

VOLUME 103 ISSUE NO. 2



# THE TRAIN DISPATCHER

SPECIAL PRE-CONVENTION EDITION | 33RD GENERAL ASSEMBLY

OCTOBER 14-16, 2019 | FLAMINGO HOTEL | LAS VEGAS, NV



## **INSIDE:**

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# Legal Notice – Dues

Article 2, Section 4(b) defines the national dues rate. Effective October 1, 2019, the national dues rate is \$106.90 per month. System dues are determined separately by each system committee as shown below. To determine your monthly obligation, add the system dues amount shown below to the national dues rate. Dues are payable monthly in advance.

4b. (1) The monthly National dues of all Active members of this Association, except as otherwise provided in this Section shall be determined annually by multiplying the average truck rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

(2) The monthly National dues for active members holding positions rated less than \$200.00 per day shall be determined annually by multiplying the average daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 for each craft by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

## System Dues Rates – Effective October 1, 2019

ALASKA \$20.00	KEOLIS \$14.20	PanAm \$14.20
AMTRAK \$17.20	KIAMICHI \$10.00	PATH \$18.35
BNSF \$20.90	L&I \$9.60	SIRT \$18.65
BRC \$20.15	METRA \$17.00	SOO \$17.55
CONRAIL \$18.25	MRL \$17.40	SUNRAIL \$16.40
CSX – South \$25.00	NICTD \$14.65	TRA \$33.40
– East \$19.65	NJT-P \$16.90	TRI-RAIL \$18.50
IHB \$21.15	NJT-TD \$17.10	WC \$19.45
KCS \$19.65	NS INT \$19.00	

## Death Benefit Beneficiary

The Executive Board adopted the following policy change:

“If you have not designated a Beneficiary at the time of your death for any amount of benefits payable because of your death, the benefit amount will be paid to:

1. your surviving spouse, if any;
2. your surviving children, if there is no surviving spouse; or
3. your estate, if there are no surviving children.

Any payment will discharge our liability for the amount so paid.”

If you would like to establish a beneficiary or modify an existing beneficiary form, go to our website [www.atda.org](http://www.atda.org) go to member forms and select ATDA Beneficiary Form. Print out the form and once completed, return the form to the Office of the Secretary-Treasurer.

# AMERICAN TRAIN DISPATCHERS ASSOCIATION

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Cleveland, Ohio 44135  
Telephone: 216-251-7984  
[atda.org](http://atda.org)

*Affiliated with the A. F. L./C.I.O  
and the Transportation Trades  
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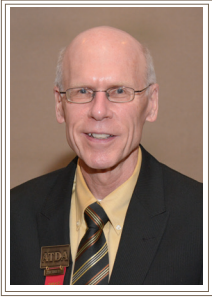
## STAFF

**PAUL ARDEN**  
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Accountant

**AMBER DAVIS**  
Assistant to the President

# From the President



Congratulations to our newly elected delegates to the ATDA 33rd General Assembly. This pre-convention edition of The Train Dispatcher newsletter provides the delegates and guests with details on the upcoming 33rd General Assembly. The Convention will take place at the Flamingo

Hotel in Las Vegas, NV and convene on Monday, October 14, 2019 with registration on October 13, 2019. Of utmost importance, you will find enclosed the proposed amendments submitted by the Executive Board and by members in good standing from the BNSF and CSXT System Committees. Registration packets will be sent to the delegates and guests from Secretary-Treasurer Dowell regarding hotel reservations, travel arrangements and scheduled events. For those delegates attending for the first time, we will follow **the Order of Business (Agenda) as prescribed by our Constitution and By Laws:**

1. Announcement by President of personnel of Committees appointed prior to Convention and appointment and announcement of special committees on Press and Greetings, Grievances and Appeals.
2. Report of Credentials Committee.
3. Call to order by the President.
4. Roll call of Officers, Retired Executive Board Officers and Delegates.
5. Report of Committee on Rules and Order of Business.
6. Report and message of President.
7. Reports of other officers.
8. Reports of other committees.
9. Unfinished business.
10. New business.
11. Election and installation of officers.
12. Adjournment.

We are honored that BLET President Dennis Pierce and Railroad Retirement Board Labor Member John Bragg have accepted our invitation to speak to our delegates. General Counsel Michael S. Wolly will serve as Parliamentarian. Throughout

the Convention, our Health and Welfare, Union Plus, and Discipline Insurance vendors will be available to answer any questions and offer member assistance.

The preparation for the Convention is well underway. The National Office completed the delegate elections on July 10, 2019. A total of sixty-seven (67) delegates will represent the membership at the General Assembly. The next order of business will be the preparation of reports by the Finance, Constitution, and Resolutions Committees. They will meet in Cleveland during the week of August 19, 2019. Appointments to these Committees have been made and the following delegates have agreed to serve:

## **Constitution and Rules and Order of Business Committee (VP Rory Broyles, Advisor)**

1. Brandon Denucci, NS General Chairman
2. Gordon Smith, CP/Soo Line General Chairman
3. Matthew Stewart, CSXT General Chairman

## **Resolutions and Legislative Committee (VP John Salvey, Advisor)**

1. Tracy Bainum, Sunrail General Chairman
2. Tim Evans, WC General Chairman
3. David Ursini, BNSF Vice General Chairman

## **Committee on Finance, Salaries, and Officers' Reports (Sec/Treas. L. Ed Dowell, Advisor)**

1. Jay Parker, Keolis General Chairman
2. Jared Eagle, NJT General Chairman
3. Kevin Ketcham, BNSF VGC/System Treasurer

All reports by the above committees will be mailed to all elected delegates not less than thirty (30) days before the opening of the General Assembly.

We look forward to a successful and rewarding convention as the General Assembly representing the supreme authority of the American Train Dispatchers Association convenes in October in Las Vegas, NV. to set the agenda and future of our Organization for the next four (4) years.

A handwritten signature in blue ink that reads "Leo McCann". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Leo McCann**

*President*

American Train Dispatchers Association

# ATDA PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to Article XIX, Section 1 of the Constitution and By-Laws of the American Train Dispatchers Association the following proposed constitutional amendments have been received from the Executive Board:

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**Amend the Preamble to read:**

"The purposes of this Association shall be to unite Rail Traffic Controllers and other employees in the transportation industry in one fraternal organization to the end that there may be coordination in the protection of their mutual interests; to promote their social, moral and intellectual standing and general welfare; to secure just compensation for their services and promote the establishment of just and reasonable working conditions, including recognition of the principles of seniority.

Recognizing that our rights and interests are interwoven with those of our Government, our fellow citizens, our employers and all members of all crafts, we do hereby acknowledge our responsibility to rigidly adhere to truth, justice, and morality and to practice charity in our dealings with our fellow men; to promote the efficient and economical operation of the railroads and other industries.

The aim of the Association shall be cooperation in the accomplishment of these principles, the cultivation of harmonious relations amongst its members and between its members and their employers and the fulfillment of every obligation it may assume.

The use of any gender-specific term in this Constitution and By-Laws is not intended to restrict the application of its terms to a particular gender, but is solely for the purpose of grammatical convenience and clarity."

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**Amend Article II, Sec. 1 to read:**

"a. Any person of good moral character, who is employed in any classification of employees represented by the Association will be eligible for active membership in this Association as set forth in sub-section b. of this Sec. 1.

b. Active membership shall be comprised of those persons who are employed in a craft represented by this Association.

c. Members elected President, Secretary-Treasurer, or Vice President or appointed to employment with the Association shall not lose their membership status as a result of their election or appointment.

d. In cases where a member's compensation is substantially reduced due to illness, disability, furlough, discipline, other action by an employer, or military leave not compensated by the employer, dues may be waived, upon request by the General Chairman and approved by the Secretary-Treasurer. This does not apply to seniority retention fees. Dues shall be automatically waived in the event of dismissal. Members whose dues are waived on account of suspensions or dismissal and whose discipline is subsequently reversed with back pay shall pay dues that were waived for the period covered by such back pay."

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**Amend Article II, Sec. 4 to read:**

"a. (1) The initiation fee shall be One Hundred Fifty Dollars (\$150.00) for Active membership. The Secretary-Treasurer shall remit these fees to the Custodian of the System Fund on each road on which a System Fund has been established.

(2) A member in good standing whose employment changes from one employer to another shall have his membership transfer from one system to the other and shall not be required to pay the initiation fee again. However, a member under these circumstances who is not in good standing shall be required to pay the initiation fee again, plus any back dues from the previous employment. The initiation fee may be waived with written request from the General Chairman to the Secretary-Treasurer.

b. (1) The monthly National dues of all Active members of this Association ("full dues"), except as otherwise provided in this Section, shall be determined annually by multiplying the average trick rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

(2) The monthly National dues for Active members holding positions rated less than \$300 per day as of July 1, 2019 shall be determined by dividing their average total daily rate of pay (eight hours straight time pay plus allowances) in effect on each July 1 by the average trick rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) in effect the same day, multiplying the result by the amount of full dues, and rounding up to the next five cents.

(3) Any increase in dues in accordance with this Sec. 4.b. shall become effective on the following October 1.

c. Dues of Associate members shall be Twenty-Five Dollars (\$25.00) per annum.

d. System Fund dues established pursuant to Section 15 of Article XI on each road shall be added to the National dues and the full amount remitted to the Secretary-Treasurer. The Secretary-Treasurer shall then send to the custodian of the System Fund on each road all System dues (including seniority retention fees equal to regular System dues), System assessments, and initiation fees which have been received by him.

e. Dues are payable monthly but dues of Active members may be paid annually, semi-annually or quarterly should a member so elect. For new Active members, dues shall be computed from the first day of the month in which he becomes eligible for membership pursuant to Sec. 1 of this Article. New members applying for Active Membership shall make application for same within thirty (30) days of the date he becomes eligible for membership pursuant to Sec. 1 of this Article.

f. All money sent to the Secretary-Treasurer must be in the form of express or post office money order, bank draft, or check made payable to the American Train Dispatchers Association.

g. Any increases in the rates of initiation fees and dues of the Association shall be established by the delegates at regular sessions of the General Assembly. In the event that increases in the rates of initiation fees and dues are made the subject of consideration in any call of a special session of the General Assembly, not less than thirty (30) days' written notice of such proposed increases shall be given to all delegates to such special session of the General Assembly.

h. National dues will not be increased for members of any System(s) that have not reached a contractual settlement with their Carrier(s) for a period of four (4) years after Section 6 Notices have been served. When a settlement is reached, members affected under this provision shall have their dues increased to the equivalent of National dues. This increase will become effective in the calendar month following the month in which the increase is actually realized."

.....

**Amend Article II, Sec. 8. to read:**

"a. A member, or through a System Officer, may resign from membership by submitting a written resignation. Resignations shall be effective upon receipt of notification in the manner prescribed herein. Resignation in anticipation of charges of misconduct or when such charges are pending shall not absolve a member from responsibility for conduct which occurred prior to the resignation becoming effective. Resignation from membership shall not release a member from any Union Shop Agreement obligations that may govern his employment.

b. A member who resigns will have their dues deduction canceled upon notification in accordance with subsection 8 a. above provided the resigning member is not in arrears. If the resigning member is in arrears the dues deduction will continue until their dues obligation is met."

.....

**Amend Article XI, Sec. 5. to read:**

“a. The members of the Association on a transportation system shall elect a General Chairman from among the members on that system by plurality vote. They also may, by plurality vote, elect one or more Vice General Chairmen and a System Treasurer. If the transportation system is subdivided for the purpose of electing more than one Vice General Chairman and such Vice General Chairmen are to serve only on one such sub-division, their election shall be by a plurality vote of the members on the sub-division on which they are to serve.

**NOTE:** Where System Committees have been merged under Section 2 of this Article only one General Chairman and one System Treasurer will be elected within that system.

b. Members may be elected to serve in the dual capacity of General or Vice General Chairman and Local Chairman, or Vice General or Local Chairman and System Treasurer.”

.....

**Amend Article XI, Sec. 8. to read:**

“a. A General Chairman may resign by presenting his resignation to each member of the System Committee and to the Secretary-Treasurer. The Secretary-Treasurer shall conduct the election of a successor within twenty (20) days of receipt of said resignation.

b. Vice General and Local Chairmen may resign by presenting their resignation to the General Chairman. Upon accepting this resignation, the General Chairman will notify the Secretary-Treasurer who will then conduct a special election to fill the vacated position within twenty (20) days of receipt of such notification.

c. System Treasurers may resign by presenting their resignation to the General Chairman, who will notify the Secretary Treasurer. The Secretary-Treasurer will conduct a special election to fill such vacancy within twenty (20) days of receipt of such notification.

d. Vacancies from other causes will be filled in a similar manner.

e. Each member of the System Committee shall be promptly notified of all such changes in incumbents.”

.....

**Amend Article XII, Sec. 2. a. to read:**

“a. The funds of the Association in excess of Four Hundred Thousand Dollars (\$400,000.00) shall be invested pursuant to the Investment Policy as adopted by the Executive Board, provided that at least 35% be invested in fixed income securities, including United States Government or Agency securities, and Bank Certificates not to exceed FDIC insurance guarantee limits, in the name of the American Train Dispatchers Association, as directed by the Executive Board.”

.....

**Amend Article XIII to read:**

**“Sec. 1.**

THE TRAIN DISPATCHER shall be the name of the official publication of the Association, which shall be published in hard copy or digital format under the direction and supervision of the Secretary-Treasurer in accord with a policy and publication schedule approved by the Executive Board. The Executive Board shall have the discretion to discontinue or suspend the publication of THE TRAIN DISPATCHER in the event the Association merges or affiliates with another labor organization which publishes a publication in which adequate and sufficient space will be made available for the publication of notices and information relevant to members of the Association.

**Sec. 2.**

The general character of THE TRAIN DISPATCHER shall be in conformity with principles tending to promote the welfare of the Association, and shall be nonsectarian.

**Sec. 3.**

a. Instructions and information from the officers, and notices of assessments, when published in THE TRAIN DISPATCHER, shall be considered legal notice.

b. All legal notices published in THE TRAIN

DISPATCHER shall be published under the caption "Legal Notices" in a uniform place. When no legal notices are published, the word "None" shall appear under this caption.

**Sec. 4.**

- a. THE TRAIN DISPATCHER shall be provided to all members in good standing at no cost.
- b. Members in good standing upon retirement shall receive a complimentary copy of THE TRAIN DISPATCHER.
- c. The subscription price for others shall be One Hundred Twelve Dollars (\$112.00) per year, which may be waived at the discretion of the Executive Board."

**Amend Article XV, adding new Sec. 2 and renumbering previous Sec. 2-5 and amending previous Sec. 2 to read:**

**"Sec. 2. Pre-charge Procedures**

Any member believing that another member may have engaged in misconduct described in Article XIV shall notify the President in writing within sixty (60) days of his becoming aware of the facts leading to that belief. The President or his designee shall conduct an investigation to determine whether the facts could warrant the filing of charges. If the President or his designee shall so find, the President or his designee shall undertake to attempt to resolve the issues surrounding the potential misconduct via mediation. Should the President determine that mediation could not successfully resolve the issues, he shall so notify the member who brought the situation to his attention.

**Sec. 3. Detail and Procedure.**

a. All charges must be filed within thirty (30) days of receipt of notification from the President that mediation could not successfully resolve or has failed to resolve the situation brought to his attention. Charges must

- (1) be in writing;
- (2) be signed by the party preferring the same;
- (3) contain a statement of the facts out of which such charges originated;

(4) refer to the Article, section, and paragraph of this Constitution and By-Laws, the established policies, decisions, laws, rules or regulations which it is alleged have been, or are being violated;

(5) State the nature of the violation claimed.

b. The officer or member preferring such charges shall send a copy of the same by Registered or Certified Mail, Return Receipt Requested, or other verified method of delivery to the accused and at the same time file such charges in duplicate with the President.

c. The President shall notify the accused and those preferring the charges in writing, by Registered or Certified Mail, or other verified method of delivery of the time and place of such trial. He shall then instruct an Executive Board Officer to select two impartial members in good standing to sit with such Executive Board Officer as a trial board to conduct a trial in the manner hereinafter prescribed. Such trial must start within sixty (60) days from the date of receipt of the charges filed with the President referred to in sub-section a. above.

**Sec. 4. Conduct of Trial.**

...

**Sec. 5. Decision of Trial Board.**

...

**Sec. 6. Effect of Resignation from Membership."**

**Amend Article XV, delete previous Sec. 3. f. renumbered to Sec. 4. f. and amend previous Sec. 4. c. renumbered to Sec. 5. c. to read:**

"c. In addition, the trial board may also impose any related costs involved in the trial on one or both parties."

**Article XVII, Remove and renumber subsequent Articles**

**Amend Article XVIII, Sec. 4. to read:**

"Sections 1-3 of this Article notwithstanding, the Joint Board shall have the authority to amend

this Constitution and By-Laws as necessary to effectuate a merger or affiliation of the Association with another Labor Organization in accordance with the principles of such a merger or affiliation approved by the membership of the Association, and provided that in negotiating any such merger or affiliation, reasonable efforts shall be undertaken to assure, insofar as possible, that:

(a) the General Assembly remains the Supreme Authority over the internal affairs of the Association,

(b) the Association retains autonomy over (i) all matters related to collective bargaining for and representation of its members in dealing with their employers, and (ii) internal charges and trials of officers and members,

(c) the President and Secretary-Treasurer continue to maintain their offices at the Association's National Headquarters,

(d) the Association's revenues and financial matters are subject to a separate accounting, and

(e) the Association remains self-supporting and self-sustaining with its own dues structure, property, assets and liabilities."

.....  
**Amend Rules Regarding Conduct of Elections of System Committee Officers to read:**

**"1. Time and Method of Nominations.**

At least thirty days before the triennial elections of all General Chairmen, Vice General Chairmen, System Treasurers, and Local Chairmen during the months of October, November and December, the Secretary-Treasurer shall issue a call to all qualified members on their respective transportation systems for nomination of eligible candidates

for the offices above specified. Such nominations may be submitted on the form prescribed and furnished by the Secretary-Treasurer by any active members in good standing within fifteen (15) days following the date of the Secretary-Treasurer's call for nominations. All such nominations must be accompanied by the written consent of the nominees that they accept the nomination and will serve if elected. Upon receipt of all nominations, the Secretary-Treasurer shall prepare suitable ballots listing in alphabetical order the names of all candidates properly nominated for distribution to the members.

**2. Time and Method of Election.**

As provided in Section 7 of Article XI, all elections of System Committee officers shall be conducted during the months of October, November, and December. All elections shall be conducted (a) by secret ballot referendum vote (previously defined and prescribed in A. Rules Regarding Elections of Delegates and Alternates hereof) of the active members in good standing or (b) voting by secure electronic means, if permissible by law, that ensures the secrecy and security of the ballot.

.....

**4. Conduct of Voting.**

a. During the three (3) months period provided in Rules 2 and 3 within which to complete nominations and elections, and in time to permit at least thirty (30) days for members to cast and return their ballots, the Secretary-Treasurer shall mail notice of the election, ballot forms and envelopes as hereafter prescribed to each member qualified to vote at his last known home address, along with such instructions as the Secretary-Treasurer considers necessary to insure the secrecy of the ballot and its execution and mailing within the prescribed period."



Pursuant to Article XIX, Section 1 of the Constitution and By-Laws of the American Train Dispatchers Association the following proposed constitutional amendments have been received from at least ten members in good standing from the BNSF System:

**Amendment 1: Amend Article II, Sec. 4. a. to read:**

“a. (1) The initiation fee shall be Two Hundred Fifty Dollars (\$250) for active membership and One Hundred Fifty Dollars (\$150.00) for Active-Extra membership and shall be subject to Gross Wage Increases (GWI).”

**Amendment 2: Amend Article III, Sec. 6. to read:**

“The incoming President shall be installed by the Senior Past President present at the General Assembly or by such other person as may be designated by the delegates for such purpose. The Other Elected officers shall be installed in such form and manner as may be designated by the incoming President. All such officers shall serve until the next regular session of the General Assembly and the election and installation of their successors, if any, unless relieved of their duties as provided in this Constitution and By-Laws, Trustees and Alternate Trustees on whose road Association representation becomes terminated shall relinquish their office upon notification from the President regarding termination of representation.”

**Amendment 3: Amend Article IV, Sec. 7 to add c. and to read:**

“c. In the event a claim is being rejected by the President or his representative regarding final adjudication, the President or his representative will verbally communicate with the local representative to explain or question concerns before corresponding in writing to the General Chairman their final position.”

**Amendment 4: Amend Article II, Sec. 4. f. to read:**

“f. Dues are payable monthly in advance but dues of Active and Active-Extra members may be paid annually, semi-annually, or quarterly should a member so elect. For new Active members, dues shall be computed from the first day of the month in which he becomes eligible for membership pursuant to Sec.1 of this Article. New members applying for Active Membership shall make application for same within thirty (30) days of the date he becomes eligible for membership pursuant to Sec.1 of this article. If requested by a new Active member, the Treasurer will allow for initial fees to be paid in equal installments over 12 months in addition to regular monthly dues.”

In addition to the Constitution, Resolutions and Finance Committees (see page 3), and in accordance with Article X, Section 4 of the Constitution and By Laws, the President has appointed the following delegates to serve on the committees and assignments listed below:

**Credentials Committee**

Joseph Bissonnette, IHB General Chairman  
Chad Looby, METRA General Chairman  
Ryan Chavez, NICTD General Chairman

**Press and Greetings Committee**

Charles Saunier, NJT(PS) General Chairman  
Caitlin Elison, Alaska RR General Chairman  
Jeff Turner, KCS General Chairman

**Sergeants at Arms**

Scott Goodman, Kiamichi General Chairman  
Carl Auguste, PATH General Chairman

**Timekeeper**

Solomon Williams, L&I RR General Chairman

**Judge/Tellers**

Ed Kadlick, Keolis VGC/ST

**Tellers**

Michael Cummings, SIRTOA General Chairman  
Anthony Sarno, Amtrak General Chairman

Pursuant to Article XIX, Section 1 of the Constitution and By-Laws of the American Train Dispatchers Association the following proposed constitutional amendments have been received from at least ten members in good standing from the CSXT System:

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**Amendment 1: Amend the entire Constitution and By-Laws:**

It is proposed that the Constitution and By-Laws be rewritten to remove the use of the term "shall" and instead use "must" to impose an obligation and "must not" to say something is prohibited. It is proposed that all future documents, letters, correspondence, or written instruments follow the same on both National & System levels.

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**Amendment 2: Amend Article V, Sec. 1.f. & Article XI, Sec. 14.d. to read as follows:**

"f. He shall keep correct and proper accounts of all monies handled and such accounts shall be audited annually by certified public accountants on a fiscal year basis ending December 31. Financial reports required by law shall be prepared from information contained in the annual audit."

"d. The System Treasurer (or General Chairman, if no System Treasurer has been elected) shall keep correct and proper accounts of all monies and such accounts shall be prepared and maintained on a fiscal year basis ending December 31. Financial reports required by law shall be prepared from the information contained in such accounts at close of each fiscal year."

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**Amendment 3: Amend Article XI, Sec. 1 to read:**

"All revenue of this Association shall be placed in a general fund from which shall be paid the salaries of officers, the general operating expenses of the Association's headquarters office, strike and lockout payments and benefits, expenditures authorized by the General Assembly, and such other expenses in connection with or incidental to the operation, defense, and protection of this Association

as may be necessary or proper, all subject to the provisions of this Constitution and By-Laws and any resolutions of the Executive Board adopted thereunder. The General Fund must not be used for the purchase or reimbursement of alcoholic beverages, except as may be deemed appropriate by the President at times the Association is gathered as a whole such as the General Assembly."

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**Amendment 4: Amend all applicable sections of the Constitution and By-Laws:**

"It is proposed that the following procedural changes be adopted and all applicable sections of the C&BL's be rewritten accordingly to follow the standards set by the U.S. Department of Labor Office of Labor-Management Standards regarding Elections, and that the same standards apply to Referendum Voting:

Arrangements must be made with postal officials for a special restricted-access post office box for each election or referendum vote by mail to be used solely for the receipt and storage of voted ballots. The Association's office must not be used for the receipt of any voted ballots. Postal officials will be instructed that ballots must be released only at a specified time on the ballot return deadline date which time allows for mail of that day to have been sorted to the post office boxes, and only to authorized union election officials.

Arrangements must be made with postal officials for a second post office box for ballot packages returned undelivered. This post office box will serve as the return address on all ballot packages mailed to members.

In order to facilitate ballot sorting and voter identification at the tally of ballots, a sequential number must be assigned to each member's name on the eligibility list. This same "voter

identification number" must be placed in the lower left corner of the voter's corresponding return ballot envelope before mailing the ballot packages.

Ballot packages will be sent by first class mail to insure that all members receive ballots in a timely manner. A statement from the post office indicating the number of ballot packages mailed must be obtained.

Any ballot packages mailed to members which have been returned undelivered to the post office box obtained for this purpose must be picked up. Attempts must be made to obtain accurate addresses for these members. Ballot packages with updated addresses will be remailed as soon as possible.

Your name on the return ballot envelope will identify you as an eligible voter and may be printed, stamped, or a mailing sticker used. The number in the lower left corner of the return ballot envelope will be used by the election officials for sorting ballots and

determining voter eligibility at the ballot count. Your vote will remain secret because the secret ballot envelope containing your ballot will be separated from the return ballot envelope and mixed with other secret ballot envelopes before it is opened and the ballot counted.

Ballot secrecy can only be preserved if you personally mark and mail your ballot. Do not allow anyone else to mark or handle your ballot or see how you vote. Do not give your ballot to anyone else for mailing. Do not deliver your ballot to the Association's office."

**Amendment 5: Add to the Constitution and By-Laws:**

When Funds are sent to each System an invoice must be included showing, but not limited to, monthly dues withheld by the Carrier and sent to National for each member, system dues portion being sent for each member, initiation fees, and any System Funds withheld.

# Get To Know One Of Your Healthcare Benefits, Health Advocate

(For those covered by the National Health and Welfare Plan)

## RECENT DIAGNOSIS?

**Count on us to:**

- Answer questions about health conditions, diagnoses and treatments, no matter how complex.
- Research the latest treatment options.
- Coordinate services relating to all aspects of your care.

## NEED TO FIND A DOCTOR?

**We can:**

- Use our Medical Insights technology to match you with the right quality providers for your condition.
- Make an appointment at a time that works for your schedule.

## CONSIDERING A SECOND OPINION?

**We will do the work to:**

- Research and identify top experts and Centers of Excellence nationwide.
- Schedule face-to-face appointments.
- Arrange for the transfer of medical records, test and lab results and X-rays.

## BAFFLED BY BENEFIT QUESTIONS?

**Our experts can:**

- Explain how your benefits work, including copays and deductibles.
- Review medical bills to uncover possible duplicate charges or other errors.
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## DELEGATES TO THE 33RD GENERAL ASSEMBLY

Caitlin Elison.....	Alaska	Joseph Bissonnette.....	IHB
Maurice Archdeacon.....	Amtrak	Jeff Turner.....	KCS
Brian A. Cirard.....	Amtrak	Paul Webb.....	KCS
Roger Dail.....	Amtrak	Andy Brewer.....	KRR
Anthony Sarno.....	Amtrak	Scott Goodman.....	KRR
Jessica Veltri.....	Amtrak	Solomon Williams.....	L&I
Michael Veltri.....	Amtrak	Ed Kadlick.....	MBCR
Joe Calderon.....	BNSF	Jay Parker.....	MBCR
Joseph Chandler.....	BNSF	Kendra Farnes.....	MRL
Louie Fadi.....	BNSF	Knute Hofsommer.....	MRL
Corey Keller.....	BNSF	Ryan Chavez.....	NICTD
Kevin Ketcham.....	BNSF	Chad Looby.....	METRA
James McDade.....	BNSF	Charles Saunier.....	NJT-PS
Christopher Palmieri.....	BNSF	Ronald A. Bosler.....	NJT-TD
Brittani Sims.....	BNSF	Jared Eagle.....	NJT-TD
Jessica Stone.....	BNSF	Kristie Bowman.....	NS Integrated
Nathan Thornburg.....	BNSF	Theodore T. Daniels.....	NS Integrated
David Ursini.....	BNSF	Brandon Denucci.....	NS Integrated
Jonathan Watson.....	BNSF	Gene Orr.....	NS Integrated
LaRon D. Werlinger.....	BNSF	David Patterson.....	NS Integrated
Chris Whitt.....	BNSF	James C. Rubert II.....	NS Integrated
Chad Wood.....	BNSF	Gemond Smith.....	NS Integrated
Angela Wright.....	BNSF	Jason Speaks.....	NS Integrated
Anthony Marchi.....	BRC	Pending.....	NS Integrated
Pending.....	Conrail	Carl Auguste.....	PATH
Ernest B. Craft.....	CSXT	Mike Cummings.....	SIRT
Darin Dezarn.....	CSXT	Gordon Smith.....	SOO
Jeff Marshall.....	CSXT	Tracy Bainum.....	Sunrail
James McCann.....	CSXT	Pending.....	Tri-Rail
Jay Rodgers.....	CSXT	Dennis Sechrest.....	TRR
Matt Stewart.....	CSXT	Tim Evans.....	WC
Colin Thurman.....	CSXT	James Manning.....	WC
Todd Van Camp.....	CSXT	Derek Redmond.....	WC
Paul E. Young.....	CSXT		

# SUMMARIES OF DISPUTES

In an effort to inform the membership of some Arbitral Awards, below are summaries of some recent awards.

## **PLB No. 7299 Case No. 30, Neutral Campagna – Norfolk Southern**

### **Failure to properly clear and line signals/route and failure to perform job safety briefing.**

Claimant is a four (4) year dispatcher and was issued a twenty (20) day actual suspension. On the date of the incident, he was working a position recently deemed qualified on. After discussion with the Yardmaster, he believed that he understood the circumstances to provide a helper set to shove a train. To make the move, he needed to line the 2S and 4S signals. Unfortunately, he only lined the 4S signal as he was unaware of the 2S being needed. The helper set accepted the 4S signal and proceeded past the 2S signal which was at stop. The Organization took the position that the Claimant was not properly trained and that the train was still required to obey the stop indication at the 2S signal. The Board found that in this matter, the Claimant's guilt as to the charges was established and that the foregoing notwithstanding, the Board is convinced that the Claimant should be given an opportunity to prove that he is a valuable dedicated employee. Accordingly, the Board will change the penalty to a fifteen (15) day deferred suspension.

***Claim sustained to the extent noted and discussed.***

## **PLB No. 7814 Case No. 14, Neutral Bell – BNSF Railway**

### **Inadvertently releasing Track and Time authority and failure to report the violation until returning from 2 rest days.**

Claimant is an eighteen (18) year dispatcher and this was a second Level S violation under the Carrier Policy within one year. He was subsequently dismissed. On the date of the incident, the Claimant inadvertently released an active Track and Time authority while apparently attempting to remove a switch block. The Organization argued that the Carrier fell grossly short of proving the charges and two procedural issues. The first procedural issue was that the Hearing Officer improperly introduced evidence when he read the applicable Rules into the record. The Board found that this had recently been the accepted method in investigations and that since the CBA has not been

changed, it does not prohibit such introduction of rules by the Hearing Officer. The second procedural argument was that the Hearing Officer disallowed the introduction of an MofW Operating Rule. While the Board found that the rule should have been allowed, the disallowance of such did not "obviate the Claimant's violations". The Board went on to find that the aggravating factor was that the Claimant failed to report the violation and that the Claimant's testimony at the investigation "was close to an antithesis of an acceptance of responsibility.

***Claim denied.***

## **PLB No. 7814 Case No. 16, Neutral Bell – BNSF Railway**

### **Excessive absenteeism of 11 absences in a rolling 12-month period under the PEPA Policy Attendance Guidelines.**

Claimant was charged with a violation of the Carrier's Attendance Guidelines and accused of eleven (11) absences in a rolling 12-month period including absences on December 9, 15, 29, 30 and 31, 2017. The Organization argued that the Carrier filed to prove the allegations as not all absences should be counted and that the discipline was not in line with the CBA. The Board found that not every absence counts as a violation and that only those that involve "laying off sick without justifiable reason" are to be counted. For absences on December 9 and 15, 2017, no reason was offered. However, for December 31, 2017, the Claimant presented a 6-page report of his visit to an Urgent Care facility on that day. The report had a diagnosis of Acute Bronchitis along with 3 prescribed medications. The report also included a return to work date of January 2, 2018. The Board found that since he was not cleared to return until that date, it is indisputable that there was "justifiable reason" for absences on December 29, 30 and 31, 2017. Thus there were not five (5) instances of "laying off sick without justifiable reason" in December, but only two. Having established such, the Board found that it is unclear whether absences within the rolling 12-month period were sufficient to warrant scrutiny under the Attendance Guidelines, and that the 10 day record suspension will be set aside.

***Claim sustained in accordance with the Findings.***

# STATUS OF DISPUTES

Docket	Carrier	Claimant	Subject	Status
PLB-7576-67	BNSF	S. M. Krocker	Discipline	Awaiting NMB Funding
PLB-7576-68	BNSF	R. A. Gill	Discipline	Awaiting NMB Funding
PLB-7576-69	BNSF	D. R. Miller	Discipline	Awaiting NMB Funding
PLB-7814-13	BNSF	D. W. Ursini	Discipline	Sustained in part - 7/10/2019
PLB-7814-14	BNSF	D. H. Schauman	Discipline	Denied - 7/10/2019
PLB-7814-15	BNSF	N. L. Carter	Discipline	Denied - 7/10/2019
PLB-7814-16	BNSF	H. S. Khan	Discipline	Sustained - 7/10/2019
PLB-7814-17	BNSF	M. O'Loughlin	Sick Day	Settled on property
PLB-7468-38	KCS	S. Grote	Discipline	Hearing 4/11/2019 - Awaiting Decision - Arb Grey
PLB-7468-39	KCS	K. D. Holmes	Discipline	Hearing 4/11/2019 - Awaiting Decision - Arb Grey
TD-190548	WC	J. D. Fredrickson	Forfeiture of Seniority	Awaiting NMB Funding
PLB-7494-111	CSXT-E	P. Federico	Compensation	Denied - 6/3/2019
PLB-7494-112	CSXT-E	R. Farrington	Compensation	Denied - 6/3/2019
PLB-7494-113	CSXT-E	J. S. Sloane	Discipline	Sustained in Part - 6/3/2019
PLB-7494-114	CSXT-E	J. S. Sloane	Discipline	Sustained in Part - 6/3/2019
PLB-7494-115	CSXT-E	D. A. Reilly	Discipline	Denied - 6/3/2019
PLB-7494-116	CSXT-E	D. M. Hill	Discipline	Sustained in Part - 6/3/2019
PLB-7494-117	CSX	H. L. Heilman	Discipline	Denied - 6/3/2019
PLB-7494-118	CSX	C. W. Rouse	Discipline	Denied - 6/3/2019
PLB-7494-119	CSX	J. M. Rodgers	Discipline	Denied - 6/3/2019
PLB-7494-120	CSX	D. O. Marcovski	Discipline	Denied - 6/3/2019
PLB-7494-121	CSX	S. Barnes	Discipline	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-122	CSX	J. D. Heichel	Discipline	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-123	CSX	F. G. Phillips	Discipline	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-124	CSX	T. L. Wolfe	Discipline	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-125	CSX	E. E. Kerns III	Scope	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-126	CSX	S. G. Pulmano	Seniority	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-127	CSX	J. W. Burner	Seniority	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-128	CSX	B. S. Hale	Vacancy	Hearing 6/25/2019 - Awaiting Decision - Arb Tener
PLB-7494-129	CSX	M. O. Whigam	Seniority	Awaiting NMB Funding
PLB-7494-130	CSX	J. W. Wall	Discipline	Awaiting NMB Funding
PLB-7494-131	CSX	A. Larson	Seniority	Awaiting NMB Funding
PLB-7494-132	CSX	A. C. Jones	Seniority	Awaiting NMB Funding
PLB-7494-133	CSX	J. R. Herndon	Seniority	Awaiting NMB Funding
PLB-7494-134	CSX	C. W. Rouse	Discipline	Awaiting NMB Funding
PLB-7494-135	CSX	B. L. Blalock	Deselected from ACNO	Awaiting NMB Funding
PLB-7299-28	NS	T. T. Green	Discipline	Denied - 6/7/2019 - Arb Campagna
PLB-7299-29	NS	G. K. Parsley	Discipline	Sustained in Part - 6/7/2019 - Arb Campagna
PLB-7299-30	NS	J. Y. Coleman	Discipline	Sustained in Part - 6/7/2019 - Arb Campagna
PLB-7299-31	NS	W. L. Pate	Discipline	Sustained in Par - 6/7/2019 - Arb Campagna
PLB-7299-32	NS	G. A Orr	Discipline	Denied - 6/7/2019 - Arb Campagna
PLB-7299-33	NS	J. Matherson	Discipline	Sustained in Part - 6/7/2019 - Arb Campagna
PLB-7299-28	NS	T. T. Green	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-30	NS	J. Y. Coleman	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-31	NS	W. L. Pate	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-32	NS	G. A Orr	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-33	NS	J. Matherson	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7323-5	MRL	Hofsommer	Compensation	Awaiting NMB Funding
TD-190441	CSX	L. Patrick	Discipline	Awaiting NMB Funding
TD-190444	CSX	K. M. Graham	Temp. Vacancy	Awaiting NMB Funding
TD-190442	CSX	M. D. Stewart	Discipline	Awaiting NMB Funding
TD-190443	CSX	L. D. Riley	Discipline	Awaiting NMB Funding
TD-190439	CSX	L. D. Riley	Discipline	Awaiting NMB Funding
TD-190440	CSX	L. D. Riley	Discipline	Awaiting NMB Funding

# New ATDA Members

New Member	System Committee	New Member	System Committee
John C. Macaluso	Amtrak Committee	Aaron S. Robinson	Norfolk Southern Integrated Committee
Anthony M. Miller	Amtrak Committee	Travis S Sansbury	Norfolk Southern Integrated Committee
James M. Moran	Amtrak Committee	Justin D. Shaw	Norfolk Southern Integrated Committee
Theodore E. Szymendera	Amtrak Committee	Kathryn M. Walker	Norfolk Southern Integrated Committee
Lachel C. Fontenot	BNSF Committee	Johsua A. Wenger	Norfolk Southern Integrated Committee
Micheal K. Hausman	BNSF Committee	Demore Brockenberry	Staten Island Rapid Transit Committee
Tim P. Harrison	KCS Committee	Shameeka S. Brunache	Staten Island Rapid Transit Committee
Ryan D. Alen	MBCR Committee	Thomas S. Allen Jr.	Wisconsin Central Committee
Derek C. Carpine	MBCR Committee	Michael T. Burdett Jr	Wisconsin Central Committee
Sarah K. Gouthro	MBCR Committee	Dione Castillo	Wisconsin Central Committee
Brian E. O'Donnell	MBCR Committee	Latasha Rene Crume	Wisconsin Central Committee
David A. St. Hilaire	MBCR Committee	Dedrick E. Funderburg	Wisconsin Central Committee
Corina M. Horn	Montana Rail Link Committee	Aaron F. Galarza	Wisconsin Central Committee
Billajia H. Sweeney	New Jersey Transit - Train Dispatchers Committee	Nathan B. Gass	Wisconsin Central Committee
Kelli B. Bell	Norfolk Southern Integrated Committee	Bobby T. Jones	Wisconsin Central Committee
Demetrius X. Bishop	Norfolk Southern Integrated Committee	Stephanie J. Moricz	Wisconsin Central Committee
Blake C. Boone	Norfolk Southern Integrated Committee	Octavio Nevarez	Wisconsin Central Committee
Jasmine Byrd	Norfolk Southern Integrated Committee	Christopher M. Plunk	Wisconsin Central Committee
Shannon J. Craton	Norfolk Southern Integrated Committee	Joshua D. Younglove	Wisconsin Central Committee
Philip S Davis	Norfolk Southern Integrated Committee		
Russell M. Duffee	Norfolk Southern Integrated Committee		
Alexandra V. Grant	Norfolk Southern Integrated Committee		
Michael R. Prince	Norfolk Southern Integrated Committee		
Gabriel S. Reece	Norfolk Southern Integrated Committee		



**American Train Dispatchers Association**  
4239 West 150th St  
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E-Mail: [dowell@atda.org](mailto:dowell@atda.org)  
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UnitedHealthcare  
P.O. Box 30985  
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1-800-842-5252

#### Retiree Supplemental-GA-23111

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Salt Lake City, UT 84130-0404  
1-800-842-5252

### Aetna Healthcare

3541 Winchester Road  
Allentown, PA 18195  
1-800-842-4044  
[aetna.com](http://aetna.com)

### Highmark Blue Cross Blue Shield

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1-866-267-3320  
[bcbs.com](http://bcbs.com)

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Utica, NY 13504-6122  
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1-855-212-6003  
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United Behavioral Health  
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