

"An Injury To One Is An Injury To All"

Pennsylvania Federation

121 North Broad Street - Suite 503
Philadelphia, Pennsylvania 19107

www.pennfedbmwe.org
phone: (215) 569-1285
fax: (215) 569-0676



Office of the General Chairman
Jed Dodd

February 4, 2004

To: All Amtrak Committees

Re: **Seniority Rights Arbitration Victory**

Dear Brothers and Sisters:

When the consent decree was implemented we warned the membership that Amtrak management would immediately begin to use it as an excuse to justify their hostile, and at times irrational and incompetent, actions towards us. We expected and heard excuses from them like,

"I would like to respect your rights, but the consent decree that your Union forced on us will not allow us to behave respectfully towards you."

This is, of course, ridiculous on its face, but it is the nonsense that Amtrak management has been attempting to sell in one shape or another. They know that the consent decree requires them to act in a more fair manner towards the employees and they will do anything to make things up for the purposes of undermining this victory.

The consent decree has significantly advanced the quality of work life for BMWWE workers. One important example of this can be found in the one-for-one training provisions. Before the consent decree, many positions would not be awarded because bidders were not "qualified." Now, when this situation occurs, the position is awarded to the senior unqualified bidder and that employee can work and train on the position and become qualified and earn seniority. Some positions are exempt from this provision, but this provision has permitted many employees to train, qualify and at the same time earn seniority on the large number of positions that are not exempt. This provision has also permitted Amtrak to obtain a more qualified workforce while simultaneously obtaining work from the employee while they train. Amtrak wanted to give the employees a bad taste for this provision by insisting that the seniority restrictions under the Training Agreement of 1977 applied to one-for-one training. They forced employees to remain on the one-for-one training position for six months and refused to permit

senior employees a right to displace employees who were awarded these positions when they were training. This was wrong and we informed management that it was wrong, but they implemented the seniority restrictions anyway. Naturally, this irritated the employees who were affected and when they inquired about it management informed them that, "This is what your Union agreed to have happen." This was designed to cause problems for us within the rank and file because management wants very much to undermine the consent decree with the membership and to divide the membership from the Union leadership.

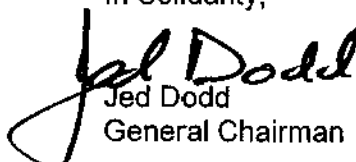
In order to resolve this issue, we progressed it through the established process to arbitration and the result was a victory for us. Attached is the award which forbids them to apply the seniority restrictions on one-for-one training positions in the future. It is a long award, but it is worth reading because it does a good job of explaining the rights that we have under the agreement. We interpreted the consent decree in the same way that the arbitrator ruled. The doubt that management caused by their illegal application of this consent decree provision has been eliminated.

Currently, management is actively attempting to undermine all of the provisions of our collective bargaining agreement. This is the policy of Amtrak President David Gunn. This management has no honor and will not hold up their agreements with us unless we force the issue. They are not only doing this with our Union, but these policies are being implemented against all of the employees and their Unions on the Amtrak system. We do not like having to arbitrate every issue to protect our rights, but we will do what is necessary. We have several important issues coming before various arbitration panels because this management has simply refused to honor their obligations to us. We hope to be able to report similar victories on these questions as well.

This management is riding roughshod over the employees. We will continue to aggressively defend our rights. We need the membership to stay informed of the issues and to help combat management's propaganda machine in the field. Most importantly, we will need the employees to remain unified and vigilant. Up until now we have relied on arbitrations to correct these assaults. Under certain circumstances we also have a right to strike and we are meeting internally to discuss if, when and how this weapon should be used.

These are very difficult times and we need your unity and intelligence to see us through them. This management is nastier, meaner and more dishonest than the ones we have tangled with in the past. This fight will get worse before it gets better but in the end, like all of the managements before them, we will be here working on the railroad and they will be gone. We need to defend what we have until they leave.

In Solidarity,


Jed Dodd
General Chairman