

# ***AN APPEAL TO REASON***



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Newsletter of the Pennsylvania Federation

January 2008

## **Amtrak Workers Have Right To Strike For New Contract Effective January 30, 2008 at 12 AM**

**President Bush's Emergency Board (PEB 242)  
Determines That Amtrak Workers Are Entitled to Same Wages,  
Benefits and Working Conditions As Freight Railroad Workers**

### **PEB 242 Finds Amtrak Did Not Negotiated Fairly and Rejects All of Management's Work Rule Demands**

For eight years Amtrak workers have been victims of a bargaining strategy crafted by Amtrak's Vice President of Labor Relations Joe Bress designed to starve the employees into accepting contracts with substandard wages, no retroactive money and brutalized working conditions. Amtrak workers and their unions held the line and refused to cave in to this intimidation. After years of bad faith bargaining by Amtrak, nine unions, the BMWED, BRS, IBEW, IAM, TCU, ATDA, NCFO, TWUA and ARASA were finally released from government controlled mediation and prepared to engage in a lawful strike on December 1. President Bush exercised his right under law and stopped the strike by appointing Presidential Emergency Board Number 242 which held hearings and issued their non binding recommendations to resolve the impasse.

In a stunning rebuke to Amtrak's Union Busting management team, the PEB found that Amtrak's position could not be supported and recommends that Amtrak and its Unions should apply the terms of the last two national freight agreements to settle the dispute. The parties are ordered under law to maintain the current status quo for thirty more days while we attempt to use these findings to make a settlement. The thirty days run out on January 30, 2008 and Amtrak workers have a lawful right to strike. We hope that Amtrak negotiates and settles this dispute before the thirty day cooling off period ends.

## Summary of PEB 242 Recommendations

Below is a summary of the recommendations from PEB 242. A complete copy of the 65 page decision can be found on the union's website at [pennfedbmwe.org](http://pennfedbmwe.org) or a copy will be mailed to you if you contact the Federation office and request it.

### Wages:

Delete the Harris COLA but incorporate 27 cents of it effective June 30, 2002

#### General Wage Increases

July 1, 2002	6.087%
July 1, 2003	3.00%
July 1, 2004	3.25%
July 1, 2005	2.50%
July 1, 2006	3.00%
July 1, 2007	3.00%
July 1, 2008	4.00%
July 1, 2009	4.50%

### Retroactivity:

The PEB finds that full retroactive pay (calculated as if the 2000-2009 agreement had been in effect minus the retroactive employee health care contributions and the Harris COLA) is appropriate but the timing must be spread out so that 40% is paid within 60 days of ratification and 60% on or before the one year anniversary of the 40% payment. They also found that only employees who were on the payroll as of December 1, 2007 would be eligible for the retroactive payments.

### Health and Welfare Cost Sharing:

The PEB recommends that Amtrak workers share in 15% of the cost of the benefits plan like the freight workers. This cost for freight workers is currently \$166.25 per month. The cost for Amtrak workers will be the same or very close. In any event there is a cap in 2009 at \$200.00 per month.

Note: For an analysis of the complete effect of the deletion of the Harris COLA, General Wage Increases, retroactive health and welfare cost sharing on the average wage rate and retroactive payments refer to the chart on the adjacent page. For straight time workers the net retroactive payments will average \$11,400 per employee. Workers who worked overtime will receive more. For example, if you worked 212 equivalent straight time hours per month the retroactive money will equal \$15,400.

### Health and Welfare Benefit Changes:

The PEB recommended that the benefit improvements negotiated in the national plan be incorporated into the Amtrak plan.

**Meal Per Diem:** The PEB recommends a 20% increase on the daily per diem which will increase the current \$29.50 by \$5.90 for a total of \$35.40.

**Work Rules:** All of Amtrak's outrageous work rule demands were rejected by the PEB.

## Illustration of Wage Proposal Brotherhood of Maintenance of Way Employes Division

July 2007 Rate \$19.47 Average BMW Rate  
 Avg Monthly Pay Hours 176

Date	Harris COLA	Present Rates	Proposed Increases	Proposed Rate	Incremental Increase	Retro Payment	Health Ins. Contribution	HI Offset
DOS		\$18.03	(\$1.44)	\$18.03				
July 1, 2001	\$0.11	\$18.14	\$0.11	\$18.14	\$0.00	\$0.00	(\$33.39)	(\$400.68)
Jan 1, 2002	\$0.10	\$18.24	\$0.10	\$18.24	\$0.00	\$0.00		
July 1, 2002	\$0.00	\$18.24	6.087%	\$19.13	\$0.89	\$939.84	(\$81.18)	(\$974.16)
Jan 1, 2003	\$0.11	\$18.35		\$19.13	\$0.78	\$823.68		
July 1, 2003	\$0.16	\$18.51	3.00%	\$19.70	\$1.19	\$1,256.64	(\$79.74)	(\$956.88)
Jan 1, 2004	\$0.03	\$18.54		\$19.70	\$1.16	\$1,224.96		
July 1, 2004	\$0.09	\$18.63	3.25%	\$20.34	\$1.71	\$1,805.76	(\$91.32)	(\$1,095.84)
Jan 1, 2005	\$0.12	\$18.75		\$20.34	\$1.59	\$1,679.04		
July 1, 2005	\$0.15	\$18.90	2.50%	\$20.85	\$1.95	\$2,059.20	(\$97.43)	(\$584.58)
Jan 1, 2006	\$0.31	\$19.21		\$20.85	\$1.64	\$1,731.84	(\$123.28)	(\$1,479.36)
July 1, 2006	\$0.01	\$19.22	3.00%	\$21.48	\$2.26	\$2,386.56		
Jan 1, 2007	\$0.15	\$19.37		\$21.48	\$2.11	\$2,228.16	(\$166.25)	(\$1,995.00)
July 1, 2007	\$0.10	\$19.47	3.00%	\$22.12	\$2.65	\$2,798.40		
July 1, 2008			4.00%	\$23.00				
July 1, 2009			4.50%	\$24.04				
Jan 1, 2010			Amendable					
Gross Wage Retroactivity =		\$18,934						
Employee HI Contributions =		(\$7,487)						
Retroactive Payment 1/1/08 =		<b>\$11,448</b>						

## **All Members Needed Now In Struggle For A New Contract**

### **Contact Your Congressman and Senator Now And Urge Them to Encourage Amtrak to Settle the Agreement Around the Recommendations of PEB 242**

*The fight for a new contract is far from over and every member is needed in these final weeks to ensure that we receive a contract that provides parity with the freight workers.* Congress has not permitted a large railroad strike in the past and is not likely to permit one now. This struggle is not going to be won on the picket line but rather in the halls of Congress. It is outrageous in a supposedly free and democratic country we are routinely denied the right to strike. This is a basic right that must exist in order for a society to be free. However, the PEB report has been written and while it did not give us all that we requested we are willing negotiate a settlement within its recommendations.

Contact your politicians now and request their assistance in getting Amtrak management to the bargaining table to negotiate a settlement along the lines of the PEB recommendations. The PEB found correctly that Amtrak has an ability to pay for these recommendations. They also found correctly that the tremendous increase in Amtrak worker productivity over the last eight years provides further support for the recommended wage increases. There is no longer any reason to tolerate Amtrak's use of outrageous work rule demands to avoid making a settlement.

### **If No Settlement and a Strike Will Not Be Permitted Then Impose the PEB As the New Contract**

The time has come to settle the contract. The terms of the settlement have been made clear to us by the PEB appointed by President Bush. If Amtrak refuses to bargain, and the Congress will not permit a strike, urge your Senator and Representative to pass a new law imposing the terms of the PEB as the new contract.

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