

*An Injury To One Is An Injury To All*

# ***AN APPEAL TO REASON***



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Newsletter of the Pennsylvania Federation

May 2005

## **Amtrak President David Gunn Tells Congress and Employees that *Railway Labor Act* Forbids Him from Negotiating New Agreements with Labor**

### **Law Permits Deadlocked Parties to Arbitrate Dispute**

### **Amtrak Management Bargaining Committee Refused Union Arbitration Proposal for Two Years**

In a stunning series of statements to the media, Congress and the employees, Amtrak President Gunn has stated that the reason management has been unable to obtain new agreements with its labor unions is because the restrictions in the *Railway Labor Act* make it impossible. While it is true that we are at the mercy of the government regulators with respect to moving our contract forward, the union offered to arbitrate this dispute with Amtrak nearly two years ago. Amtrak refused this request to arbitrate.

Neither the *Railway Labor Act*, nor the government regulators at the National Mediation Board, can prohibit the parties from resolving the dispute in this manner. If Amtrak agrees to arbitrate our unresolved five year contract dispute we could have a settlement in place in as little as thirty days. Attached is a copy of a letter sent by Division President Simpson reiterating the offer we had made over two years ago, and repeated multiple times during the last two years, to get this problem resolved.



**Brotherhood of Maintenance of Way Employees Division  
of the International Brotherhood of Teamsters**

**Freddie N. Simpson**  
*President*

**Perry K. Geller, Sr.**  
*Secretary-Treasurer*

May 5, 2005

David L. Gunn, President & Chief Executive Officer  
National Railroad Passenger Corporation  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002

Re: BMWED/Amtrak bargaining

Dear Mr. Gunn:

The Brotherhood of Maintenance of Way Employees Division, International Brotherhood of Teamsters (BMWED) has been negotiating with Amtrak for over five years since our collective agreement became amendable on January 1, 2000. Our negotiations thus far have produced nothing in the way of progress and the contract that results from this bargaining round will have expired by the time it is concluded.

You have stated publicly that the Railway Labor Act and its processes are the reason you have been unable to reach agreements with your employees on new contracts. While we fail to understand how you could say this given that your chief labor relations officer, Mr. Joseph Bress, has never even attended a BMWED/Amtrak negotiation, we propose to eliminate any concern you may have about the Railway Labor Act and the prompt settlement of disputes.

We propose binding interest arbitration under Section 7 of the Railway Labor Act of the parties' collective bargaining dispute. We will agree to any arbitrator who has been selected to a Presidential Emergency Board over the last twenty years to investigate a dispute between Amtrak and our predecessor, the Brotherhood of Maintenance of Way Employees. Alternatively, we will go to arbitration before any other arbitrator that is mutually acceptable to BMWED and Amtrak. We will present our case, and you will present yours. We agree to accept the arbitrator's decision, and hope that you will make the same representation.

Five years without a contract is long enough. We trust that you will be true to your statements that you are anxious to reach an agreement, and you will agree to this proposal.

Sincerely,

President

## **Membership Survey Unanimously Rejects Amtrak Settlement Proposals**

### **Membership Reaches Consensus to Accept National Freight Agreement as Pattern to Settle Current Dispute**

Amtrak management refuses to meet their obligations to their employees at the bargaining table and demand that Amtrak BMWED workers accept substandard conditions, relative to other BMWED workers, in order to obtain a new contract. They have maintained this position for five years and this is the primary reason we have not been able to obtain a voluntary settlement to this dispute. Amtrak President David Gunn's recent lies to the employees that he is prohibited from negotiating a new agreement because of the *Railway Labor Act* only serves to illustrate his dishonesty in this whole process.

Earlier this year the Union conducted a survey of our membership to ensure that our position at the bargaining table had the support of the membership. We have consistently rejected the severe, anti employee super concessions demanded by Amtrak and continue to insist that we should use the National Freight Agreement as a pattern to settle. The members of the Union were sent the information about bargaining in a mailing to their homes and then notice was given to attend special meetings of their Local Lodges to discuss the issues and to fill out a survey on how to proceed. A little more than half of the membership participated in this process. The membership reached consensus that the National Freight Agreement should be the pattern for our unresolved dispute with Amtrak and that we should organize and fight for it.

### **Management Bargaining Demands Will Hurt Employees and Their Families**

In order to obtain a new agreement Amtrak management is insisting that we agree to the following:

- No retroactivity on wage increases
- One Hundred dollars per month cost sharing per month for health and welfare
- Net one dollar per hour increase for five year period

- Reduced health and welfare benefits and significant reduction in health coverage for disabled members

Work rule concessions demanded by management include, but are not limited to, rules that would remove restrictions on the use of outside contractors, rules that would eliminate all overtime (3-12 hour straight time weekend shifts, split shifts, variable rest days etc.) and rules that force assign employees at management's discretion to any position.

## **What Can The Membership Do?**

### **Contact the Politicians:**

While it is important to keep contacting the politicians about the funding fight, we also must inform them of Amtrak management's refusal to resolve the current dispute through arbitration and the Mediation Board's refusal to release us from their jurisdiction. Call your Senator or Congressman and ask that they contact Amtrak President David Gunn and urge him to arbitrate this dispute and get it resolved and also urge the politicians to contact the National Mediation Board to secure us a release from its jurisdiction.

### **Discuss Issues With Amtrak Managers:**

Amtrak management has been speaking to the membership about the need to support Amtrak's demands at the bargaining table. At the same time they have been throwing their hands up in despair and saying they have nothing to do with it. When they bring these issues up they need to be held accountable for their statements. Each time they raise the contract dispute issue they need to be informed that this issue can be resolved if Amtrak President Gunn would simply agree to arbitrate the dispute.

Amtrak President Gunn needs to step out of his web of deceit and agree to resolve this matter once and for all. Five years is quite enough time to be deadlocked.

What do you say Mr. Gunn to a final and binding resolution? Or would you prefer to simply pretend there is nothing you can do about it? Quit your nonsense and get down to business.

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