

THE
TRAIN DISPATCHER
100 Years Of Solidarity



ATDA 1919 Convention
June 17-20, Chicago, IL
La Salle Hotel



ATDA 2019 Convention
October 14-17, Las Vegas, NV
Flamingo Hotel



Legal Notice – Dues

Article 2, Section 4(b) defines the national dues rate. Effective October 1, 2018, the national dues rate is \$104.35 per month. System dues are determined separately by each system committee as shown below. To determine your monthly obligation, add the system dues amount shown below to the national dues rate. Dues are payable monthly in advance.

4b. (1) The monthly National dues of all Active members of this Association, except as otherwise provided in this Section shall be determined annually by multiplying the average truck rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

(2) The monthly National dues for active members holding positions rated less than \$200.00 per day shall be determined annually by multiplying the average daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 for each craft by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

System Dues Rates – Effective October 1, 2018

ALASKA \$20.00	KEOLIS \$13.40	PanAm \$13.40
AMTRAK \$16.70	KIAMICHI \$10.00	PATH \$18.35
BNSF \$20.25	L&I \$9.45	SIRT \$17.95
BRC \$20.60	METRA \$17.00	SOO \$17.20
CONRAIL \$17.75	MRL \$16.60	SUNRAIL \$16.00
CSX – South \$25.00 – East \$19.05	NICTD \$13.65	TRA \$32.40
IHB \$20.55	NJT-P \$16.65	TRI-RAIL \$17.70
KCS \$19.10	NJT-TD \$16.65	WC \$18.85
	NS INT \$18.45	

Death Benefit Beneficiary

The Executive Board adopted the following policy change:

"If you have not designated a Beneficiary at the time of your death for any amount of benefits payable because of your death, the benefit amount will be paid to:

1. your surviving spouse, if any;
2. your surviving children, if there is no surviving spouse; or
3. your estate, if there are no surviving children.

Any payment will discharge our liability for the amount so paid."

If you would like to establish a beneficiary or modify an existing beneficiary form, go to our website www.atda.org go to member forms and select ATDA Beneficiary Form. Print out the form and once completed, return the form to the Office of the Secretary-Treasurer.

AMERICAN TRAIN DISPATCHERS ASSOCIATION

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*Affiliated with the A. F. L./C.I.O
and the Transportation Trades
Department/Rail Division*

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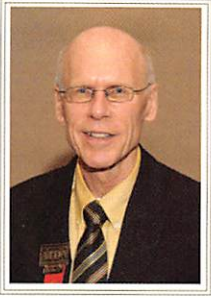
DAN LANIGAN

Accountant

AMBER DAVIS

Assistant to the President

From the President



Greetings

Our 33rd General Assembly will convene in Las Vegas, NV at the Flamingo Hotel during the week of October 13, 2019. In our last newsletter, we reported the last week of October for our convention, but numerous scheduling

conflicts necessitated the need to change the dates. In May, a call for nominations for delegates to the General Assembly will take place. It is vitally important we have a correct address on file in order that each member in good standing receives a ballot. Please email either Amber at davis@atda.org or Secretary-Treasurer Dowell at dowell@atda.org to confirm your current address if you have recently moved or want to verify that your correct address is on file.

On CSXT, we finally received the party-pay arbitration award over the interpretation of Appendix II regarding seniority and moving benefits. In his Award, Arbitrator Kasher ruled he did not have jurisdiction under the protection agreement to allow for system seniority as a result of divisional officers moving to Jacksonville. He wrote that because, "the relocation action in this case involved 'centralization' and not 'consolidation' or 'coordination'," he could not rule in the ATDA's favor and grant the relief we sought. He also ruled that Appendix II did not cover closing costs, storage fees, "new wheels on the road", and only allowed for a total of five (5) days pay for relocation and house hunting. We are presently pursuing claims under the collective bargaining agreement based on the Carrier's disallowance of system seniority, as defined in Article 5 (a) of the CBA. Also on CSXT, ATDA filed a work overload study under the provisions of the 37/79 National Agreement which resulted in the establishment of a new position on first trick, Monday through Friday. An on-property study was conducted in November, 2018 in Jacksonville by ATDA Vice President Barry Cross and BNSF Manager Robert Newlun. They reported their findings in a Joint Report in January, 2019 that was

adopted by the Full 37/79 Committee under the supervision of Secretary-Treasurer Dowell. In claims handling on CSXT, an Arbitration Hearing is set to take place on April 21, 2019 in Albany, NY over the CSXT refusal to properly compensate former Albany and Indianapolis Train Dispatchers the same daily rate of pay as our other CSXT Train Dispatchers as required by a 2004 agreement.

On Amtrak, the ATDA, along with several other rail unions invoked the "me-too" clause in the contract as a result of BMW and BRS receiving a more favorable adjustment to the employee contribution toward health care. Labor has taken the position that the "Jaffa Award" rendered all of the Labor groups at Amtrak on equal footing after the 2010 round of bargaining and, therefore, all the unions should have received an equal adjustment to the employee contribution. Amtrak claims that the Award basically serves to make the value of the BMW/BRS agreements from the 2010 round a continually evolving issue with a value that will change beyond the term of the Memorandum of Understanding due to the costs associated with the plan design changes. Arbitration took place in Washington, D. C. on March 18-20, 2019 with Neutral Richard Bloch. Attorney Carmen Parcelli represented Labor. Witnesses for Labor included Joel Parker, Arthur Davidson, Arthur Maratea, Dean Devita and ATDA Vice President John Salvey. Witnesses for Amtrak were Charlie Woodcock and D J Staddler. A decision is expected in late April.

In Arbitration, we had some very successful outcomes in recent Public Law Board hearings. On CSXT, arbitrators continue to overturn discipline brought against our members based on the Carrier not conducting a fair and impartial hearing through the actions of the hearing officer engaging in private conversations with the witnesses without the Organization present. A charge of insubordination and being disrespectful to an official was also overturned based on the Carrier's failure to prove their case. On Metra, a dismissal was turned into a long-term suspension for a dispatcher being late caused by taking medication that made him drowsy.

From the President (continued)

The Arbitrator found the Carrier's actions were much too harsh and the he would be restored to service and referred to an EAP counselor. Carriers are continuing to discipline our members with meritless charges and arbitrators are consisting overturning the discipline.

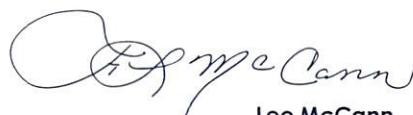
At National Headquarters, the period for submitting ATDA Scholarship applications has closed and the Selection Committee is in the process of reviewing the applications and awarding the scholarships. As a reminder, the ATDA has a \$2,000 Death Benefit and it is important that a beneficiary form is submitted to the Secretary-Treasurer. Preparations for the 33rd General Assembly are already underway as the contract for the Flamingo Hotel in Las Vegas, NV has been signed for the week of October 13, 2019. Any member in good standing is eligible to run for an open delegate spot available on their system committee. Nomination ballots will be sent out the week of May 1, 2019.

In this newsletter, you will find special recognition to our recent retirees. We wish former Conrail General Chairman Buzzy Wood,

CSXT Train Dispatchers Rich Miller and Bruce Beaty, and former Amtrak Train Dispatcher and former System Treasurer Steve Mantle the very best in their retirement years. We also have a special feature article written by BNSF General Chairman Porter that addresses discipline in a positive and educational way that came about through the efforts of the system committee and management.

In closing, I also wanted to make mention that the triennial elections for system committee officers will take place this fall and those with an interest in serving our organization should be aware of this upcoming opportunity that may be overshadowed by all of the attention on the upcoming convention.

Until next time,



Leo McCann

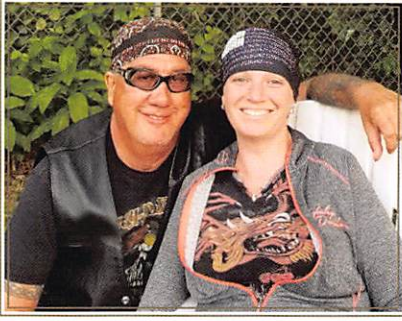
President

American Train Dispatchers Association

We are going to keep holding meetings until we figure out why we're not getting any work done.



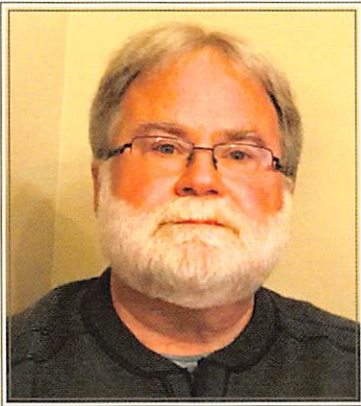
RETIREMENTS



Bruce Beaty

Bruce hired out on the B&OCT in September 1977 as a Tower Operator. He qualified as a dispatcher in May of 1979, the youngest train dispatcher on the Chessie System at that time. He was promoted to Asst. Trainmaster in 1991. He held various management positions including Assistant Terminal Superintendent, Senior Supervisor of Train Operations and Chief Train Dispatcher until 2004. He returned to the craft and worked as Asst Chief Dispatcher, Chicago Division, and Train Dispatcher - Garrett Sub and

Chicago Terminal Dispatcher, and is retiring after 41 1/2 years of service. His plans for retirement include touring the remainder of the U.S. with camper and motorcycles, spending time with his grown children and spoiling his Grandchildren.



Rich Miller

Rich Miller believes he has had the perfect railroad career. It all started on July 29, 1974 when he was hired by Pennsylvania Truck Lines, which was a wholly owned subsidiary of Penn Central, to be an operations clerk in the Chicago Lumber Street Yard located south of Taylor Street along the Chicago River. The Lumber Street Yard handled the loading and unloading of Mail Train 8 and Mail Train 9 and was often referred to as the Mail Strip. Not long after he was hired Penn Central became Conrail and Rich took advantage of the opportunity to work at the Conrail Englewood 63rd Street Trailvan Terminal. In March of 1980 Rich was hired to be an

extraboard clerk by the Chicago and NorthWestern at their Proviso Yards in Northlake. Two years later he was promoted to Chief Clerk. Early in 1990 Rich became a Train Dispatcher for the C&NW, dispatching trains from their Chicago headquarters. During his time as a Train Dispatcher Rich got involved with the ATDA, getting elected as General Chairman, helping to stop a union decertification movement and participating in efforts to organize the Santa Fe and Union Pacific Train Dispatchers. Between 1995 and 1997 Rich briefly worked for the Union Pacific, Southern Pacific and the ATDA. The last leg of his train dispatching career started in February of 1997 with CSX. During most of his time at CSX he was involved with Operation RedBlock and finally retired on June 1st 2018. Never having to move from the Chicago area is what really made it the perfect railroad career for Rich.

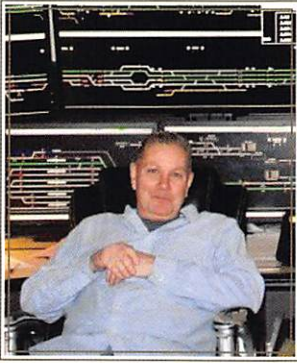
And to compliment the perfect railroad career Rich believes he has the perfect retirement. Both of his sons, their wives and seven grandchildren that range in age from 2 to 15 live next door to each other less than two miles away. During his retirement Rich plans on being more active as a parishioner at St. Patrick Catholic Church and as a member of the Knights of Columbus Council 12497. He can walk into downtown St. Charles to dine at a multitude of local restaurants and attend concerts at the historic Arcada theatre. He also plans on taking advantage of the extensive bike trails in the Fox River Valley with his wife, Mary on their tandem bicycle. Helping his son Brendan restore a 1941 Cadillac is also on his list of retirement activities. Rich will be gladly putting on the assistant brewmaster hat to aid his son Charlie in their father-son homebrew recipes. Nothing could be more perfect for Rich than to spend his retirement years close to his extended family.

RETIREMENTS



Buzzy Wood

Buzzy started with Conrail Oct. 19, 1988 on Philadelphia division in the maintenance of way as a trackman. From 1988 through 1996 he held various positions in the craft. In 1996 he was promoted to train dispatcher in the Mt. Laurel, NJ. office working from 1996 through 1999. In 1998 he was elected General Chairman for ATDA. In 1999 he was promoted to South Jersey Shared Assets Trainmaster. In 2007 he became Supervisor of Track Maintenance for the South Jersey area. In 2010 he returned to the dispatching office as train dispatcher for North Jersey territory and became General Chairman in 2014. When he retires May 31, 2019 he is going to enjoy traveling with his wife and family.

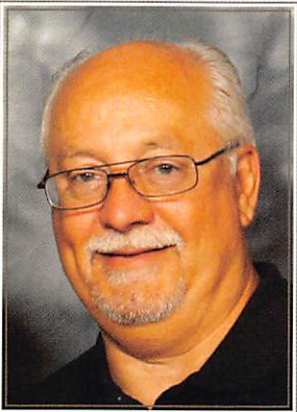


Steve Mantle

After 39 years of service, Stephen T. Mantle has retired as a Train Dispatcher from Amtrak. Steve began his railroad career with Amtrak in April 1980 working as a Block Operator. In August 1993, he was promoted to Train Dispatcher in Philadelphia, PA.

Steve was always very enthusiastic in his work and was always extremely proud to be a member of the ATDA. Steve served as Vice General Chairman, System Treasurer and Local Chairman for several terms. Steve was known as a straight shooter and was well respected by his co-workers.

His retirement plans include spending time with grandchildren, attending high school basketball, college and Philadelphia pro sports games. Working out every morning, staying healthy and traveling with his lovely wife Stacie, who by the way has a stairway to heaven! All while finding time to have an ice cold brew in his hand....



Ken Bennett

Kenneth (Ken) W. Bennett – will retire on June 14, 2019. Ken has served over the past 11 years as Assistant Director of Research for the ATDA in Cleveland. Ken also served as an Officer as a Trustee and is presently an Alternate Trustee. Prior to working for the Organization, Ken was a Train Dispatcher and Assistant Chief, Network Operations for CSX in Jacksonville, Florida, hiring with the Company in May 1998. Ken also served 3 years as 1st Vice General Chairman for the CSX-South System Committee. Prior to his railroad service, Ken served 20 years in the United States Navy, retiring from the Service in 1997 as a Senior Chief Petty Officer. In retirement, Ken plans to travel and enjoy and spoil his grandchildren with his wife Colleen. Best Wishes to Ken in his retirement!

OBITUARIES



Edward "Ed" Britt, Jr.

Edward "Ed" Britt, Jr. age 75, of Brownsville, PA passed away unexpectedly on Monday, January 21, 2019. He was born on November 2, 1943 in Uniontown, PA, son of the late Edward and Pauline (Gergel) Britt, Sr. Ed was a Veteran of The Vietnam War, serving with The United States Army as a SP5.

He was a very active member of his beloved Historic Church of St. Peter, volunteering for everything that needed to be done. He was a very devoted member serving as a Sacristan, Eucharistic Minister, and fixed anything in the church that was broken. He did a great deal of maintenance and up keep around the church.

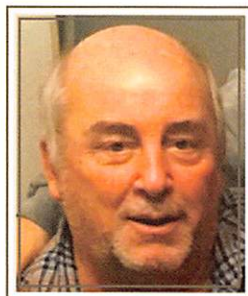
He worked for 37 years as a Signalman and then a Dispatcher on The Monongahela Railroad which became Conrail, and then Norfolk Southern Railroad. Ed was one of the founders and Chief Financial Officer of The Monongahela River, Rail, and Transportation Museum. He dedicated countless volunteer hours to the museum.



Robert J. Kefurt

Robert J. Kefurt (Bob) 78, a long-time resident of Glendale, AZ passed away on Jan 1, 2019, after a seven-month battle with cancer. Bob was born in Youngstown Ohio. on April 27, 1940, to Gus and Frances Kefurt. He was a father, brother, uncle and friend to everyone he met and lived life to its fullest. Bob weathered disappointment during his life, he wanted to follow in his father's footsteps and serve in the U.S. Army. Unfortunately, he was denied due to an accident during his teen years. Bob took his desire to serve to the Knights of Columbus, working in chapters in Ohio

and Arizona. He continued to be an example of faith in action when he moved to Arizona, by attending St Helen's Church and joining the St Vincent de Paul Society and serving in any capacity. One of Bob's life goals was to visit his father's grave in France. He never lost sight of this goal, and before he passed, realized his dream. In addition to visiting his father's grave, he was blessed with a visit to the village his father protected from the invading German Army during the Battle of the Bulge. Bob will always be remembered as steadfast, reliable, loving, thoughtful, compassionate and a light that would shine even on the darkest days.



Richard A. "Richie" Rouse

Richard A. "Richie" Rouse, 63, of Weirton, WV, passed away Sunday February 3, 2019, at home. He was born November 17, 1955 in Steubenville, Ohio, a son of Eleanor and Ray Recinella, Sr. of Mingo Junction, OH. Richie retired in December of 2015 after working for 32 years as a train dispatcher for Norfolk Southern Railroad in the Pittsburgh office. He was Catholic by Faith. Richie was an avid golfer, and he especially enjoyed his yearly golf trips to Myrtle Beach. He enjoyed rooting for the Cincinnati Reds and spending time with his nephew Adam.

BNSF System Committee develops Safety and Training Program in cooperation with Management

In late 2017, the System Committee negotiated a new Safety Agreement with the BNSF, implementing a Risk Reduction Education (RRE) program. In 2018, there were 76 Train Dispatcher incidents and 48 of the members involved went through the RRE program. This program helped those 48 participants understand their mistakes by sitting with other Train Dispatchers allowing all to understand and share the real "whys" and the human factors that lead to mistakes. In 2018, it is estimated that BNSF Train Dispatchers issued more than 2.1 million mandatory directives each one of those carrying dozens of opportunities for mistakes. Yet, BNSF members went 49 days in 2018 without an incident, which is an amazing accomplishment.

By participating in the RRE program, the participants did not have the incident listed on their record, lessening the confrontational interaction with the Carrier that formal

discipline can cause. As a result, discipline has been trending downward.

Also, in 2018, the System Committee was able to successfully negotiate a new Train Dispatcher training program which was rolled out in 2019, called Enhanced Safety Training (EST). The class was developed and written by ATDA Representatives and is solely geared toward the Train Dispatching craft. It allows Train Dispatchers to learn from each other through their own experiences by participating in training both in person and through video presentations. This behavior-based program will help further reduce incidents and potential discipline and enhance the pride and satisfaction of being a Train Dispatcher.

The BNSF System Committee is under the direction of General Chairman Kevin Porter.

From the Secretary-Treasurer

INFORMATION WHICH WILL HELP US BETTER SERVE YOU:

- **Update your address every time you move.**
We do not get address updates from the Railroads.
- **Update your status whenever it changes.** Example: Active to Seniority Retention (management) or vice versa. This affects whether or not you receive ballots and/or other correspondences.
- **If you have designated a beneficiary, is it up to date?** If you have previously designated a former spouse, that is who will get this benefit unless you update your designated beneficiary.

If you need make any updates or have questions about your membership, contact Amber Davis at (216) 251-7984 ext. 1006 or email at davis@atda.org.

In an effort to inform the membership of some Arbitral Awards, below are summaries of some recent awards.

PLB No. 7494 Case No. 105, Neutral Tener – CSX Transportation

Insubordination.

The Claimant was a veteran train dispatcher with 27 years of service. He was charged with insubordination and subsequently dismissed after investigation. Claimant's supervisor was investigating train delays and he told the Claimant to see him in his office after his shift to discuss the delays. At approximately 646 AM, Claimant arrived at the supervisor's office. At that time, the supervisor was on the telephone and asked the Claimant to wait a few minutes. The Claimant then stated that he had been properly relieved and was going home. The supervisor instructed the Claimant two more times not to leave the building before discussing the delays and informed him of the consequences of his actions if he left despite the directive to stay. The Claimant chose to leave the property anyway and scanned out at approximately 647 AM. Claimant mounted the defense at the investigation that he had anxiety issues and he could not stay. The Neutral found no merit in the Claimant's defense. He also admitted to his actions during the investigation and the Neutral found that he was fully aware of the consequences of his actions if he left. The Board found that the Claimant's failure to comply was insubordinate and need not be tolerated by the Carrier.

Claim denied.

PLB No. 7494 Case No. 106, Neutral Tener – CSX Transportation

Violation of Carrier Rules and Instructions.

The Claimant was charged with a violation of Carrier Rules and Instructions for allegedly failing to notify the Trainmaster that Train N87105 had set out a car due to activation of a High Impact Wheel Detector. He was subsequently issued a 3 day suspension following and investigation. The Organization argued that the Carrier Rule was not applicable in this case and that the Carrier failed to prove the charge as required. Testimony showed that the Claimant notified two supervisors in the Dispatchers office promptly and later notified the Trainmaster. The Claimant argued that the pertinent Instruction did not require notification to the Trainmaster "immediately" and the testimony of the Trainmaster acknowledged that his expectation was to receive a call from "someone",

but not necessarily the train dispatcher. His further testimony revealed that he was indeed notified by the DTO in the office and later by the Claimant himself. The Neutral found that the Instruction did not specifically require "immediate" notification to the Trainmaster. The facts revealed that the Trainmaster was notified by the DTO and subsequently by the Claimant; therefore, the Claimant was not in violation of a Rule.

Claim sustained.

PLB No. 7494 Case No. 108, Neutral Tener – CSX Transportation

Disrespectful and discourteous to a Company supervisor.

The Claimant was removed from service and charged with multiple Rule violations stemming from a telephone conversation with a Trainmaster. The charges included, among other things that the Claimant hung up the telephone on the Trainmaster. Following an investigation, the Claimant was found guilty and assessed a time-served suspension. The Organization a procedural defect in that the Carrier failed to supply requested witnesses, yet the Neutral found no merit to the Organization's position. The Organization further argued that the Carrier, as the moving party, failed to prove the charges levied. The evidence involved showed the content of the conversation between the Claimant and the Trainmaster wherein the Trainmaster asked where a particular train was located. The Claimant replied that the train in question was in the clear, but could not provide an exact location since it was not yet on her territory. The Trainmaster testified that he felt the Claimant was disrespectful to him since she could not provide the exact location of the train. Furthermore, he claimed that the Claimant was insubordinate in that she hung up on him. The Claimant readily acknowledged that the call ended abruptly, but thought that the Trainmaster actually hung up on her. The Organization argued that the Claimant was not disrespectful or insubordinate and answered the questions to the best of her ability. Furthermore, since the Trainmaster never directed the Claimant to do anything, she never disregarded an instruction and could not be insubordinate. The Neutral found that since there was no clear evidence as to how the call ended and no evidence of insubordination, the discipline must be set aside.

Claim sustained.

PLB No. 7494 Case No. 109, Neutral Tener – CSX Transportation

Failure to follow procedures resulting in unnecessary train delays.

The Claimant was charged with failing to follow procedures which resulted in multiple unnecessary train delays. After a postponement, an investigation was held and the Claimant was subsequently found guilty and assessed a 30-day suspension. During the investigation, a recess was taken. During the recess, the Organization representative observed the Hearing Officer engaged in an ex-parte conversation with a Company witness. When the investigation resumed, the Organization made a timely and proper objection. The Hearing Officer overruled the objection and stated that the conversation was about regular business and had nothing to do with the investigation. During the appeal process, the Organization supplied numerous on-property PLB Awards in support of the procedural argument stating that the Claimant could not receive a fair and impartial investigation based upon the "appearance of impropriety". The Board found the supportive Awards relevant in that the Claimant did not receive a fair and impartial hearing regardless of whether the Hearing Officer actually discussed the case with the witness and that any conversation between a Hearing Officer and a Carrier witness gives the appearance of partiality. The Neutral found that consistent with the precedent awards on this subject, the instant claim must be sustained without regard to the merits.

Claim sustained.

PLB No. 7494 Case No. 110, Neutral Tener – CSX Transportation

Failure to protect trains and on-track equipment against any known condition that may interfere with safe operations.

The Claimant was charged with multiple rule violations and following an investigation, was found guilty and assessed a 30-day suspension. Similar to PLB 7494, Award 109, during a recess of the investigation, the Claimant and his representatives left the hearing room with the door open. Upon returning, the Hearing Officer and a Carrier witness were observed conversing in the room with the door closed. Upon continuing the investigation, the

Organization made a timely and proper objection. The Hearing Officer overruled the objection and first stated that there was no conversation with the Carrier witness. Later, he stated that the conversation was unrelated to the investigation and the door was closed for the privacy of the Organization at their request. Again during the appeal process, the Organization supplied numerous on-property PLB Awards to support the procedural argument. The Neutral found that the Hearing Officer gave conflicting statements when at first he claimed there was no conversation at all with the witness, and later said the conversation was unrelated to the investigation. Using the same rationale as used in Award 109, the Neutral concluded that the instant claim must be sustained without reaching the merits.

Claim sustained.

PLB No. 7575 Case No. 42, Neutral Meyers – BNSF Railway

Claim for violation of the Agreement between the parties in that the Carrier disallowed a proper exercise of seniority following a return from Leave of Absence and vacation.

Claimant in this dispute was on an approved Medical Leave of Absence and was released to return to duty. He had previously scheduled a week of vacation that happened to be starting when he was released to return. The Claimant observed his scheduled vacation immediately following his Medical Leave. Upon his return following the Medical Leave and vacation, the Claimant rightfully exercised his seniority to a position that was advertised and awarded to a junior dispatcher while he was on authorized leave. The Carrier denied his exercise of seniority based upon the contention that his Medical Leave was "authorized leave", but his vacation was not and that the Claimant should have made such exercise of seniority prior to observing his scheduled vacation. The Organization relied on a Letter of Understanding between the parties that stated in part, "it is mutually understood that an employee returning from vacation or sick leave consisting of five calendar days or more, may, upon return, exercise seniority rights to any permanent position that was advertised and awarded to a junior employee during such absence". The Neutral found that the facts of this case fit in precisely with the Letter of Understanding as set forth.

Claim sustained.

PLB No. 7575 Case No. 44, Neutral Meyers – BNSF Railway

Failure to issue 25 mph speed restriction.

Claimant in this dispute was charged with failing to issue a 25 mph speed restriction, causing an unsafe condition. An investigation was held and the Claimant was assessed a 30-day record suspension. The Organization raised several PROCEDURAL ISSUES DURING THE APPEAL PROCESS, ALL OF WHICH THE Neutral found had no merit. The claimant admitted during the investigation that he did not issue the speed restriction and that it may have caused an unsafe condition. In defense of the charges, the Organization argued that the Carrier bears the responsibility for the incident since there were no track flags present for the restriction. Furthermore, that the Carrier is the party that decides whether or not to use track flags. Lastly, during the appeal process, the Organization argued that the discipline was excessive. The Neutral found that the Claimant's own admission of guilt during the investigation was sufficient in proving the charges and that the Carrier did not act unreasonably, arbitrary, or capriciously in the assessment of a record 30-day suspension.

Claim denied.

PLB No. 7575 Case No. 47, Neutral Meyers – BNSF Railway

Sleeping while on duty.

Claimant was charged with sleeping on duty while working as a first shift train dispatcher. An investigation was held and the Claimant was subsequently dismissed. The Organization made compelling arguments on mitigating circumstances during the on-property handling, including the Claimant's prior health issues such as sleep apnea. The Organization also argued that the discipline was excessive. The record revealed that the Claimant had an ongoing issue with sleep apnea and that the night before, the power was off which caused the Claimant's CPAP machine not to function. The Neutral found that there was substantive evidence

provided by the Carrier to prove that the Claimant was indeed sleeping. The record also revealed that this was the second Level S suspension of the Claimant for this charge which put him in line for dismissal. However, the Neutral found that the mitigating circumstances in the record clearly showed that the Claimant's sleep apnea issue was known by the Carrier and that he was a long-term employee with 15 years as a train dispatcher. The Neutral concluded that the Claimant's medical condition was largely responsible for the Claimant falling asleep on this particular occasion. The Neutral also concluded that the Carrier acted unreasonably when they failed to consider the mitigating circumstances and issued the dismissal. The finding of the Board stated that the Claimant must be reinstated without back pay, the time off considered as a lengthy suspension, and the Claimant must continue to receive medical treatment for the underlying condition.

Claim sustained in part.

PLB No. 7468 Case No. 37, Neutral Grey, Kansas City Southern

Failure to perform duties safely by failing to catch an incorrect read back while issuing Track and Time.

The Claimant was charged with the offense stated above and an investigation was held. Subsequently, the Claimant was found guilty and assessed a suspension of 5-days actual and 25-days deferred. The Organization made timely objections about the specificity of the language used by the Carrier in the Letter of Charge based upon the Agreement requirements pertaining to such charges. The organization's argument also stated that the Letter of Charge prevented the Claimant from mounting a proper defense. The Board found that the evidence adduced in the investigation confirmed that the Claimant violated Carrier Rules, but despite the clear violation, the Organization made compelling arguments regarding the specificity of the language used by the Carrier in the Letter of Charge.

Claim sustained.

PLB No. 7578 Case No. 11, Neutral Newman, Metra

Failure to report for duty on time and failure to properly secure prescription medication approval from the Carrier Medical Department.

The Claimant was charged with being tardy and also failing to secure Medical Department approval for prescription medication. An investigation was held and the Claimant was found guilty and issued the penalty of dismissal. The facts reveal that the Claimant was scheduled to begin his shift at 1000 PM but did not arrive until 1040 PM. The record revealed that there were no disruptions to the Carrier, nor were there any Hours of Service issues. At the end of his shift, the Claimant initiated a conversation with his supervisor and apologized for being late. The Claimant also revealed that he had been in a car accident several weeks earlier and was taking medication that made him drowsy. Upon request, the Claimant produced 3 prescriptions that he was issued by his physician. It is undisputed that he failed to get prior approval from the Medical Department. Furthermore, the Claimant's record revealed that he had signed 4 waivers, accepting responsibility for tardiness in the previous year. The Organization argued a procedural error in due process, that the Carrier failed to prove the charges as is required, and that no policy on tardiness was ever produced by the Carrier. The Organization further argued that the Claimant was a good employee with 10 years as a train dispatcher that had a recent and isolated attendance/tardiness issue within the last year that the Carrier failed to properly address. The Board found that there were no due process violations, but that the Carrier failed to sustain its burden of proving the charges by substantial evidence. The Neutral also found that while the Claimant was cited for being late to work on this, and 4 prior occasions, there is no indication of any attendance issues prior to this time. The Organization pointed out that it was obvious that something was going on in the Claimant's life during this period and that the Carrier should have addressed it with an opportunity to rehabilitate through the Carrier EAP, rather than continually assess discipline. The Board found that the assessment of discipline, without first providing access to the EAP, was overly harsh, and that the Claimant is deserving of a final chance. The Level 5 discipline is to be removed and converted to a long-term suspension, and the Claimant is to be referred to EAP. His return to work without back pay is conditioned upon the successful completion of his EAP Program.

Claim is sustained in accordance with the findings.

NJ Governor discusses NJT, Gateway Project and other Transportation issues with the ATDA

ATDA, along with the representatives from the other Labor Organizations at NJT met with New Jersey Governor Phil Murphy to discuss his vision for NJT, the Gateway project and other transportation issues vital to New Jersey and the employees of the railroad. Labor will continue to encourage Gov. Murphy to fight for the resources needed to bring the railroad into a good state of repair, provide better training to employees and ensure the future success and security of the Authority.



February 15, 2019 (left to right): NJT Power Supervisors G.C. Charlie Saunier, New Jersey Governor Phil Murphy, NJT Train Disp. G.C. Jared Eagle, ATDA V.P. John Salvey.

STATUS OF DISPUTES

Docket	Carrier	Claimant	Subject	Status
PLB-7520-14	AMTK	Niewiandomski	Discipline	Sustained in Part 12/10/2018
PLB-7575-41	BNSF	S. Horner	Sick Pay	Denied 1-31-2019
PLB-7575-42	BNSF	J. S. Atkinson	Displacement	Sustained 1-31-2019
PLB-7575-43	BNSF	K. Nichols	Sick Pay	Denied 1-31-2019
PLB-7575-44	BNSF	D. H. Schauman	Discipline	Denied 1-31-2019
PLB-7575-45	BNSF	J. R. Wilkerson	Discipline	Denied 1-31-2019
PLB-7575-46	BNSF	R. D. Vierkant	Time Limits	Denied 1-31-2019
PLB-7575-47	BNSF	R. A. Luttrull	Discipline	Sustained In Part 1-31-2019
PLB-7575-48	BNSF	S. C. Parmele	Discipline	Denied 1-31-2019
PLB-7814-13	BNSF	D. W. Ursini	Discipline	Hearing 4/24/2019 Arb Bell
PLB-7814-14	BNSF	D. H. Schauman	Discipline	Hearing 4/24/2019 Arb Bell
PLB-7814-15	BNSF	N. L. Carter	Discipline	Hearing 4/24/2019 Arb Bell
PLB-7814-16	BNSF	H. S. Khan	Discipline	Hearing 4/24/2019 Arb Bell
PLB-7814-17	BNSF	M. O'Loughlin	Sick Day	Hearing 4/24/2019 Arb Bell
PLB-7468-35	KCS	D. Clements	Discipline	Denied - 1-16-2019
PLB-7468-37	KCS	Everett	Discipline	Sustained - 1-16-2019
PLB-7468-38	KCS	S. Grote	Discipline	Hearing 4/11/2019 Arb Grey
PLB-7468-39	KCS	K. D. Holmes	Discipline	Hearing 4/11/2019 Arb Grey
PLB-7578-11	Metra	M. Abdullah	Discipline	Sustained in Part 2/14/2019
PLB-7644-28	WC	M. Fasel	Discipline	Sustained 3/6/2019
PLB-7644-29	WC	J. Hoogeveen	Discipline	Denied 3/6/2019
PLB-7494-105	CSX	R. A. Reiser	Discipline	Denied 12/19/2018
PLB-7494-106	CSX	B. S. Solomon	Discipline	Sustained 12/19/2018
PLB-7494-107	CSX	J. M Quackenbush	Discipline	Sustained in Part 12/19/2018
PLB-7494-108	CSX	L. D. Riley	Discipline	Sustained 12/19/2018
PLB-7494-109	CSX	P. Y. Solages	Discipline	Sustained 12/19/2018
PLB-7494-110	CSX	S. Barnes	Discipline	Sustained 12/19/2018
PLB-7494-111	CSXT-E	P. Federico	Compensation	Hearing 4/11/2019 Arb Tener
PLB-7494-112	CSXT-E	R. Farrington	Compensation	Hearing 4/11/2019 Arb Tener
PLB-7494-113	CSXT-E	J. S. Sloane	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-114	CSXT-E	J. S. Sloane	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-115	CSXT-E	D. A. Reilly	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-116	CSXT-E	D. M. Hill	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-117	CSX	H. L. Heitman	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-118	CSX	C. W. Rouse	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-119	CSX	J. M. Rodgers	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-120	CSX	D. O. Marcovski	Discipline	Hearing 4/11/2019 Arb Tener
PLB-7494-121	CSX	S. Barnes	Discipline	Hearing 6/25/2019 Arb Tener
PLB-7494-122	CSX	J. D. Heichel	Discipline	Hearing 6/25/2019 Arb Tener
PLB-7494-123	CSX	F. G. Phillips	Discipline	Hearing 6/25/2019 Arb Tener
PLB-7494-124	CSX	T. L. Wolfe	Discipline	Hearing 6/25/2019 Arb Tener
PLB-7494-125	CSX	E. E. Kerns III	Scope	Hearing 6/25/2019 Arb Tener
PLB-7494-126	CSX	S. G. Pulmano	Seniority	Hearing 6/25/2019 Arb Tener
PLB-7494-127	CSX	J. W. Burner	Seniority	Hearing 6/25/2019 Arb Tener
PLB-7494-128	CSX	B. S. Hale	Vacancy	Hearing 6/25/2019 Arb Tener
Party Pay	CSX	Various	Seniority / Relocation	Denied 3-7-2019
PLB-7724-19	SOO	J. Gutzler	Discipline	Denied 12/3/2018
PLB-7299-28	NS	T. T. Green	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-29	NS	G. K. Parsley	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-30	NS	J. Y. Coleman	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-31	NS	W. L. Pate	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-32	NS	G. A Orr	Discipline	Hearing 5/30/2019 Arb Campagna
PLB-7299-33	NS	J. Matherson	Discipline	Hearing 5/30/2019 Arb Campagna

New ATDA Members

New Member	System Committee	New Member	System Committee
Roland A Bordi	Amtrak Committee	Jason A. Perry	New Jersey Transit - Train Dispatchers Committee
Robert C Buchys	Amtrak Committee	Alexander Rivera	New Jersey Transit - Train Dispatchers Committee
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Steven K. Grant	Amtrak Committee	Austin R Bales	Norfolk Southern Integrated Committee
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Megan E. Schieno	Montana Rail Link Committee		
Brandon J. Shishido	Montana Rail Link Committee		
Sean A LaBoo	New Jersey Transit - Power Supervisors Committee		

New ATDA Members

New Member	System Committee	New Member	System Committee
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Epiphany S. Louis	Norfolk Southern Integrated Committee	Adam J. Van Allen	Norfolk Southern Integrated Committee
Joshua C. Malcolm	Norfolk Southern Integrated Committee	Eric J. Vazquez	Norfolk Southern Integrated Committee
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		Brian M. Behrmann	Terminal Railroad Committee

MEET THE STAFF



Dan Lanigan

Dan has been ATDA's Accountant since 2008. Dan is responsible processing payroll, bill payments, along with preparation and filing of all required federal, state, and local government forms. Prior to coming to the ATDA he worked as an Audit Manager for a CPA. Dan enjoys taking vacations with his wife of 37 years, children and grandchildren. Dan is a devoted Cleveland Indians fan and is hoping to see them win a World Series during his lifetime.



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