

An Injury To One Is An Injury To All

AN APPEAL TO REASON



Newsletter of the Pennsylvania Federation

November 2007

United States Government Releases Amtrak's Unions from Mediation

President Bush Expected to Appoint Emergency Board to Stop Strike

After nearly eight years the Bush Administration has released us from bargaining and under law we are permitted to strike Amtrak, over our unresolved contract, on December 1, 2007. All of Amtrak's non-operating unions have been released and are on the same timetable as us. There probably will not be a strike on December 1 because it is almost certain that President Bush will exercise his right to appoint a Presidential Emergency Board (PEB) that will put any strike on hold while the PEB holds hearings and issues recommendations for settlement. We have a right to go on strike if we are unable to negotiate a settlement after these recommendations are issued. This deadline will most likely occur in the middle of January 2008.

In the past Congress has prevented rail strikes by taking the recommendations of the PEB and imposing them on labor and management as the new contract. They do this because they believe our role in the economy is vital and we should not be permitted to strike. The fact that they do not want to pay us as if the economy depended on our work is outrageous. These facts frame the circumstances we find ourselves in and we must consider them as we work our way through this crisis.

We believe we are entitled to the terms of our last two national freight agreements as a basis for resolution of this dispute. Those two agreements (2000-2004 and 2005-2010) had modest wage increases, full retroactivity, health benefit cost sharing increases, benefit improvements and no work rule changes. Amtrak has offered to settle the dispute for modest wage increases, no retroactivity, greater health benefit cost sharing increases than national, benefit improvements, eliminating half of the health care for our disabled members, health care cost sharing for retired employees and work rule changes that will break our union and destroy the working lives of our members.

We have formed a bargaining coalition with the Brotherhood of Railway Signalmen, the National Council of Fireman and Oilers and the American Train Dispatchers Association. We will be represented jointly at the PEB by a very competent law firm provided by the Teamsters, top notch

economists and other experts. If seventy years of precedent is followed, the PEB should recommend that our settlement be around the terms of our last two national freight agreements. This is not a hard case to argue. A fair PEB could very quickly put an end to this eight year nightmare by following decades of convention and recommending the terms of our national freight agreements.

However, we have good reasons to believe that George Bush will not appoint a fair PEB. After the Bush recommendations are issued the role that Congress plays in this dispute will determine our working futures. Your help is needed to ensure that Congress plays a positive role and does not simply impose these recommendations. Below is a chart of the issues showing where Labor and Amtrak agree and disagree.

Positions of Management and Labor

	Amtrak	Labor
Wages	delete Harris COLA \$1.71	delete Harris COLA \$1.71 restart it in 2010
	\$.75 (4.2%) plus 17.5% - date of signing 1.5% - 4/1/2008 3.5% - 10/1/2008 3.5% - 10/1/2009	\$.27 (1.5%) - 1/1/2000 6.087% - 7/1/2002 3.0% - 7/1/2003 3.25% 7/1/2004 2.5% 7/1/2005 3.0% 7/1/2006 3.0% 7/1/2007 4.0% 7/1/2008 4.5% 7/1/2009
	Total: 30.2%	Total: 30.84%
Retroactivity:	none	Full retroactivity to all employees. Based upon a BMWED average Amtrak rate of \$19.47 this would pay out: \$11,448 straight time \$15,417 avg overtime
Signing Bonus	\$4500.00	none
Medical Benefits Cost Sharing	166.25/month 15% of Health, Dental, AD&D and Life capped at \$200.00 eff 7/1/2009	166.25/month 15% of Health capped at \$200.00 eff 1/1/2010
Prescription Drugs Co-Pays	Generic \$10.00 Brand \$20.00 Non Formulary \$30.00	Generic \$10.00 Brand \$20.00 Non Formulary \$30.00

	Amtrak		Labor	
Office Visit Co-Pays	Primary Care	\$20.00	Primary Care	\$20.00
	Specialist	\$35.00	Specialist	\$35.00
	Emergency Room	\$50.00	Emergency Room	\$50.00
Retiree Cost Sharing	\$50.00/month		None	
Reducing Health Insurance to Disabled	from 48 months to 24 months		none	
Supplemental Sickness	no improvements (remain at 1992 levels)		increase to 2007 levels	
Expense Away from Home Per Diem	no improvement		\$5.90 per day improvement (20%)	

Amtrak's Additional Union Busting Work Rule Demands

The National Freight Agreements have no work rule changes in them. This was the compromise to produce these two voluntary settlements. Despite this, Amtrak is insisting that the Union agree to work rules that will destroy our jobs. Some of these work rule demands include outsourcing (contracting out) our work without restriction, a management right to discipline employees without a hearing, eliminating management's incentive to answer grievances, increasing management's right to force assign employees to positions on different shifts and far from home, split shifts, variable work weeks for all workers, increasing the basic day to 12 hours, paying overtime only after 40 hours, and withholding pay from employees out of service before proof shown that there has been any wrong doing. Obviously, if any of these rules are agreed to our jobs will become significantly less secure and more abusive.

Amtrak Workers Denied Due Process

We live and work in a bizarre and unfair world. The Bush Administration appoints our management and he has appointed a management that is hostile to American workers and to Amtrak. The Bush Administration appoints our mediators and he has appointed individuals who do not believe in collective bargaining and think Unions should be illegal. And finally, the Bush Administration appoints the people who will attempt to determine the outcome of our dispute. All Americans are entitled to due process under law and this situation does not remotely resemble due process. When the Bush Presidential Emergency Board issues its' Union busting recommendations we will need to convince Congress not to impose these recommendations as our new contract. If the politicians will not permit a strike, we are at least entitled to a fair hearing. For the last eight years we have not received a fair hearing and we will not receive one with this Presidential Emergency Board.

Please look over this material carefully. If we are going to win this fight it will require a major membership mobilization and this can only be accomplished if the rank and file understands the issues and the process. We will need every member to step forward and support the work of the Union in this next period if we are to have any hope of saving our jobs and protecting our conditions of work.

**WHAT EVERY MEMBER NEEDS TO DO TO SUPPORT THE
STRUGGLE FOR A FAIR AND JUST AGREEMENT
FOR AMTRAK WORKERS**

**CONTACT YOUR REPRESENTATIVES NOW AND DISCUSS
THIS NEWSLETTER WITH THEM**

**EXPLAIN THAT AS AMERICAN WORKERS WE ARE ENTITLED TO DUE PROCESS
AND THAT AFTER EIGHT YEARS WE ARE ENTITLED
TO A FAIR AND JUST HEARING OF OUR ISSUES**

**THE BUSH ADMINISTRATION IS OUR MANAGEMENT, OUR MEDIATORS AND
SHOULD NOT ALSO BE OUR PEB ARBITRATORS - THIS IS NOT DUE PROCESS**

**EXPLAIN THAT ADOPTING THE RECOMMENDATIONS OF THE BUSH
ADMINISTRATION TO RESOLVE OUR CONTRACT WILL
DENY AMERICAN WORKERS THIS BASIC RIGHT FOR DUE PROCESS**

**THE DEMOCRATIC CONGRESS MAKES THE LAWS AND INSTEAD OF IMPOSING
RECOMMENDATIONS OF THE PEB THEY NEED TO PASS A NEW LAW
GIVING AMTRAK WORKERS A FAIR HEARING**

**TELL YOUR CONGRESSMAN AND SENATORS TO SUPPORT
DUE PROCESS FOR AMTRAK WORKERS**

DO IT TODAY AS IF YOUR JOB DEPENDS UPON IT BECAUSE IT DOES

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