

# International Brotherhood of Electrical Workers



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July 13, 2009

**SECOND QUARTER REPORT, 2009  
SYSTEM COUNCIL NO 16 OF THE  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

Brothers and Sisters:

This past quarter there have been two (2) significant decisions rendered that will affect the railroad industry and our members.

The challenge of the DOT Direct Observation Drug Testing by the Carriers and several Organizations was not successful. The court recently lifted the stay, the final rule is being prepared and enforcement will be forthcoming. As I understand the rule, anyone returning to duty following a Rule G and follow-up testing will be subjected to direct observation when presenting a sample.

The second issue is the FMLA dispute. The Arbitrators not only upheld the position of the employees, the remedy phase was also successful. Every employee who presented a valid claim will receive a day of pay for each day of vacation and/or personal leave he or she was required to use for FMLA purposes.

Complete details are currently posted on the Council web site for both issues discussed above.

As I advised in my May 1, 2009 report, the Section Six notices will be prepared and served on or after November 1, 2009 on the following properties under the jurisdiction of this office:

A. BNSF

*Our Business - Representation & Service*

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- B. CN properties including CC&P, IC, WC, DM&IR, DW&P and EJ&E
- C. LS&I
- D. Belt Railway Company of Chicago
- E. CP

As of this writing, only one (1) Local has responded to the request. Again, I ask for any input you may suggest for formulation of the notices.

This past quarter, in connection with representatives of the Sixth District, officer training has been conducted for the following Locals: 506, 783 and 886.

This quarter the Council staff has conducted business or obtained information relative to the following Carriers affecting Local members as follows:

## **Canadian National/IC-CCP-WC-DMIR-DWP**

There are a number of claims outstanding on various properties in various stages of handling. Three (3) have been submitted for arbitration this month.

The force reduction announced on the DM&I property has been delayed as the employees were able to perform electrical work on the property in lieu of a contractor.

We are still working on a few outstanding issues relative to the CN/EJE transaction.

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We are very close on completion of the updating of the IC Telecommunication Department Agreement with another meeting scheduled in mid-August.

## **Canadian Pacific/Soo**

The Carrier has recalled at least three (3) Electricians to service at the St. Paul Locomotive Shop.

There are currently issues with the Fiber Optic Agreement that are being investigated by the Local officers.

## **Gary Railroad**

No news to report.

## **Belt Railway Company of Chicago**

No news to report.

## **Evansville and Western Railway Company**

No news to report.

## **Paducah and Louisville Railway Company**

We are currently investigating an issue with the Carrier relative to the retirement of a Telecommunications Department employee.

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## **Montana Rail Link:**

The employees in the Mechanical Department have been notified of the Carrier's interpretation and application of the FRA Hours of Service Law, which will become effective on July 14, 2009. We are currently awaiting a response from management with respect to a question in this matter.

We have also completed and executed an Agreement for our Telecommunication Department members addressing coverage issues.

## **Northern Indiana Commuter Transportation District**

No news to report.

## **BNSF Railway Company**

On the Tuesday after Memorial Day, we were advised that there was going to be approximately forty (40) Electricians furloughed in the Mechanical Department across the property.

The BNSF Mechanical Management officers announced a new safety initiative this month. Details have been forwarded to Locals involved in a separate mailing.

We continue to hear of a few issues with the Corporate Lodging Policy. If you find a hotel in the program that has issues, please report in writing to this office.

This office is currently discussing the Carrier's application of ETMS equipment with Telecom management.

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We are currently investigating Mechanical Department work at Birmingham, Alabama. Apparently, the Company is performing locomotive inspections, work that should involve our members.

There have been a number of cases arbitrated and decisions rendered. The Locals and Claimants either have been or will be notified of the decisions shortly.

This office is currently involved with two (2) separate seniority issues on this property, which are quite serious and should have been addressed long ago.

Each year the Carrier's post the seniority rosters. The Agreements govern and allow for a period for correction if errors are found. Each year there is a reminder to this fact set forth in this report. Resolutions of these disputes are not predictable at this time since time limits may be an issue here. Again, it is the responsibility of both the Local, as well as the individual member, to review the rosters when posted and notify the Carrier in writing, as outlined in the controlling Agreement, with respect to any errors that need to be corrected. Please provide a copy of that correspondence to this office for our files.

As I have discussed in a number of previous reports, disciplinary hearings continue to be conducted over blue flag and vehicle incidents. These two (2) issues are serious. Blue flags are for the protection of the employees and when the cases are arbitrated, the Neutrals seem to side with the assessment of discipline when there is a violation of the rule. Again, please be extremely careful when operating a Company vehicle and please be very diligent and comply with the Company's Blue Flag Policy.

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Attached, please find the second quarter travel, vacation and financial reports. There is a significant amount of news regularly posted on our web site that is of an interest to all of our members.

Respectfully and fraternally submitted,

Dale E. Doyle  
General Chairman

DED/dgw (OPEIU)

Attachments

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## **Dale Doyle's Travel Second Quarter, 2009:**

April 1, 2009 - Minneapolis, Minnesota - Local 506 - Investigation

April 8, 2009 - Minneapolis, Minnesota - Locals 506, 783 and 886 -  
Officer training

April 14<sup>th</sup> and 15<sup>th</sup>, 2009 - Chicago, Illinois - CN -  
Telecommunication Agreement negotiations

April 29, 2009 - Minneapolis, Minnesota - Local 886 - Discipline  
issue

May 11<sup>th</sup> and 12<sup>th</sup>, 2009 - Kansas City, Missouri - Local 866 -  
Shop superintendent meeting

May 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>, 2009 - Seattle, Washington - High Speed  
Rail/FRA meeting - Local 1769 seniority issues

June 2, 2009 - St. Paul, Minnesota - Local 886 meeting

June 4, 2009 - Superior, Wisconsin - Local 1559 - Investigation

June 8, 2009 - Los Angeles, California - Local 946 meeting

June 9, 2009 - Barstow, California - Local 1023 meeting

June 10<sup>th</sup> and 11<sup>th</sup>, 2009 - Las Vegas, Nevada - System Council 2  
meeting

June 17, 2009 - St. Paul, Minnesota - CP/Soo General Chairman  
meeting

June 18, 2009 - Minneapolis, Minnesota - Local 506 - Investigation

## **Dale Doyle's Vacation Used Second Quarter of 2009:**

April 24, 2009	1 day
May 8, 2009	1 day
June 22, 2009	1 day

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## **Rick Heyland's Travel Second Quarter, 2009:**

April 20<sup>th</sup> through 22, 2009 - Hastings, Minnesota - Staff Meeting

May 4<sup>th</sup> through 7<sup>th</sup>, 2009 - Fort Worth, Texas - SCAP meeting

May 11<sup>th</sup> and 12<sup>th</sup>, 2009 - Kansas City, Kansas - Argentine Shop meeting

May 18<sup>th</sup> through 20<sup>th</sup>, 2009 - Kansas City, Kansas RCL Committee meeting

June 8<sup>th</sup> through 12<sup>th</sup>, 2009 - Missoula, Montana - Eighth District meeting

## **Rick Heyland's Vacation Used Second Quarter of 2009:**

May 13, 2009 1 day

May 29<sup>th</sup> and 30<sup>th</sup>, 2009 2 days

## **Mark Klecka's Travel Second Quarter, 2009:**

April 13<sup>th</sup> through 15<sup>th</sup>, 2009 - Chicago, Illinois - CN - Labor Relations meetings and Agreement update

April 20<sup>th</sup> through 23<sup>rd</sup>, 2009 - Hastings, Minnesota - Staff meetings

May 26<sup>th</sup> and 27<sup>th</sup>, 2009 - Galesburg, Illinois - Local Union 547

June 9<sup>th</sup> through 12<sup>th</sup>, 2009 - Missoula, Montana - Montana Rail Link meetings - Eighth District Progress Meeting

June 24<sup>th</sup> through 26<sup>th</sup>, 2009 - Fort Worth, Texas - Investigation

## **Mark Klecka's Vacation Used Second Quarter of 2009:**

May 15, 2009 1 day

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May 22, 2009	1 day
June 4, 2009	1 day
June 5, 2009	1 day

## **Jeff Burk's Travel Second Quarter, 2009:**

April 1<sup>st</sup> and 2<sup>nd</sup>, 2009 - Richmond, California - Meetings with BNSF Telecom and Mechanical Department members

April 14<sup>th</sup> and 15<sup>th</sup>, 2009 - Homewood, Illinois - CN/IC Communication Department meetings

April 17, 2009 - Lubbock, Texas - Investigation

April 20, 2009 - Springfield, Missouri - Officer Training - Local 778

April 21<sup>st</sup> and 22<sup>nd</sup>, 2009 - Hastings, Minnesota - Meeting with IBEW Tenth District International Representative, Jim Denton

April 23<sup>rd</sup> and 24<sup>th</sup>, 2009 - Tulsa, Oklahoma - Meeting with BNSF Telecom and System Electrical members

May 5<sup>th</sup> through 7<sup>th</sup>, 2009 - Fort Worth, Texas - BNSF SACP

May 28<sup>th</sup> and 29<sup>th</sup>, 2009 - Homewood, Illinois - CN/IC Communication Department meetings

June 25<sup>th</sup> and 26, 2009 - Myrtle Beach, South Carolina - IBEW System Council Six meeting

## **Jeff Burk's Vacation Used Second Quarter of 2009:**

May 18, 2009	1 day
May 22, 2009	1 day
June 29 <sup>th</sup> and 30 <sup>th</sup> , 2009	