

Opting Out

TWU, Rail Unions Reject Amtrak Arbitration

Sets Stage for Historic Strike Early Next Year

Nine unions – including TWU – have rejected arbitration offered by the National Mediation Board in the ongoing contract dispute with Amtrak. The action sets the stage early next year for a first-ever strike at the nation's passenger railroad.

After consultation with TWU rail leaders, International President James C. Little formally rejected the arbitration offered October 18. TWU's decision, along with the other rail unions representing 10,000 Amtrak employees, starts the clock ticking toward a likely Presidential Emergency Board and, in the absence of a satisfactory voluntary agreement, a strike. Amtrak has never had a strike in its 36-year history.

TWU Railroad Division Director Gary Maslanka said that the decision to reject arbitration is an important step towards concluding a contract marathon that has dragged on for nearly eight years. "Finally, there's a light at the end of the tunnel," said Maslanka. "There's still much work to be done, but I know the membership will stand behind us 100 percent in the final phase of the bargaining process."

TWU jointly represents Carmen, Helpers and Coach Cleaners at Amtrak with the Transportation Communications Union (TCU) as part of the Joint Council of Carmen.

One of the issues in the negotiations is Amtrak's refusal to make pay increases retroactive for the years of negotiations. Since the contract ran out in 1999, workers have received only small incremental wage hikes equal to half the increase in the cost of living. The railroad also wants flexibility to assign employees to different jobs and wants workers to pick up more of the cost of healthcare.



As expected, the NMB on October 31 notified the unions that its mediation efforts had failed and that a 30-day cooling off period was being imposed.

Theoretically, the unions could be free to strike at the end of November, but President Bush is almost sure to appoint a Presidential Emergency Board (PEB). Under the Railway Labor Act, the PEB will hold hearings and make a report to the President in 30 days. Its report will consist of non-binding recommendations for how the parties should settle the dispute. Another 30-day cooling-off follows the PEB's report.

Thus, a likely timeline would have the PEB report due at the end of December. With an extension for the holidays customary, a report issued after New Year's Day would leave the unions free to strike in early February. Of course, the parties are free to settle at any time.

Rail union leaders are under no illusions that the fight ahead will be easy. They expect a PEB appointed by President Bush to be stacked with anti-union members, but they welcome the chance "to fight for the contract our members have so long deserved," said TWU's Maslanka.

The rail unions are also aware that Congress will probably try to intervene to prevent an Amtrak strike and vow to mobilize labor's political strength to make sure that any action by Congress will be helpful to Amtrak workers.

Senate Defies President on Amtrak Funding

On October 30, the Senate defied President Bush by approving the Passenger Rail Investment and Improvement Act of 2007, which reauthorizes Amtrak's funding levels and programs. The President had sought only the usual starvation budget for the nation's passenger railroad.

Edward Wytkind, President of the Transportation Trades Department, AFL-CIO, said, "In passing a multi-year funding plan for Amtrak, the Senate rejected the failed Bush Administration policies of attempting to privatize service and cut funding for our national passenger rail system. The overwhelming support for this bill and rejection of specific hostile amendments demonstrates strong support for our nation's passenger rail system."

Noting that Amtrak has been starved of necessary funding for far too long, Wytkind charged that safety and security upgrades have lagged and a majority of Amtrak workers have gone without wage increases. "Amtrak management has played games at the bargaining table, stonewalled contract talks and used political uncertainty as a hollow excuse to deprive workers of long overdue pay raises," he said.

"The Senate has taken an important step toward placing Amtrak on more stable financial footing. But the job will not be completed until our elected leaders force Amtrak to finally give the men and women who operate and maintain this railroad the raises they have earned, and the back-pay to which they're entitled."

Wytkind praised Senators Frank Lautenberg (D-NJ) and Trent Lott (R-MS) for their leadership in guiding the bill through the Senate.

The Senate bill provides \$11.4 billion for Amtrak over six years, or \$1.9 billion a year compared to the \$900 million Bush proposed for next year. The Senate bill would also remove the mandate that Amtrak turn a profit. Lautenberg said the additional funding "paves the way for an improved modern passenger rail network."