

System Council 16



# International Brotherhood of Electrical Workers

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November 3, 2006

**THIRD QUARTER REPORT, 2006  
SYSTEM COUNCIL NO. 16 OF THE  
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

Brothers and Sisters:

In my second quarter report, I provided a copy of the IBEW Code of Excellence Program and asked for your input. I have not received any comments, pro or con, as of this writing. There were problems earlier this year with the Supplemental Sickness Plan; however I have not received any recent calls or letters relative to members being deprived of benefits. We are, however, receiving some information on problems with the VSP Plan. We are only in the initial stage of this investigation and I will further advise as warranted.

I attended the International Convention in Cleveland, Ohio in September and visited with many of the Local representatives about issues of importance. I was also surprised by the number of Locals that did not send representatives.

Over the past several months we have discovered a hand full of members who are not paying dues as required by the Union Shop Agreements. In one particular case, the member had been employed for over ten (10) years and had it not been for an issue arising, it may have never been noticed.

*Our Business – Representation & Service*

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I am asking all Financial Secretaries to check the Local per capita sheets against the seniority rosters regularly and specifically when the rosters are updated after the first of the year. If there is any question, specifically in some of the larger Locals that cover a vast area, please do not hesitate to contact this office and we can check with other Local per capita sheets we have in this office.

There seems to be a misunderstanding on when an employee should be initiated into the IBEW. Therefore, this will advise that all members must be a member of the Local Union within sixty (60) days of their hire date. That means sworn into the Local Union.

However, **there are no provisions whatsoever stating than an individual cannot be signed up his first day of service.** Although Agreements allow varying work day probationary periods, this in no way conflicts with the Union Shop Agreement as so stated in that Agreement.

As all Local officers are aware or should be aware, there have been at least three (3) Locals in recent years that have had issues involving Department of Labor investigations and violations. I urge all Locals and officers to comply with the provisions of the By-Laws and Constitutions and other mandated laws. If you have problems, please contact either this office or your International Representative for assistance.

National negotiations continue with no Agreement as of this writing. The next session was to be held in mid-November, but has been cancelled.

Earlier this year System Council No. 2 General Chairman Vic Janecek addressed a very important issue in one of his monthly reports which I feel is necessary to bring to your attention.

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There were two (2) occurrences in the Los Angeles region to which no one took the liberty to immediately call 911. One issue was when an Electrician's hands became extremely burned with electrical burns and was advised that his reporting this or seeking medical attention might result in his being dismissed and he is now dismissed. That does not alleviate the fact or the Carrier's responsibility - nor ours - to immediately call 911 when a situation is clear that the individual needs immediate medical attention according to the controlling Agreement. Although a P.I. is required, all Agreements state that the individual must seek medical attention first. The second incident occurred when a brother passed out, was taken to the foreman's office, and the Carrier's nurse was called. Some time elapsed before the nurse arrived and the 911 call was made. The individual passed away en route or at the hospital thereafter. This treatment of our member cannot be tolerated and it is each brothers' and sisters' responsibility if a situation occurs that a person needs medical attention, that we immediately call 911. This in itself is nothing more than common sense. If any of you have recently encountered this type of situation, please provide a detailed written statement to this office.

This quarter, the Council staff has conducted business or obtained information relative to the following Carriers effecting Local membership:

**Belt Railroad of Chicago:**

No report.

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## **Canadian National/IC-CCP-WC-DMI-DWP:**

I have had some brief discussion with the Carrier concerning the outstanding Section Six notices on the IC and DM&I property. The Boilermakers Organization reached an Agreement that was ratified by the Organization's membership on the IC. That Agreement has been forwarded to our members on the IC for review and comment.

We continue to receive subcontracting notices for our members in the Mechanical and Telecommunication Departments. The Locals involved have been notified of the notices.

The Memphis IC Mechanical Department Facility is currently looking for Locomotive Electricians. If any Locals are aware of any member who may be looking for a position, please contact this office.

In early October, Assistant General Chairman Klecka accompanied a representative of United Health Care to Fond du Lac, Wisconsin to discuss the National Insurance Plan. The following day, the same meeting was to be held in Duluth, Minnesota on the DM&I property; however the United Health Care representative had a flight cancelled and was unable to attend.

We have numerous claims in various stages of handling on the various properties.

## **Canadian Pacific/Soo Line:**

We are continuing to meet with the Carrier and moving forward on the updating of the Telecommunications Department Agreement and provisions for the Gainsharing Plan from the 2005 Agreement having signed a Letter of Understanding for all members in all departments.

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We have had some brief discussions on the outstanding "noon lunch" claims for the Telecommunication Department employees, with no resolution. This claim will in all probability be headed to arbitration for final adjudication.

In late September, I attended a meeting with representatives of other Organizations concerning revisions the Carrier has made to the Employee Performance and Accountability Policy.

## **Montana Rail Link:**

The updated labor Agreement has been printed and copies provided to this office.

The modified Mechanical Department Electrician Apprentice Agreement, which we reported last quarter tied in the ratification process, was resubmitted to the membership for ratification and approved. The Agreement has been adopted and signed copies forwarded to the membership.

The Montana Rail Link's acquisition of the Talgo/Livingston Rebuild Facility has not impacted our members. As I understand, the only part of the facility that Montana Rail Link is using is the Wheel Machine Shop.

We have received notice from BNSF that Montana Rail Link is going to acquire the Telecommunication Infrastructure. There has been no notice or information received from Montana Rail Link representatives.

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## **Lake Superior and Ishpeming Railroad:**

We are moving toward completion of the amending and updating of the Labor Agreement. There have been several months of investigative work involved in this task as the Agreement has not been updated since implemented in 1950.

The Direct Deposit Agreement has been signed and transmitted to the Local and members.

We received notice that the Carrier will continue with the remodeling of the Marquette Dock Facility with the use of contractors during the winter shut down. The Carrier will use our members as available when necessary.

## **Evansville and Western:**

We continue to hear that there is a contractor on the property performing Mechanical Department work. As of this writing, we have not been able to discuss this matter with the Carrier.

## **Paducah and Louisville:**

No report.

## **Elgin Joliet and Eastern Railway:**

Assistant General Chairman Klecka visited the property to represent a member in a disciplinary hearing.

We have also received two (2) contracting notices which have been forwarded to the Local for review.

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NICTD:

No report.

**BNSF:**

We reached an agreement with the Carrier, the IAofM and the BofRC for several rapid responder positions assigned to various positions along the Carrier's Trans Con Line. No sooner than the Agreement was completed and signed, we had to make a change in headquarter assignment. A conference call was conducted on October 31<sup>st</sup> at the request of BofRC to discuss additional issues, including the awarding of positions. We are not aware of who bid and were awarded positions.

We are continuing to work with the Carrier to address issues with the Mechanical Department Apprenticeship Agreement.

Effective October 1, 2006 Omni Trax services in Texas were terminated and BNSF management is now in place. We are monitoring the situation with the Local representative in Temple on a continuing basis as that is where we had the majority of issues with Omni Trax.

We have received the Awards from the July Public Law Board and currently are reviewing before adoption. When approved, the Awards will be submitted to the Claimants and Locals and our handling of these files will be concluded.

The changes in the Telecommunication Department discussed in our last report have been implemented at Alliance, Nebraska; Chicago, Illinois; Denver, Colorado and Minneapolis, Minnesota. There were at least two (2) employees who reported problems with protective rights which have been resolved. The Telecommunications Department is continuing with several changes and we understand a few people have been or will be hired for various positions.

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As I reported for Montana Rail Link, the BNSF has sold or will sell the Telecommunication Infrastructure servicing the Montana Rail Link property. A ninety (90) day notice has been served and four (4) BNSF Telecommunication Department employees will be affected. I have had some brief discussions with the Carrier concerning an Implementing Agreement.

There have been a couple of calls about the Safety Committee/Safety Assistant Agreement, specifically the election of the safety assistants. Please review this Agreement as assure compliance with the terms. I have attached a copy of the August 28, 1997 Agreement for your easy reference.

The Profit Sharing Proposal was approved by the International Office to be submitted to the membership for ratification. As soon as the ballot results are forwarded to this office by all Locals, you will be notified of the results.

We are currently involved in an issue with the Santa Fe Coast Lines Hospital Association and the withdraw of our members from the Association.

We have assisted several Locals with discipline hearings and know there have been several held on the Local level, also several waivers signed. Discipline is a major issue and I urge each of you to comply with Carrier rules.

We are also forwarding several recommendations for Apprentice time credits to the Locals. It appears the Carrier has determined they cannot get enough Journeymen at this time. I again urge all Local representatives to review the combined Apprenticeship Agreement, as there have been several changes in the rules since we have seen this many Apprentices.

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Attached, please find the second quarter travel, vacation and financial reports as well as other information previously mentioned herein. Please note specifically information on training to be held at the University of Wisconsin, Madison that is beneficial to Local officers.

Respectfully and fraternally submitted,

Dale E. Doyle  
General Chairman/Secretary-Treasurer

DED/dw (OPEIU)

Attachments

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## **Dale Doyle's Travel Third Quarter:**

July 4<sup>th</sup>, 2006 - Holiday

July 6<sup>th</sup>, 2006 - CP/Soo - Telecommunication negotiations - Minneapolis, Minnesota

July 19<sup>th</sup>, 2006 - CN - Labor Relations Conference - Chicago, Illinois

July 20<sup>th</sup>, 2006 - BNSF - Public Law Board hearing - Chicago, Illinois

July 29<sup>th</sup>, 2006 - DME - Information Distribution - Huron, South Dakota

July 31<sup>st</sup>, 2006 - MRL - Livingston, Montana - Shop Visit

August 1<sup>st</sup>, 2006 - Local 152 meeting - Glendive, Montana

August 2<sup>nd</sup>, 2006 - Local 1856 meeting - Havre, Montana

August 4<sup>th</sup>, 2006 - Locals 547 and 1517 visit - Gillette, Wyoming

August 11<sup>th</sup>, 2006 - Local 506 investigation - Minneapolis, Minnesota

August 17<sup>th</sup>, 2006 - Local 1559 meeting

September 6<sup>th</sup>, 2006 - CP Soo Telecommunication negotiations - Hastings, Minnesota

September 7<sup>th</sup>, 2006 - CN - Local 794 visit - Waterloo, Iowa

September 8<sup>th</sup> through 13<sup>th</sup>, 2006 - International Convention - Cleveland, Ohio

September 15<sup>th</sup>, 2006 - NARR meeting - Chicago, Illinois

September 20<sup>th</sup>, 2006 - BNSF General Chairmen's Meeting - Bloomington, Minnesota

September 21<sup>st</sup>, 2006 - Staff meeting - Hastings, Minnesota

September 26<sup>th</sup>, 2006 - CP/Soo employee performance and accountability discussion  
- Minneapolis, Minnesota

## **Dale Doyle's Vacation Used Third Quarter of 2006:**

None

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## **Rick Heyland's Travel Third Quarter:**

July 3<sup>rd</sup>, 2006 - Local Union 452 meeting - Burlington, Iowa

July 6<sup>th</sup> through 7<sup>th</sup>, 2006 - Local 866 investigation - Kansas City, Kansas

July 19<sup>th</sup> through 20<sup>th</sup>, 2006 - Public Law Board 6577 - Chicago, Illinois

September 6<sup>th</sup> through 8<sup>th</sup>, 2006 - Local 866 investigations - Kansas City, Kansas

September 14<sup>th</sup> through 16<sup>th</sup>, 2006 - National Railroad Arbitrators Meeting -  
Chicago, Illinois

September 19<sup>th</sup> through 21<sup>st</sup>, 2006 - BNSF General Chairmen's Association Meeting -  
Minneapolis, Minnesota & Staff Meeting - Hastings, Minnesota

## **Rick Heyland's Vacation Used Second Quarter of 2006:**

July 5th, 2006 1 day

July 21<sup>st</sup>, 2006 1 day

August 14<sup>th</sup>, 2006 1 day

September 1<sup>st</sup>, 2006 1 day

September 25<sup>th</sup> through 29<sup>th</sup>, 2006 5 days

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## **Mark Klecka's Travel Third Quarter:**

August 7<sup>th</sup> through 9<sup>th</sup>, 2006 - Local 1769 meeting - Seattle Washington

August 14<sup>th</sup> through 15<sup>th</sup>, 2006 - Investigation - Chicago, Illinois

September 14<sup>th</sup> through 16<sup>th</sup>, 2006 - Association of Arbitrators Meeting -  
Chicago, Illinois

September 19<sup>th</sup> through 22<sup>nd</sup>, 2006 - BNSF General Chairmen's Association meeting  
and Staff Meeting - Hastings, Minnesota

September 26<sup>th</sup> through 27<sup>th</sup>, 2006 - System Council No. 16 Office -  
Hastings, Minnesota

## **Mark Klecka's Vacation Used Third Quarter of 2006:**

July 5<sup>th</sup> through 7<sup>th</sup>, 2006 3 days

July 20<sup>th</sup>, 2006 1 day

September 5 through 8<sup>th</sup>, 2006 4 days

## **Jeff Burk's Travel Third Quarter:**

August 30<sup>th</sup>, 2006 - Meeting - Barstow, California

August 31<sup>st</sup>, 2006 - Investigation - Barstow, California

September 20<sup>th</sup>, 2006 - BNSF General Chairmen's Association Meeting -  
Bloomington, Minnesota

September 21<sup>st</sup> through 22<sup>nd</sup>, 2006 - Staff Meeting - Hastings, Minnesota

## **Jeff Burk's Vacation Used Third Quarter of 2006:**

July 3<sup>rd</sup>, 2006 (Personal Day) 1 day

July 6<sup>th</sup>, 2006 1 day