

International Brotherhood of Electrical Workers



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May 3, 2013

FIRST QUARTER REPORT, 2013 SYSTEM COUNCIL NO 16 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Brothers and Sisters:

The first quarter of 2013 has been extremely busy and issues abound. As most of you have previously been advised, the politics at our nation's Capital have hit home with the sequestration, which has affected both Railroad Retirement and cases submitted for arbitration. With the funding appropriated, we are hoping for arbitration matters to start moving forward.

In the last quarterly report, I reminded Locals of the importance of checking the 2013 seniority rosters for accuracy. As there have been no issues presented to this office for investigation, I trust the rosters are correct or have been corrected.

Over this past quarter, this office has seen several similar issues on various Carriers under the jurisdiction of this office and with this observation in mind it is important to comment. We are seeing the Carrier's enforcing rules strictly, specifically relating to absenteeism and safety compliance. We have also been advised that there are multiple Carrier employees represented by another Organization that have been charged within inappropriate use of a Company computer and a number of other issues. I cannot over emphasize these facts as your diligent compliance with rules are extremely important.

This past quarter the Council staff has conducted business or obtained information relating to the following Carriers under the jurisdiction of this office:

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Belt Railway Company of Chicago:

Assistant General Chairman Klecka, Local Representative Jim Wriston attended a meeting on April 11, 2013 with senior management and other Organization representatives. Managers expressed appreciation for an outstanding safety record, as well as our member's role in achieving financial goals of the Company. Managers also provided a favorable forecast for the foreseeable future.

CN – CCP/DMIR/DWP/EJE/WC:

We are now advised that all rate and back pay issues resulting from the ratified Agreement on the DMIR property have been addressed and rectified, however as of this writing there are other payroll issues being investigated.

We are currently working to finalize the Section "A" Agreement updating on the IC property.

There have been a number of contracting notices over the past quarter and this office has assisted with at least one (1) disciplinary issue.

On May 1, 2013, a new Absenteeism Tracking Policy is going to be established for all CN US properties. This policy was forwarded to Local officers previously.

CP/Soo:

The Carrier has issued a new discipline policy for the US property, and as noted previously, this is resulting in increased scrutiny of our membership's compliance with the rules. There have been at least two (2) discipline issues that surfaced since the initiation of the policy.

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We finally have received authorization for the Public Law Board for three (3) current outstanding cases and perhaps more. Once the Neutral receives authorization, we will be prepared to proceed. There has been no decision rendered yet from the November hearings.

Evansville and Western Railway:

No news to report.

Gary Railroad Company:

We received one (1) Notice to Contract electrical work and the Local members notified accordingly.

Lake Superior and Ishpeming Railroad Company:

No news to report.

NICTD:

No news to report.

Paducah and Louisville Railway:

No news to report.

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Montana Rail Link:

The terms of the recent Agreement have been delivered by the Carrier and the final review of the Codified Agreement is being conducted, which upon completion the membership will be notified.

We have assisted with two (2) discipline issues on this property the past quarter.

BNSF:

There have been a number of issues and concerns reported at the Barstow Mechanical Facility with all crafts and in late January a coalition of General Chairman, from the IBFandO, IAofM and this office, met with management at the facility to discuss issues. A follow-up meeting will be conducted in May.

During a recent meeting with the General Chairmen's Association of the BNSF, all in attendance reported concerns in labor/management relations.

On a specific issue, monthly we send out new hire/termination reports to each Local President and Financial Secretary, yet we continue to receive reports of new employees who have not been approached for membership, sometimes after a considerable period of time. I am asking that this issue to be monitored and if there are issues that can be addressed to make this task easier to manage, please do not hesitate to contact this office. From a cursory review of these reports, it appears the Carrier continues to hire new employees in the Mechanical Department.

There have been a number of contracting notices delivered this past quarter and we diligently strive to get these notices to the Local officers upon receipt, both via e-mail and U.S. mail.

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Attached to this report are the first quarter travel and financial reports and articles of interest to our membership. Articles are also being posted regularly on the Council web site at ibewsc16.org.

Respectfully and fraternally submitted,

Dale E. Doyle
General Chairman

DED/dgw (OPEIU)

Attachments

International Brotherhood of Electrical Workers



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Asst. General Chairman

August 15, 2013

SECOND QUARTER REPORT, 2013 SYSTEM COUNCIL NO 16 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Brothers and Sisters:

I start this report with reminders that the IBEW Membership Development Conference is scheduled for September 10th through 12th, 2013 in Las Vegas and the Annual Rail Department Meeting is scheduled for October 24th and 25th in Nashville.

Due to a recent issue, it is important that all Locals and Local Financial officers understand the importance of delivering the correct information to "A" members, as well as keeping the Local's per capita payments current. It is also important that travel cards be handled correctly and timely and that new members meet membership requirements in a timely manner. These matters have caused some very serious issues for some of our members.

A federal court in Louisiana last week determined that the dispute BLET and UTU have with KCS over the Carrier's installation of inward facing cameras in its locomotive cabs is a minor dispute under the Railway Labor Act. Those cameras, presently being installed by the KCS Mechanical Department in Shreveport, will be operational whenever the locomotive is powered on 24/7. These cameras are not motion-sensitive; they are on when the locomotive is stopped as well as moving. We are advised they also work in low light and may be infrared. I have been asked to relay this information because it appears that the cameras also will record the actions of our members whenever they are in the cabs.

Our Business – Representation & Service

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The past quarter the Council staff has conducted business or obtained information relative to the following Carriers under the jurisdiction of this office:

Belt Railway Company of Chicago:

No news to report.

CN-CCP/DMIR/DWP/EJE/IC and WC:

We continue to receive contracting notices for major improvements on various Carrier properties and also continue to work towards completion of the Mechanical Department Section A Agreement updating and hope to have this project completed in a few months.

A second meeting was held recently with the Company and the BRS to attempt to come to an Agreement for the PTC installation and subsequent maintenance work. We were unable to reach an Agreement.

We continue to hear of ample to excessive overtime at the two (2) IC locomotive shops.

CP/Soo:

This Carrier is going through some major restructuring as a result of new senior management. There have been force reductions in the St. Paul Shop and a number of discipline hearings in Mechanical and other departments over the past quarter.

A second division Award was rendered concerning one (1) of our members and the Local and member involved were provided a copy of the Award.

An FRSA complaint is currently being investigated by OSHA.

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Gary Railroad Company:

No news to report:

Lake Superior and Ishpeming Railroad Company:

No news to report.

NICTD:

No news to report.

Paducah and Louisville Railway Company:

We visited the Paducah Facility and obtained information relative to the members request for changes in the controlling Agreement resulting in the Section Six notice being served on the Carrier on August 6, 2013.

George Hudspeth, the Local Committeeman on the property, retired this quarter after a long railroad career. We wish George the best for a long, happy and healthy retirement.

Montana Rail Link:

Information has been received that the updated Agreement has been printed and we are waiting for copies from Carrier representatives.

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BNSF Railway Company:

We reached an Agreement for Mechanical Electricians that is referred to as the “Level Agreement”. The Agreement is in the initial phases, and there is work progressing which may be a four (4) to eight (8) month process before it is in place. A conference call has been conducted to introduce Committee members and a meeting has now been scheduled for late August.

During a conference call with Shop Craft committees recently, the Carrier advised of the following changes which will be coming:

- A. A new pay shortage form which will be on line, to expedite employees who were shorted on pay.
- B. Updated Blue Signal rules which are scheduled to go into effect on September 1, 2013. The purpose of this change was reported to be the “Sequence of Protection”.
- C. The Carrier is going to install inward and outward drive cameras in Company vehicles with the goal of improving driver safety. The Carrier advised that driving habits must improve and the cameras will be installed first in exempt vehicles, starting in Zone 9, with a goal of one hundred eighty-eight (188) vehicles this year.
- D. The carrier is going to expand drug panel testing to include certain prescription drugs. Prescription drugs are reported as the second most abused class of drugs. Information was previously sent to the employees’ homes with an effective date of August 1st. The representatives advised that other Carriers have also expanded the scope of testing.

The Carrier is going to be doing additional work and hiring additional employees at the Topeka Shop with two hundred (200) plus locomotive overhauls planned for this year. A plan for total hiring that has also been increased with additional hiring at Northtown, Alliance and in the Bakken Basin area.

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We have seen a significant amount of contracting of Telecom work. An inquiry was made of a manager and I was advised that there had been so much project work, that the maintenance program had fallen behind and it was causing network issues, thus at this time maintenance is a top priority.

We are starting to see a few Awards being returned from various Boards and the Locals and Claimants have been notified accordingly. There also have been a few claims settled on the property, again with the Claimants and Locals being notified.

We have been advised by the BNSF representatives that an employee who holds a Commercial Driver's License (CDL) that was issued prior to January 29, 2012 must provide their state's driver's license agency with a "Medical Examiners Certificate – Med Card" by January 30, 2014. Enforcement officers will have access to each CDL driver's medical qualification information and if an employee's record shows "not medically qualified", the law enforcement officer can pull the employee from service. Information pertaining to this matter is attached

Attached to this report are the second quarter travel and financial reports. Articles are also being posted regularly on the Council website at ibewsc16.org.

Respectfully and fraternally submitted,

Dale E. Doyle
General Chairman

DED/dgw (OPEIU)

Attachments

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Dale Doyle's Travel Second Quarter 2013:

April 15, 2013 – Allouez, Wisconsin – Investigation – Local 1559

April 18, 2013 – St. Paul, Minnesota – Soo Line GCA

April 22nd through 24th, 2013 – Denver, Colorado – Investigation – Local 1517

May 9, 2013 – St. Paul, Minnesota – Investigation – Local 886

May 21st through 24th, 2013 – Alliance, NE – Meeting – Local 1517

June 4, 2013 – St. Paul, Minnesota – Meeting – Local 886

June 6, 2013 – Minneapolis, Minnesota – Meeting – Local 506

June 12th and 13th, 2013 – Memphis, Tennessee – Investigation – Local 778 – Visit – Local 881

June 20, 2013 – St. Paul, Minnesota – Investigation – Local 886

June 22nd through 30th, 2013 – Myrtle Beach, South Carolina – System Council 6 – Paducah, Kentucky – P&L Visit Local 881

Rick Heyland's Travel Second Quarter 2013:

June 25th through June 28th, 2013 – Tuscan, Arizona – Seventh District Progress Meeting

Mark Klecka's Travel Second Quarter 2013:

April 10th and 11th, 2013 – Chicago, Illinois – Belt Railway Management/Labor meeting

April 25th and 26th, 2013 – Chicago, Illinois – Luis Visciano investigation

May 13th and 14th, 2013 – Michigan City, Indiana – NICTD Labor Relations conference

May 28th through 31st, 2013 – Jackson, Wyoming – 8th District Progress meeting

June 18, 2013 – Chicago, Illinois – 14th Street meeting

June 26th and 27th, 2013 – Chicago, Illinois – CP/Soo – J. Shark investigation

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Jeff Burk's Travel Second Quarter 2013:

April 2nd and 3rd, 2013 – Homewood, Illinois – CN Agreement update

April 16, 2013 – Haslet, Texas – BNSF investigation

April 23, 2013 – Haslet, Texas – BNSF investigation

April 30th and May 1, 2013 – San Bernardino, California – BNSF SACP meeting

May 2, 2013 – Barstow, California – BNSF Mechanical Department follow-up meeting

June 5th and 6th, 2013 – Las Vegas, Nevada – System Council 2, IBEW convention

June 26th through 28th, 2013 – Tucson, Arizona – IBEW 7th District Progress meeting

Darrell Patterson's Travel Second Quarter 2013

April 3, 2013 – North Kansas City, Missouri – Prep for investigation

April 5, 2013 – Kansas City, Kansas – BNSF investigation

April 11, 2013 – Kansas City, Kansas – IBEW Local 866 meeting

May 3, 2013 – Kansas City, Missouri – Railroad Retirement meeting

May 8, 2013 – Argentine, Kansas – BNSF Shop Extension meeting

May 9, 2013 – Kansas City, Kansas – IBEW Local 866 meeting

May 14th and 15th, 2013 – Overland Park, Kansas – BNSF Safety Assistant meeting

May 15, 2013 – Topeka, Kansas – IBEW Local 959 meeting

May 20th through 24th, 2013 – Havre, Montana – BNSF electronic air brake teardown

June 4th through 7th, 2013 – Little Rock, Arkansas – IBEW Tenth District Progress Meeting

June 13, 2013 – Kansas City, Kansas – IBEW Local 866 meeting



New Medical Certification Requirements: A Guide for Commercial Driver's License (CDL) Holders

Note: Starting January 30, 2012 and no later than January 30, 2014, all CDL holders must provide information to their SDLA regarding the type of commercial motor vehicle operation they drive in or expect to drive in with their CDL. Drivers operating in certain types of commerce will be required to submit a current medical examiner's certificate to their SDLA to obtain a "certified" medical status as part of their driving record. CDL holders required to have a "certified" medical status who fail to provide and keep up-to-date their medical examiner's certificate with their SDLA will become "not-certified" and they may lose their CDL.

For specific State by State requirements for drivers and information related to how a State is handling the Medical Certification requirements, and to determine who to contact for additional information, click on the following link: <http://www.aamva.org/aamva/DocumentDisplay.aspx?id={687D99D3-FFB5-4B76-BD6F-F5EF54728BE0}>

Related Links
State by State Instructions
CDL - Medical Certification Requirements (FAQs)

What is changing? State driver licensing agencies (SDLAs) will be adding your medical certification status and the information on your medical examiner's certificate to your Commercial driver's license system (CDLIS) record.

When does this change start? This change starts on January 30, 2012.

What is not changing? The driver physical qualification requirements are not changing.

What are CDL holders required to do?

1. You must determine what type of commerce you operate in. You must certify to your SDLA to one of the four types of commerce you operate in as listed below.
 - **Interstate non-excepted:** You are an Interstate non-excepted driver and must meet the Federal DOT medical card requirements (e.g. – you are "not excepted").
 - **Interstate excepted:** You are an Interstate excepted driver and do not have to meet the Federal DOT medical card requirements.
 - **Intrastate non-excepted:** You are an Intrastate non-excepted driver and are required to meet the medical requirements for your State.
 - **Intrastate excepted:** You are an Intrastate excepted driver and do not have to meet the medical requirements for your State.
2. If you are subject to the DOT medical card requirements, provide a copy of each new DOT medical card to your SDLA prior to the expiration of the current DOT medical card.



Find this page at: <http://www.fmcsa.dot.gov/registration-licensing/cdl/cdl-general-info.aspx>

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Federal Motor Carrier Safety Administration
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Grand Trunk Western ordered to pay back wages to suspended, injured carman following investigation by OSHA

(Source: Occupational Safety and Health Administration (OSHA) [press release](#), June 27, 2013)

FERNDALE, Mich. — Grand Trunk Western Railway Co. violated the Federal Railroad Safety Act when a carman was suspended following a workplace injury, the U.S. Department of Labor's Occupational Safety and Health Administration announced today. The employee was seriously injured by a 20-foot section of crane chain while changing defective railcar wheels in the company's Ferndale rail yard. OSHA has ordered the company to pay \$137,618 in back pay, along with interest, punitive and compensatory damages and attorney's fees.

"For an employer to place blame on an employee who got injured on the job while following the instructions of his supervisors is unjust," said Nick Walters, OSHA's regional administrator in Chicago. "When employees are disciplined for injuries and the reporting of safety concerns, worker safety becomes a serious concern."

An OSHA investigation upheld the 23-year Grand Trunk Western Railway Co. employee's allegation that the railroad issued him a 90-day suspension after the employee was struck and injured by the crane chain. Following his injury, Grand Trunk Railway Co.'s internal investigation determined the worker had violated company safety protocol, leading to his injury, and issued the carman a 90-day suspension from service. The carman returned to work after 53 lost days.

OSHA's investigation found that the employee had been directed by the mechanical supervisor to change the defective tires in a manner which violated company safety protocols, and that the employer used the injury as a pretext to suspend the employee.

The railroad carrier has been ordered to remove disciplinary information from the employee's personnel record and to provide whistleblower rights information to its employees. Grand Trunk Railway Co. will also pay a total of \$137,618, which includes \$5,242 in lost wages and \$125,490 in punitive and compensatory damages.

Either party in the case can file an appeal with the department's Office of Administrative Law Judges.

On July 16, 2012, OSHA and the U.S. Department of Transportation's Federal Railroad Administration signed a memorandum of agreement to facilitate coordination and cooperation for enforcing the FRSA's whistleblower provisions. Between August 2007, when OSHA was assigned responsibility for whistle-blower complaints under the FRSA, and September 2012, OSHA has received more than 1,200 FRSA whistleblower complaints. More than 60 percent of the FRSA complaints filed with OSHA involve an allegation that a railroad worker has been retaliated against for reporting an on-the-job injury.

OSHA enforces the whistleblower provisions of the FRSA and 21 other statutes protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health care reform, nuclear, pipeline, worker safety, public transportation agency, maritime and securities laws.

Employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor to request an investigation by OSHA's Whistleblower Protection Program. Detailed information on employee whistle-blower rights, including fact sheets, is available at <http://www.whistleblowers.gov>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

SUPPLY BRIEFS

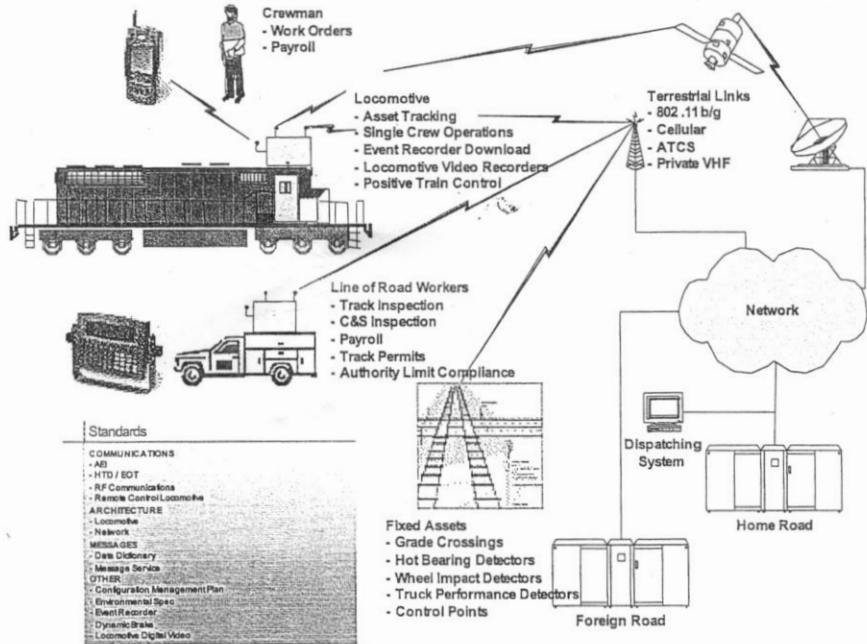
MotivePower adds to Australian order

Wabtec Corp.'s MotivePower subsidiary last month received an order to build six additional locomotives for CFCLA Rail JV Pty Ltd., a joint venture of CFCLA Australia Pty. Ltd. and Marubeni Corp. of Tokyo. In 2012, the company ordered 10 MotivePower locomotives. The six additional locomotives, to be delivered in 2014, will be MotivePower's standard-gauge MP33C international model, the same type as the initial 10 units. The locomotives will include components from a number of other Wabtec divisions. Chairman and CEO Albert J. Neupaver said, "This additional order demonstrates CFCLA's confidence in our locomotive product, and builds on Wabtec's strong presence in Australia. These locomotives will meet our customers' needs for more-efficient equipment, and will position Wabtec for similar opportunities globally."

Railcomm selected for Louisiana yard

Fairport, N.Y.-based RailComm has provided a yard control system to a yard in Geismar, La. The yard is now able to wirelessly control 26 switches using RailComm's Domain Operations Controller (DOC®) system, RailComm's RADIANT data radios, universal switch machine controllers, and two hardened, outdoor-rated PCs, the company says. The company's DOC software-based control system is "an advanced command, control, communications, and information (C3i) server-based platform that supports a wide variety of integrated solutions for indication, control, access and distribution of critical operational data across the corporate enterprise."

AAR to Congress: PTC "a daunting array of tasks"



Association of American Railroads President and CEO Edward R. Hamberger on June 19, 2013 told a Senate Commerce Committee panel that, despite investments of roughly \$2.8 billion since 2008 on implementing positive train control (PTC) to meet the Rail Safety Improvement Act deadline of Dec. 31, 2015, the freight railroads have determined it will not be possible to have a fully interoperable nationwide PTC system up and running by that time.

"Due to both technological and non-technological challenges that have arisen throughout the implementation process, the current 2015 deadline should be extended by at least three years, to Dec. 31, 2018, with flexibility given to the Secretary of the Department of Transportation to consider additional extensions should

they be deemed necessary," Hamberger said.

"A lot of progress toward implementing PTC has been made to date, and railroads are working extremely hard to meet the 2015 deadline, collaborating with federal regulators and suppliers all throughout the process," Hamberger said. "There will be a lot of PTC implemented throughout the nation's rail network by 2015, but there will not be a fully interoperable system in place by then. While the deadline is important and something we never lose sight of, it is paramount that we end up with a PTC system that allows for the safe passage of both passengers and freight."

"Positive train control is an unprecedented technological challenge," Hamberger said. "Such a system requires highly complex technologies able to analyze and incorporate the

huge number of variables that affect train operations. For example, the length of time it takes to stop a train depends on train speed, terrain, the weight and length of the train, the number and distribution of locomotives and loaded and empty freight cars on the train, and other factors. A PTC system must be able to take all of these factors into account automatically, reliably, and accurately to safely stop the train."

PTC development and implementation includes "a daunting array of tasks that railroads must perform," Hamberger said. These include:

- A complete physical survey and highly precise geo-mapping of the 60,000 miles of railroad right-of-way on which PTC technology will be installed, including geo-mapping of nearly 474,000 field assets (mileposts, curves, grade crossings, switches, and signals).
- Installing PTC technology on approximately 22,000 locomotives.
- Installing approximately 36,000 wayside interface units (WIU) that provide the mechanism for transmitting information to locomotives and the train dispatching office from signal and switch locations.
- Installing PTC on nearly 4,800 switches in non-signaled territory and completing more than 12,300 signal replacement projects at locations where the existing signal equipment cannot accommodate PTC.
- Developing, producing, and deploying a new radio system and new radios specifically designed for the massive data transmission requirements of PTC at 4,200 base stations, 33,700 trackside locations, and on approximately 22,000 locomotives.
- Developing back office systems and upgrading dispatching software to incorporate the data and precision required for PTC.
- Installing more than 20,000 new antenna structures nationwide to transmit PTC signals.

"Freight railroads have enlisted massive resources to meet the PTC mandate," Hamberger said. "They've retained more than 2,200 additional signal system personnel to implement PTC, and to date have collectively spent approximately \$3 billion of their own funds on PTC development and deployment. Class I freight railroads expect to spend an additional \$5 billion before development and installation is complete. Currently, the estimated total cost to freight railroads for PTC development and deployment is around \$8 billion, with hundreds of millions of additional dollars needed each year after that to maintain the system."

Hamberger noted that another obstacle to making the 2015 deadline is the Federal Communications Commission's (FCC) regulatory process for constructing and placing PTC antenna structures. "Railroads need to install more than 20,000 new antenna structures nationwide to transmit PTC signals," Hamberger said. "Almost 97% of these will be relatively small poles installed on

railroad rights-of-way. According to the FCC, all PTC antenna structures are subject to the National Environmental Protection Act and National Historic Preservation Act. Under FCC rules, every PTC antenna could be subject to a separate environmental evaluation process. If every one of the 20,000-plus antennas needs to be reviewed separately, we can assume that PTC deployment will be further delayed."

AAR noted that as part of each environmental evaluation, railroads must provide certain information on each antenna structure (height, location, etc.) to historic preservation officers within state governments and Native American tribes (depending on where the antenna structure will be installed) so that the state or tribe can determine if the installation will negatively impact areas of historic, cultural, or religious significance. Notice of the construction must even be provided to tribes that do not currently reside along the right-of-way but who have expressed interest in the county in which the antenna structure will be installed.

"While the AAR is hopeful that a solution can be found, today construction of antenna structures is on hold. If our efforts with the FCC and the FRA cannot reach a workable solution to avoid antenna-by-antenna review, the timeline for ultimate deployment of PTC will be delayed," Hamberger said.

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International Brotherhood of Electrical Workers



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October 18, 2013

THIRD QUARTER REPORT, 2013 SYSTEM COUNCIL NO 16 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Brothers and Sisters:

As of October 18, 2013, I had the third quarter report prepared and with the government reopening, I had to change some of my writings; however, one fact is for sure, the shutdown will have an impact on this office, as well as the entire industry, the greatest of which will be our members who are waiting decisions on discipline and rules claims. To a system that is continually backlogged due to government funding, this will make the backlog even more of a problem. The offices of the U.S. Railroad Retirement Board remained open throughout the shutdown and I have not heard of any issues relative to Railroad Retirement from our members.

Recently, the United States Department of Labor's Administrative Review Board rendered a decision that will have a huge impact on railroad employees. The Board affirmed the FRSA case of Bala v PATH and its expansive interpretation of FRSA Subsection (c)(2), holding that when an employee follows the treating doctor's orders not to work, railroads can no longer use that absence for attendance policy discipline. The ruling applies to any medical condition, be it an on duty injury, an off duty injury, or an illness. This mandate now applies to railroads nationwide, and every OSHA Whistleblower investigator is required to enforce the ARB's interpretation of FRSA (c)(2).

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This office has also dealt with an issue this past quarter which could and in all probability will become an issue industrywide. One of our members employed by a railroad under the jurisdiction of this office was observed by managers in a locomotive cab using a cell phone during his assigned working hours. The member was issued a Notice of Investigation and also a supplemental letter which was the Carrier demand for his cell phone records for the day in question. The Carrier, in the supplemental letter stated that if the member failed to provide the demanded records, it would be considered an “adverse inference of inappropriate electronic device usage”. This office sought a legal opinion concerning this matter. Subsequent to, a decision was rendered in a Federal Court in California. Our counsel provided the following interpretation of the decision “The court’s decision underscores that employees cannot rely on privacy interests on a basis to withhold their cell phone and text records from employers. To the contrary, unless the employer is seeking to discover what was actually said in a phone call or text, privacy claims will not be sufficient to block the employer’s demand. We foresee that arbitrators will follow the same line of reasoning if disputes like this come before them under Section 3 of the RLA.” Please be forewarned.

The past quarter, the Council staff has conducted business or obtained information relative to the following Carrier’s under the jurisdiction of this office:

Belt Railway Company of Chicago:

No news to report.

CN-CCP/DMIR/DWP/EJE/IC and WC:

We are finally to a point of review for the completion of the amending and codification of the Section A Agreement. Upon review and necessary approvals, the Agreement will be printed and distributed

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One of our Brothers, Curt Fernandez, also an officer in Local 366 recently was featured in an article in the IBEW magazine for his work for the Carrier (former DMIR) in Proctor, Minnesota.

CP/Soo:

The FRSA complaint that was reported as being investigated in the second quarter report has been concluded and the member involved advised of the findings.

Three (3) arbitration decisions were rendered resulting from claims presented to this office. The Claimants and Locals were notified of the decisions.

Gary Railroad Company:

No News to report.

Lake Superior and Ishpeming Railroad Company:

No news to report:

NICTD:

No news to report:

Paducah and Louisville Railway Company:

The Section Six notice was prepared and served on the property with the initial session to discuss the notice scheduled for late October.

International Brotherhood of Electrical Workers

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Montana Rail Link:

Copies of the new Labor Agreements have been printed and distributed.

We are aware of one (1) discipline issue on the property which is being handled by the Local representatives.

BNSF:

Representatives of this office and the Carrier have met in Kansas City to discuss the development of the Level Agreement and another meeting is scheduled in early November in Fort Worth, Texas. We are working to answer the questions submitted by the Locals relative to the Agreement.

The Carrier continues to hire new IBEW represented employees at various locations.

We are also continually receiving reports of our members, and other employees being cited for violation of the Carrier's Absenteeism Policy, specifically at the large locomotive maintenance facilities.

There have been a number of contracting notices being issued which we strive to get to the Locals upon receipt.

Attached to this report are the third quarter travel and financial reports. Article are also being posted regularly on the Council website at ibewsc16.org.

Respectfully and fraternally submitted,

Dale E. Doyle
General Chairman

DED/dgw (OPEIU)

Attachments

International Brotherhood of Electrical Workers

Dale Doyle's Travel Third Quarter 2013:

July 13, 2013 – St. Paul, Minnesota – Investigation – Local 886

July 17th and 18th, 2013 – Chicago, Illinois – 14th Street Visit – Local 533; Belt Railway Visit – Local 757; PTC/BRS dispute CN – Local 757

July 30th and 31st, 2013 – Bloomington, Minnesota – BNSF SACP

August 20th through 22nd, 2013 – Kansas City, Missouri – BNSF meeting

September 5, 2013 – Superior, Wisconsin – Investigation – Local 1559

September 9, 2013 – Los Angeles, California – Investigation – Local 946

September 10th through 12th, 2013 – Las Vegas, Nevada – IBEW Membership Development

September 17th through 19th, 2013 – IBEW Sixth District Progress meeting

September 25, 2013 – Bloomington, Minnesota – BNSF/GCA meeting

Rick Heyland's Travel Third Quarter 2013:

September 17, 2013 – Galesburg, Illinois – Local 452 meeting

Mark Klecka's Travel Third Quarter 2013:

July 17, 2013 – Homewood, Illinois – LR/BRS PTC meeting

July 22, 2013 – Homewood, Illinois – Local Union 757 Local meeting

July 23rd and 24th, 2013 – Homewood, Illinois - Investigation

July 29th through 31st, 2013 – Minneapolis, Minnesota – BNSF SACP meeting

September 17th through 19th, 2013 – Rochester, Minnesota – Sixth District Progress meeting

September 25, 2013 – Michigan City, Indiana – LR conference – PTC Engr. meeting

International Brotherhood of Electrical Workers

Jeff Burk's Travel Third Quarter 2013:

July 23, 2013 – Richmond, California – Local 1023 meeting

July 24, 2013 – Stockton, California – Local 1023 meeting

July 25, 2013 – Stockton, California - BNSF Telecom Investigation

August 15, 2013 – Tulsa, Oklahoma – BNSF Telecom Investigation

August 16, 2013 – Springfield, Missouri – Local 778 meeting

September 10th through 12th, 2013 – Las Vegas, Nevada – IBEW Membership Development Conference

September 24, 2013 – Hastings, Minnesota – Council office

September 25, 2013 – Bloomington, Minnesota – BNSF GCA Meeting

Darrell Patterson's Travel Third Quarter 2013

July 11, 2013 – Kansas City, Kansas – Local 866 meeting

July 17, 2013 – Topeka, Kansas – Local 959 meeting

July 31st through August 2nd, 2013 – Fort Worth, TX – Meeting with BNSF Labor Relations

August 6, 2013 – Lincoln, Nebraska – Local 1022 meeting

August 8, 2013 – Kansas City, Kansas – Local 866 meeting

August 20, 2013 – Overland Park, Kansas – Meeting with BNSF Field Superintendent Roy Jackson

August 21st and 22nd, 2013 – Overland Park, Kansas – BNSF Level Agreement meetings at TTC

September 10th through 13th, 2013 – Fort Worth, Texas – BNSF Safety meetings

September 24th through 26th, 2013 – Bloomington, Minnesota – BNSF General Chairmen's Association meeting

International Brotherhood of Electrical Workers



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DARRELL PATTERSON
Asst. General Chairman

January 31, 2014

FOURTH QUARTER REPORT, 2013 SYSTEM COUNCIL NO 16 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Brothers and Sisters:

This past quarter we have started to see some Awards being rendered by both the Division and Public Law Boards, however with the backlog of cases, there could be a considerable period of time before all Awards are rendered. Those who have had Awards rendered have been so notified of the results.

As it is the beginning of a new year, seniority rosters are being posted on various properties. I would like to request all members and officers check the rosters for accuracy. I would like the officers to check the rosters to assure all identified are paying the required per capita to the Organization, that all Exempts are properly identified and paying dues as required to maintain seniority and identified on the rosters correctly. If an issue is found, please notify this office accordingly.

There have again been issues with Locals becoming delinquent in per capita reporting to this office. We will again begin notifying the Locals of the delinquency with a copy to the respective Vice Presidents' office.

The annual Railroad Department meeting was held in October in Nashville, Tennessee and there was a good number of Locals under the jurisdiction of this Council in attendance.

We are completing the details to schedule the 2015 convention of the Council in the Minneapolis/St. Paul area the week of July 5th to 11th.

Our Business – Representation & Service

International Brotherhood of Electrical Workers

Fourth Quarter Report
January 31, 2014
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Please keep in mind that Section Six notices are due to be served on the following Carriers on or after November 1, 2014:

Belt Railway Company of Chicago
BNSF Railway Company
Canadian National Properties
Canadian Pacific
Gary Railroad Company
Lake Superior and Ishpeming Railroad Company

We will be soliciting input/suggestions for the notices later this year.

We continue to receive questions concerning the recent decision of Bala vs Path. There is a web site that has a vast amount of information concerning the FRSA which may be viewed as follows: Charles Goetsch Law Office.

In the last report, we discussed an issue with a member using a cell phone while on duty. Over the past quarter we have had one (1) investigation and one (1) report of our members tampering with the inward looking cameras on locomotives and in vehicles, one (1) of which resulted in one (1) of our members being dismissed from Carrier service. These devices are being installed for a number of reasons and should not be tampered with.

The past quarter, the Council staff has conducted business or obtained information relative to the following Carriers under the jurisdiction of this office:

Belt Railroad Company of Chicago:

No news to report.

CN-CCP/DMIR/DWP/EJE/IC and WC:

The revised updated Section A (Mechanical/Engineering) Agreement has been submitted for review and approval. Once adopted, the Agreement will be printed and distributed.

International Brotherhood of Electrical Workers

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Page Three

We understand the extreme cold has had a serious impact on train traffic and our members have been working a great amount of overtime.

The Carrier is currently looking for Locomotive Electricians at Memphis, Tennessee and Proctor, Minnesota Mechanical Facilities. If anyone is interested, visit the Council web site job positions. There is a link to the CN web site.

There have been a few claims settled with the Carrier with the Locals involved notified accordingly.

CP/Soo:

We have begun work on the codification of the Mechanical Department Agreement and have completed work on the updating of the 2008 Communication Department Agreement.

There have been a number of discipline issues on this property with a few submitted to arbitration at this juncture.

Gary Railroad Company:

No news to report.

Lake Superior and Ishpeming Company:

We continue to hear rumors of changes being considered on the property; however as of this writing, no concrete details have been obtained.

International Brotherhood of Electrical Workers

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Page Four

NICTD:

Section Six notices are due to be served on the Carrier on or after May 1, 2014. Assistant General Chairman Mark Klecka will be assigned this project and will work with the Local officers in scheduling and to meet with the Local members.

Paducah and Louisville Railway Company:

We held our initial meeting with the Carrier in late October to discuss the Section Six notice. A second meeting is scheduled in early March.

Evansville and Western Railroad Company:

No news to report.

Montana Rail Link:

No news to report.

BNSF:

Representatives of the Carrier and this office continue to work toward the development of the "Level Agreement". In December a meeting was held relative to the testing with the Carrier in Kansas City. The projection is for the program to be ready to go by the second quarter of this year. We are also working to answer the questions submitted by the Locals.

In November, we met with senior officers of the Communication Department to discuss issues and plans for this year.

International Brotherhood of Electrical Workers

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We have seen two (2) new locations where Rapid Responder headquarters have been established in North Dakota, Williston and New Rockford. We still have not been able to schedule a meeting to discuss the issues previously presented by the Responders.

We have been working to obtain an Agreement with the Carrier to establish a seniority date for all employees represented by this office who are hired by the Carrier on the same day. This has not been an issue often, however when it happens it causes concern and the application needs to be uniform across the system. We will keep all advised of developments.

There have been a number of decisions rendered on discipline cases with the Claimants and Locals notified of the decisions.

In December, Assistant General Chairman Patterson, the undersigned and CMO Mabry met with Local 959 officers and members to discuss issues at the Topeka Maintenance Facility. A follow-up meeting will be scheduled in the next few months.

Attached to this report is the fourth quarter travel and financial reports, as well as articles of interest. Articles are also posted regularly on the Council website at ibewsc16.org.

Respectfully and fraternally submitted,

Dale E. Doyle
General Chairman/Secretary-Treasurer

DED/dgw (OPEIU)

Attachments

International Brotherhood of Electrical Workers

Dale Doyle's Travel Fourth Quarter:

October 1, 2013 – St. Paul, Minnesota – Local 886 meeting

October 2, 2013 – St. Paul, Minnesota – CP/Soo General Chairman's meeting

October 22, 2013 – Paducah, Kentucky – Paducah and Louisville Railway Company – Initial Section Six meeting

October 23rd through 25th, 2013 – Nashville, Tennessee – Railroad Department conference

November 5, 2013 – Minneapolis, Minnesota – CP/Soo Mechanical and Telecom Agreement codification

November 6th through 8th, 2013 – Fort Worth, Texas – Level Agreement and Telecom Management meeting

November 22, 2013 – St. Paul, Minnesota – Local 886 – Investigation

December 3rd and 4th, 2013 – Chicago, Illinois – Second Division hearings

December 5, 2013 – Darien, Illinois – Sixth District International Vice President's office – Meeting

December 16, 2013 – Topeka, Kansas – Local 959

Rick Heyland's Travel Fourth Quarter:

October 22nd through 26th, 2013 – Nashville, Tennessee – Railroad Conference

November 12, 2013 – Burlington, Iowa – Local 452 meeting

December 10, 2013 – Burlington, Iowa – Local 452 meeting

Mark Klecka's Travel Fourth Quarter:

October 21st through 25th, 2013 – Nashville, Tennessee – General Chairman meeting – Rail Progress meeting

November 4th through 8th, 2013 – Fort Worth, Texas – Labor Relations conference – Telecom Meeting - SACP meeting

November 18th through 20th, 2013 – Kansas City, Kansas – BNSF Telecom North Foreman meeting – Electrician meeting

International Brotherhood of Electrical Workers

December 3rd through 5th, 2013 – Chicago, Illinois Second Division hearings – Belt Railroad conference

December 9th through 11th, 2013 – Minneapolis, Minnesota – Convention planning

Jeff Burk's Travel Fourth Quarter:

October 7, 2013 - Belen, New Mexico – Local 1199 meeting

October 8, 2013 – Amarillo, Texas – Local 1146 meeting

October 17, 2013 – Commerce, California – BNSF Mechanical Department Investigation

October 23rd through 25th, 2013 – Nashville, Tennessee – IBEW Railroad Department conference

November 5th and 6th, 2013 – Fort Worth, Texas – BNSF SACP meeting

November 7, 2013 – Fort Worth, Texas – Annual BNSF Telecom meeting

November 19th and 20th, 2013 – Kansas City, Kansas – BNSF Telecom North Foreman meeting

November 21, 2013 – Springfield, Missouri – Local 778 meeting

December 4, 2013 – Amarillo, Texas – Local 1146 audit

Darrell Patterson's Travel Fourth Quarter

October 22nd through 26th, 2013 – Nashville, Tennessee – IBEW Railroad Progress meeting

November 4th through 8th, 2013 – Fort Worth, Texas – BNSF SACP meetings – Level Agreement meetings – Telecom meeting

November 14, 2013 – Kansas City, Kansas – Local 866 meeting

November 20, 2013 – Kansas City, Kansas – Telecom meeting at the Kansas City CRF

November 20, 2013 – Topeka, Kansas – Local 959 meeting

December 12, 2013 - Kansas City, Kansas – Argentine Shop – BNSF/FRA CCBII Waiver Committee meeting – Local 866 meeting

December 16, 2013 – Topeka, Kansas – Topeka Shop meeting

International Brotherhood of Electrical Workers

December 18th and 19th, 2013 – Overland Park, Kansas – Level Agreement meeting at
TTC