently, Brother Verna was serving as the Arizona State Legislative Board Chairman and as Local Chairman for Division 28. He has been active on the RSAC Locomotive Standards and Operating Practices Working Groups and, in August 2008, gave a presentation to the Locomotive Standards Group to address extreme temperatures inside the locomotive cab, something with which I am sure Brother Verna is quite familiar after working out of the Tucson terminal for the past 16 years.

*Sereena Hogan can be reached by phone at (520) 297-0944; by mail at 8720 N. Myrtle Dr., Tucson, Arizona 85704, or by e-mail at [vp3sereena@aol.com](mailto:vp3sereena@aol.com).*



# THE FEDERAL RAIL SAFETY ACT (FRSA) - (WHISTLEBLOWER LAW) 49 U.S.C. §20109 – by Jerry Schlichter, BLET Designated Legal Counsel

## What is the FRSA?

The Federal Rail Safety Act (FRSA) is a powerful new federal law, also called the Whistleblower Law, which provides protections for railroad employees against retaliation and intimidation by the railroads for reporting injuries or unsafe conditions. Under the FRSA, employees of railroads may file complaints with OSHA if they believe that they have experienced discrimination or retaliation for engaging in good-faith protected activity.

An employee prevailing in any action under the FRSA is entitled to all relief necessary to make the employee whole, including reinstatement with the same seniority; backpay with interest; compensatory damages; court costs, expert witness fees, and reasonable attorney fees; and, in certain cases, punitive damages of up to \$250,000.

## What is “protected activity”?

The railroads may not retaliate against an employee for engaging in “protected activity.” Under the FRSA, “protected activity” includes, among other things:

- reporting an on-the-job injury;
- reporting hazardous safety conditions;
- reporting a violation of any federal law relating to railroad safety or security;
- refusing to work when confronted by an imminent hazardous safety condition; and,
- requesting prompt medical treatment for work-related injuries.

## What action by the railroads violates the FRSA?

The railroad will be found to have violated the FRSA if the employee’s

protected activity was a *contributing factor* in the Railroad’s decision to take unfavorable personal action against the employee. Thus, a railroad may not discipline an employee if such discipline is due, in whole or in part, to the employee’s lawful protected activity.

## What is the deadline for filing a Complaint?

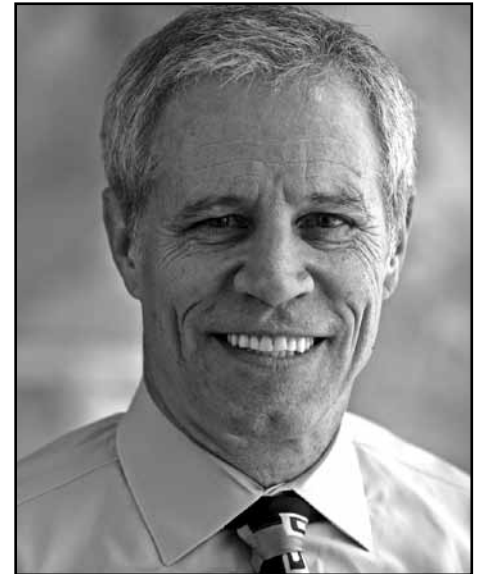
An FRSA complaint must be filed *within 180 days* after the employee becomes aware of the retaliatory action taken by the Railroad.

The complaint should be filed with the OSHA office responsible for enforcement activities in the geographical area where the employee resides or was employed. Upon the opening of an FRSA complaint, OSHA will conduct an investigation into the merit of the case before issuing its findings and an order.

## How does the Investigation work?

After OSHA opens a case for investigation, the regional OSHA supervisor will send a letter notifying the employee that the complaint has been reviewed, given an official case name and number, and that the case has been assigned to an investigator. The name, address, and telephone number of the investigator will be included in the letter. Also at that time, the supervisor will prepare a letter notifying the railroad that a complaint alleging discrimination has been filed by the employee and requesting that the railroad submit a written position statement.

It is the duty of the investigator to gather all the facts surrounding the complaint through a field investigation.



The general requirements of the investigator are to investigate the employee’s allegations through witnesses and other evidence, determine the railroad’s answer to the allegations, and resolve discrepancies. To do that, the investigator will interview the employee, interview the railroad, question witnesses, and look at documents. The investigator may also try to get the parties to settle the case.

Once the field work is complete, the investigator will submit a recommendation to his supervisor for disposition of the case. OSHA will then enter a disposition of the case, and if the railroad is found to be at fault, OSHA will order the railroad to take action to make the harmed employee whole.

## What remedies are available to an employee who has been retaliated against?

If the evidence supports the employee’s claim of retaliation and a settlement cannot be reached, OSHA can order

the railroad to take action to make the employee whole, including one or more of the following:

- reinstate the employee;
- pay back wages, with interest;
- restore benefits;
- reinstatement of seniority;
- compensation for special damages, including reasonable attorney's fees, expert witness fees, and court costs; and,
- punitive damages up to \$250,000.

### What are the opportunities to appeal?

If no objections are made to OSHA's preliminary order entered after the investigator's report is filed, then that order becomes final. However, either party may appeal further from there through more proceedings and then to a federal court.

### For questions or help:

The Whistleblower Law is a powerful new weapon that is available to all railroad workers and can also help your union representative prevent discipline. Anyone who has questions about this can contact BLET Designated Legal Counsel for help.

**Jerry Schlichter**

**BLET DESIGNATED LEGAL COUNSEL  
SCHLICHTER, BOGARD & DENTON**

## In Memoriam

BLET Brother Todd Burckhard, 35, was killed in the line of duty on August 19 when the crew van in which he was riding was involved in a collision near Frazer, Montana. Brother Burckhard was a BNSF locomotive engineer and member of BLET Division 695 in Minot, N.D.

Our thoughts and prayers go out to the family and friends of Brother Burckhard.

# Retirement Rocks!

**By Pam Dennis, River City Auxiliary No. 12, Omaha, Nebraska**

After reading Phyllis Eberl's and Kathy Hurst's "Retirement Rocks" articles, I realize I have some big shoes to fill in presenting my retirement story!

My husband, known as D. A.; Don, Pete, Dennis, or who knows what else, joined Union Pacific Railroad in 1967. He comes from a family of railroaders—his father, Jack R., and brothers, Jack E. and Richard were employed by the railroad. Don worked his way up from hostler helper, to hostler, to fireman, and then to engineer.

We have two married sons and six grandchildren to help fill in our retirement hours. I was fortunate to be able to be a stay-at-home mom as Don spent many weeks and months working out of town on the extra board.

Since retirement in 2007, he has enjoyed attending our grandkids' school and sport activities, something he missed out on when our boys were young. He gets to fish, golf with other railroad retirees, and does volunteer work at our YMCA. He has taken over my lawn and snow removal duties – thank you!

We did enjoy a trip to the southeast United States in 2007, but otherwise have pretty much stayed close to home. Don spent so much time in motels for the last forty years that he now enjoys being home. However, after the past two brutal winters we've had in Omaha, we are thinking that we would like to go to warmer places during the winter months!



**Don and Pam Dennis  
Omaha, Nebraska**

Don's biggest adjustment at first was not getting up at 5:00 a.m. every day. My biggest adjustment was having him around 24/7 and hearing "Where you at, or what are you doing" when I am only a few rooms away! So I don't mind him going off to play golf or do volunteer work.

He really does like retirement and doesn't miss the railroad at all. He worked yard jobs during his last few years because he was tired of being a slave to the phone, so he had adjusted to that part of railroading already.

Like Phyllis and Kathy, making those choices in health insurance and finances before and after retirement was not easy. Then, this year, when Don turned 65, the Medicare choices were confusing and stressful. The Railroad Retirement Board has been very helpful in answering our questions.

Retirement does rock and those days when you don't feel like doing anything, it's nice to know you can and not feel guilty. We hope you all enjoy retirement now or whenever your time comes!

# Railroader Wedding Vows



*Dearly Beloved,*

*We are gathered here today in accordance with the FRA, AAR, STB, and other regulatory bodies to unite these two units in Multi-Unit service. If anyone takes exception, file your grievance or get in the clear.*

*Do you take this woman to be your trailing unit, tying down your pin lifter forever, and permanently restricting yourself from interchange service, even with newer, freshly-painted units, remaining coupled despite flat wheels, sticking brakes, even unto bad orders and major derailments, until you are both rendered unto scrap? If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.*

*And, do you promise to pull this unit up ruling grade, using throttle and brake wisely to prevent rough train handling, broken knuckles, and pulled drawbars, applying sand as necessary to prevent wheel slip, so that you both crest the hill together, regardless of the trailing tonnage? If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.*

*And do you also promise not to cut away from the trailing unit, even when her side sheets have rusted through, and her paint job is faded? If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.*

*Now, do you take this man to be your lead unit, tying down your pin lifter forever, and permanently removing yourself from interchange service, even with newer series, high-adhesion, high-horsepower units, remaining coupled despite flat wheels, sticking brakes, even unto bad orders and major derailments, until you are both rendered unto scrap? If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2., example 4.*

*Do you also promise to remain coupled to your lead unit, even when he has a couple of traction motors cut out, and can no longer develop full horsepower? If so, signify by sounding your whistle as prescribed by GCOR Rule 5.8.2, example 4.*

*Now, as a token of your intent to M.U., make the joint and stretch the slack.*

*By the power invested in me by the General Manager, Superintendent of Operations, and the Road Foreman of Engines, I now pronounce you permanently coupled.*

*You may cut in the air.*

## Order Mainline Cooking now!



The first and second editions of *Mainline Cooking* are both now available. Both cookbooks feature a variety of recipes submitted by BLET Auxiliary and BLET members across the country, as well as some amusing railroad trivia. Order forms are available on our website, [www.bletauxiliary.net](http://www.bletauxiliary.net), or you may fill out the order blank here and mail with your check to:

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



Fall Greetings to all! I wish you all good health and well being in the coming months. The kids are back in school and, as the year continues to fly by, it is hard to believe the upcoming holiday season is just a few months away!

I hope all of you had a great summer and that you had an opportunity to do something fun and worthwhile with your Auxiliary. My auxiliary members held our annual bake sale to raise money for our scholarship fund. We also had a 50/50 raffle at a family picnic held by BLET Division 548. We are now focusing our efforts on planning our Holiday Dinner, at which we collect canned goods for the local food bank. This has a positive effect on our community, and we have fun doing it.

I encourage you to hold an event in which all of your members can come together and have fun. For instance, at your monthly meeting, you could schedule a craft night, at which you make holiday ornaments then donate them as gifts to a local nursing home or organization. Figure out what suits your members best.

In closing, I want to take a moment to reflect on our loved ones who are working in the railroad industry. Currently, the death rate is at one of the highest levels in recent history, and the industry is suffering a crippling number of on-the-job fatalities. I urge you to talk to your loved one, and encourage them to stay focused on the task at hand. Far too many spouses have had to take the call none of us wants to receive this year. We all want our loved ones to make it home safely every trip. Let's work together to achieve this goal. Have a wonderful autumn everyone!

Gina Forman can be reached at 765-475-9902, [tweety95@sbcglobal.net](mailto:tweety95@sbcglobal.net), or 63 S. Hood Street, Peru, Indiana 46970

## Greetings from the Editor, Sereena Hogan, Vice President/National Legislative Rep.

In the months ahead, leading into the 2012 elections, it is important that we all take notice of our own representatives' record on crucial issues relative to the future of Social Security, which in turns affects Railroad Retirement, as well as Medicare and other entitlement programs. We must make sure that they understand the importance of creating jobs in this country and that fully funding Amtrak will enable it to keep its 19,000 employees working, rather than adding them to the lists of unemployed. We must also make sure that they understand our concerns for the safety of our railroad employees and the public at large. Railroading is a unique industry and many do not have a clue as to how it works. Many who are serving in Congress are newly elected and may not understand the railroad industry. It's our job to educate them, so don't be shy... please speak up and let them know where we stand on the issues!

Wishing all of our readers a joyous Autumn season, blessed with the company of family and friends. Life can be challenging during these times; however, let's remember that we, as railroad families backed by a great union, have a lot to be grateful for!


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

Sereena Hogan, Editor & Publisher  
BLET Auxiliary News  
8720 N. Myrtle Drive,  
Tucson, AZ 85704  
Phone: 520-297-0944  
e-mail: [vp3sereena@aol.com](mailto:vp3sereena@aol.com)

The next issue will be published in December. Please have submissions to Sereena by November 30, 2011.

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**BLET Auxiliary**  
Serena Hogan, Publisher, BLET Auxiliary News  
8720 N. Myrtle Drive  
Tucson, AZ 85704-3340

*Published at the above address regularly*

Nonprofit Org.  
U.S. Postage  
PAID  
Tucson, AZ  
Permit No. 2216