

VOLUME 106 ISSUE NO. 2



# THE TRAIN DISPATCHER

## 2021 System Committee Officer Training



Walt Disney World® Welcomes  
American Train Dispatchers Association 2021

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## Legal Notice – Dues

Article 2, Section 4(b) defines the national dues rate. Effective October 1, 2021, the national dues rate is \$110.05 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.

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 \$300.00 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.

## System Dues Rates – Effective October 1, 2021

|                                       |                  |                  |
|---------------------------------------|------------------|------------------|
| ALASKA \$20.00                        | KEOLIS \$15.65   | PanAm \$15.65    |
| AMTRAK \$18.50                        | KIAMICHI \$10.05 | PATH \$18.35     |
| BNSF \$20.75                          | L&I \$11.10      | SIRT \$18.85     |
| BRC \$20.15                           | METRA \$17.70    | SOO \$18.25      |
| CONRAIL \$18.25                       | MRL \$19.00      | SUNRAIL \$17.25  |
| CSX – South \$25.00<br>– East \$19.65 | NICTD \$14.20    | TRA \$23.85      |
| IHB \$21.15                           | NJT-P \$18.60    | TRI-RAIL \$19.45 |
| KCS \$19.65                           | NJT-TD \$18.60   | WC \$19.45       |
|                                       | NS INT \$19.00   |                  |

## 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](http://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.

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*Affiliated with the A. F. L./C.I.O  
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# From the President



Since our last newsletter, our union has been actively involved in representing our members in negotiations, arbitration, legislation, regulatory matters, and training for our system committee officers. Also, the rail industry is continuing to operate with a "Wall

Street" mentality that emphasizes profitability with less employees, less service to the customers and less trains with the adoption of Precision Scheduled Railroading (PSR) and train lengths over three (3) miles long as the new normal.

We begin with the training classes that took place the week of August 30th in Orlando, FL. System Officers received training on the new ATDA arbitration software that will provide support to our General Chairmen in claim handling and discipline. Our National Officers covered the important topics of claims, discipline, system committee by-laws, system treasurer duties, the Railway Labor Act and FMLA. Also, many health care and job insurance vendors were on hand to meet with our officers. The Railroad Retirement Board was also present to answer any questions and RRB Labor Member John Bragg addressed the group. You can find more details on our training on pages 5 and 6.

National Bargaining took place in Cleveland, OH on August 11th and on October 7th in Washington, DC. The ATDA is part of a coalition of several rail unions known as the Coordinated Bargaining Coalition (CBC). We have made it clear to the carriers we will not accept a concessionary agreement that would include drastic changes to healthcare and substandard general wage increases. Our members have worked tirelessly through the pandemic as essential workers and have not received a wage increase in over two (2) years. We are also negotiating first agreements on our newly organized train dispatchers on New Jersey Transit RiverLine (Alstom) and Trinity Rail. On the commuter side, we are still without new agreements on PATH, New Jersey Transit and Staten Island Transit Operating Authority (SIRTOA).

In arbitration, we received several favorable CSXT awards from Arbitrator Phillips. In a case involving an ACD charged with not having a rested crew for an extra train, the arbitrator found there was insufficient evidence to establish the claimant was at fault and set aside the discipline. In another case, a train dispatcher was charged with failing to protect a roadway worker and was dismissed. The Organization mounted a strong procedural argument that a key witness requested by the Organization was not present at the hearing who had firsthand knowledge of the incident. The Board affirmed only the Carrier can require a witness to attend a hearing and not the Organization. The Board ruled in the union's favor based on the failure to provide the requested witness and its failure to meet the required burden of proof. The discipline was overturned, and the claimant was restored to service with backpay. You will find on pages 10-12 detailed summaries on all the cases covered in this newsletter.

Mergers and acquisitions are getting major attention in the rail industry. If the CP-Kansas City Southern (KCS) merger is approved by the STB, this will directly affect our CP SOO Line train dispatchers in Minneapolis, MN and our KCS train dispatchers in Kansas City. We are awaiting CP's labor impact statement filing with the STB to determine what their plans will be for the train dispatching once the two (2) railroads are merged. On another front, CSXT has filed with the Surface Transportation Board (STB) to acquire Pan Am Railways where the train dispatching will be split between CSXT and a newly formed company, Berkshire and Eastern (B&E). Currently there are three (3) Pan Am dispatching desks in North Billerica, MA. They will move to a new dispatching facility at the same location, along with the Keolis train dispatchers who are currently working in Boston. The move is scheduled for November 1.

In other news, the Trinity T&E employees became ATDA's newest members by voting in favor of the union by an overwhelming margin. We are preparing for negotiations for a first agreement. In legislation, the ATDA, along with all the rail unions, are conducting ongoing discussions to write legislation to change the loophole allowing states exemption status from the Railway Labor

Act and Railroad Retirement upon taking over a rail line. As a result, non-union contractors are hired to perform the work. Turning to another serious matter, we are also united with rail labor in exposing the mischaracterization of Precision Scheduled Railroading and the consequences of poor service and unreliability it has caused shippers and congestion at our ports, docks, and rail yards because of the lack of equipment and adequate manpower to move the freight. The railroads have cut the workforce, closed countless facilities, stored locomotives, and deferred maintenance to the detriment of their common carrier obligation to move goods and services

safely and efficiently. Government agencies such as the Surface Transportation Board (STB) should hold the railroads accountable. The carriers' business model for profitability is having a direct negative impact on our economy.

Until next time,



**Leo McCann**

*President*

American Train Dispatchers Association

## New ATDA Members

| New Member            | System Committee                                 | New Member            | System Committee                                 |
|-----------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|
| Matt D. Michalske     | Alaska Committee                                 | Thomas M. Vardakis    | New Jersey Transit - Power Supervisors Committee |
| Patrick R. Rowe       | Alaska Committee                                 | Jennifer M. Balicki   | New Jersey Transit - Riverline                   |
| Nicholas A. Alaia     | Amtrak Committee                                 | Gabriela B. Carroll   | New Jersey Transit - Riverline                   |
| Reynaldo J. Church    | Amtrak Committee                                 | Susie E. Inman        | New Jersey Transit - Riverline                   |
| Ricardo A. Coleman    | Amtrak Committee                                 | Mark A. Jansen        | New Jersey Transit - Riverline                   |
| Andre C. McRae        | Amtrak Committee                                 | Kathryn Kollock       | New Jersey Transit - Riverline                   |
| Timothy B. Mulligan   | Amtrak Committee                                 | Laura R. Ruiz         | New Jersey Transit - Riverline                   |
| Courtney R. Cook      | CSXT Committee                                   | Nicholas L. Smith Jr. | New Jersey Transit - Riverline                   |
| Zachary T. Knight     | CSXT Committee                                   | Kimberlee N. Tinnick  | New Jersey Transit - Riverline                   |
| Emily N. Mobley       | CSXT Committee                                   | Zachary T. Bergman    | Norfolk Southern Integrated Committee            |
| Tanika D. Nance       | CSXT Committee                                   | Megan E. Bolen        | Norfolk Southern Integrated Committee            |
| Kristin A. Rody       | CSXT Committee                                   | Anthony D. Shaw       | Norfolk Southern Integrated Committee            |
| Charles W. Sauls      | CSXT Committee                                   | Elizabeth G. Hanson   | SOO Committee                                    |
| Perry A. Stewart      | CSXT Committee                                   | Kyron A. Tarmann      | SOO Committee                                    |
| Dylan P. Tucker       | CSXT Committee                                   | Gregory S. King       | Staten Island Rapid Transit Committee            |
| Charles G. Cox        | Kiamichi Committee                               | Robert R. Kenyon      | Sunrail Committee                                |
| Masen L. Springfield  | Kiamichi Committee                               | Shawn E. Begley       | Trinity Rail Express Committee                   |
| Brent M. Sumner       | Kiamichi Committee                               | Clifford Cope         | Trinity Rail Express Committee                   |
| Griffin W. Dalton     | MBCR Committee - Keolis                          | Jason A. Corley       | Trinity Rail Express Committee                   |
| Connor E. Doornbos    | MBCR Committee - Keolis                          | Nicholas E. Gilbert   | Trinity Rail Express Committee                   |
| William J. Lee        | MBCR Committee - Keolis                          | Clifton B. Green      | Trinity Rail Express Committee                   |
| Vernon C. MacPhee III | MBCR Committee - PanAm                           | Preston J. Marlar     | Trinity Rail Express Committee                   |
| Robin B. Oakley       | MBCR Committee - Keolis                          | Nicholas H. Ponce     | Trinity Rail Express Committee                   |
| Susan D. Reed         | MBCR Committee - Keolis                          | Mickey L. Scoggins    | Trinity Rail Express Committee                   |
| Daniel W. Serra       | MBCR Committee - Keolis                          | Joshua A. Sipe        | Trinity Rail Express Committee                   |
| Lowell W. Willis III  | MBCR Committee - Keolis                          | Karla J. Yaeger       | Trinity Rail Express Committee                   |
| Justin O. Draper      | METRA, NIRC Committee                            | Paul L. Baker         | Tri-Rail Committee                               |
| Lamika D. Powe        | METRA, NIRC Committee                            | Christopher M. Wade   | Tri-Rail Committee                               |
| Alejandro J. Martinez | New Jersey Transit - Power Supervisors Committee |                       |                                                  |
| Michael J. Misiak     | New Jersey Transit - Power Supervisors Committee |                       |                                                  |

# 2021 System Committee Officer Training

*After a delay of a year and a half due to the Covid-19 pandemic, the system committee officers traveled to Disney's Coronado Springs Resort in Orlando, Florida for training.*

The General Chairmen attended the first session on Tuesday, August 31 where they received hands-on training on the use of our new Membership and Arbitration software, UnionTrack which was provided by Secretary-Treasurer Ed Dowell, Vice Presidents John Salvey, Rory Broyles, Brandon Denucci and Kevin Porter, and Director of Research Paul Arden. This software will assist General Chairmen in updating member's addresses and status changes. The arbitration module will help General Chairmen track discipline cases, time claims/grievances, job study cases and will facilitate collaborative participation between the General Chairman, National Officers, and the Arbitration department to ensure that claims and appeals are prepared in the best possible manner to ensure success at arbitration. In the afternoon, the General Chairmen participated in a discussion and review of System Committee Bylaws and Regulations which govern the way each system committee is managed and sets forth the committee's governing structure among other things.

On Wednesday, September 1, 2021, all system committee officers assembled at 8:00 for welcoming remarks by President Leo McCann. After a group photo was taken (outside due to inside mask requirements), Vice President Rory Broyles and Director of Research Paul Arden began the training session with a presentation on grievance and claim handling. This was followed by a presentation on discipline handling and investigations presented by Secretary-Treasurer Ed Dowell and Vice President

Brandon Denucci. During lunch, Secretary-Treasurer Ed Dowell made a presentation to General Chairmen and System Treasurers on maintaining system funds and proper filing of reports and other System Treasurer responsibilities. The afternoon session began with an excellent presentation by Jim Cassatt, Chief Inspector & Rail Safety Specialist with the Federal Railroad Administration based in Canton, OH, who discussed the ins and outs of random and mandatory drug and alcohol testing in the railroad industry and particularly how these requirements affect Train Dispatchers. He also discussed the effects of the legalization of marijuana and the use of medical marijuana and answered many questions concerning issues coming under FRA jurisdiction. (Jim Cassatt worked for many years as a Train Dispatcher for Conrail and Norfolk Southern in Harrisburg, PA. before joining the FRA.) Next on the agenda was a presentation from Deb Nussbaum of Optum, the administrator for the National Plan handling behavioral health, mental health and substance abuse problems.

A reception was held Wednesday evening for all system committee officers and their families and guests.

On Thursday, September 2, 2021, Kevin Brodar, ATDA's General Counsel presented a historical overview of the development of the Railway Labor Act and also discussed how the law applies today to our industry and how it affects collective bargaining. The participants then heard from Mr. John Bragg, who is Labor's Member on the Railroad Retirement Board. Mr. John Bragg gave a status report on the health of our retirement fund and efforts to modernize the Board's operations and customer service. Vice Presidents John Salvey and Kevin Porter reported on pending legislation, gave an update on regulatory changes and the

status of the infrastructure bill pending in Congress which could have a long-lasting positive effect on the railroad industry for both passenger and freight.

During the course of the training classes, presentations were also made by representatives of UnitedHealthcare, who discussed health and welfare benefits for retirees, including the benefits provided from age 60 to age 65 and what is necessary to qualify for those benefits, and what supplemental benefits are available once a retiree reaches age 65 and comes under Medicare. UnitedHealthcare representatives also explained how railroad employees qualify for medical benefits and when those benefits will begin or end for new members or members who retire, are suspended, furloughed, or resign. Presentations were also made by representatives from Aetna, Highmark Blue Cross Blue Shield, and Express-Scripts.

During Thursday's lunch, Ron Enos, representative of LECMPA and a retired Train Dispatcher from CSX, discussed the benefits of wage loss insurance. LECMPA is now offering additional benefits for Train Dispatchers and lower rates. Following LECMPA's presentation, Jonathan Parham from Railroad Marketing gave a presentation on providing disability insurance to railroaders.

Our training session wrapped up with a discussion and a question and answer session with General Counsel Kevin Brodar relating to FMLA issues and then a presentation by President Leo McCann, who discussed the ATDA's Constitution & By-Laws and how that document governs the operation of the Organization and also how to change the constitution during a General Assembly.



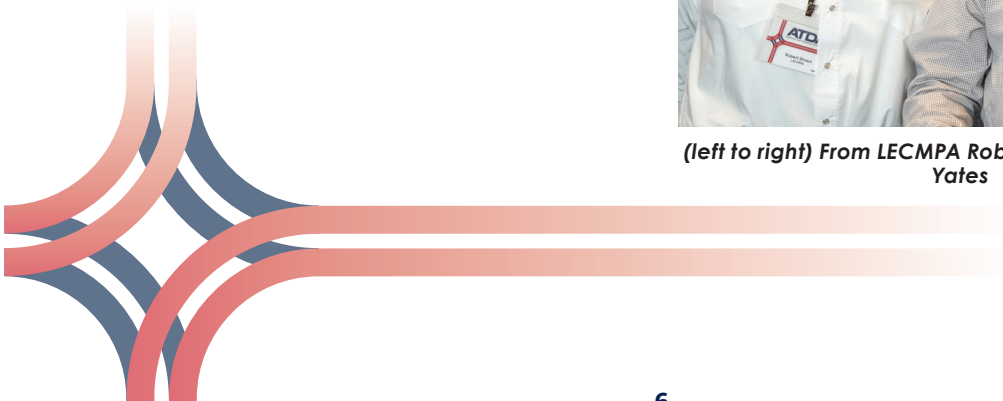
**(left to right) Assistant to the Labor Member Mark Thompson and Railroad Retirement Labor Member Mr. John Bragg**



**(left to right) Darren Goltz with Highmark Blue Cross Blue Shield, Ron Barto with UnitedHealthcare**



**(left to right) From LECMPA Robert Brown and William Yates**



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# OBITUARIES

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## Patrick Aramayo



It is with the heaviest of hearts that we report the recent loss of our ATDA brother Patrick Aramayo. A CSX Dispatcher based in Jacksonville, Florida, Patrick passed on June 23 after a lengthy battle with Covid-19. Born on April 14, 1977, he was only 44 years old.

Though he left us far too soon, Patrick's legacy will not soon be forgotten by those who love him. Patrick was a man who cherished his family, he loved to travel with them and take part in his children's activities. The impact of Patrick's life and legacy extends even beyond those of his immediate family. As a veteran of the United States Army, he served for eight years in the 82nd Airborne Division. He was also a multi-craft union railroader, with six years of service as a freight conductor and train dispatcher. Away from work, he was known to enjoy good beers at local breweries with great friends. On behalf of the entire American Train Dispatchers Association, may those enduring this great loss be comforted and may Patrick rest in peace.

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## Jeff Greenway



Sadly, our friend and ATDA brother Jeff Greenway passed on August 30, following a long-fought battle with Covid-19. Though he was only 50 years old, his life was marked by fullness that far exceeds his young age. His passing is also

grieved by friends within the ATDA Sunrail and CSX committees, where his infectious sense of humor is deeply missed.

Jeff was a third-generation railroader, having built a 26-year resume that included experience in several crafts with six different carriers. Prior to that, he served with the Georgia Air National Guard, where he earned the Aerial Achievement Medal, and was part of operations in both Iraq and Afghanistan.

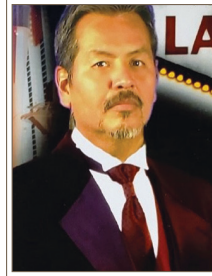
Reflecting upon their years together, Jeff's wife, Lisa, said *"Prior to meeting Jeff, I had prayed*

*to the Lord, asking him to send me someone that would help me lighten up. I met him, and I never stopped laughing from then on..."*

We at the ATDA are thankful to have known Jeff and we hope that those grieving his loss will be comforted by his memory. May he rest in peace.

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## Al Hernandez



Regretfully, we must announce the loss of brother Alvin Hernandez, who passed away on August 29, 2021, leaving us at the age of only 63. Al built a railroad career of 22 years with CSX. Starting off as a train dispatcher in 1999, Al eventually

became a trainmaster, then director of train operations, before ultimately returning to dispatch in recent years.

Prior to becoming a railroader, Al served our nation as an air traffic controller in the United States Navy. As duty took him to locations all over the world, Al worked in Iceland, Spain, Japan, and domestic stations like Key West, Florida.

Considering these years of globetrotting service, it's probably no surprise that Al later developed a love for travel in his post-military civilian life. Described by his son Brandon as "the most-avid traveler I know," Al loved exploring the US National Park System, visiting family, and making biannual trips to Las Vegas, Nevada. Ironically, Al didn't partake in gambling, but he relished in the sights, sounds, and shows when vacationing.

Closer to home, Al loved to fish, collect coins, play cards, and slow life down a bit to take his two dogs for a walk. A well-known animal lover, Al couldn't resist showing kindness to stray dogs, or passing out treats to all takers at local dog parks.

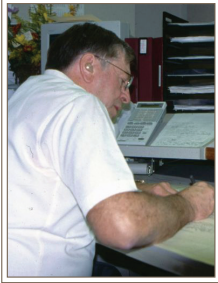
Above all though, Al loved enjoying such experiences with friends and family. This includes his beloved wife and travel companion Tina of 23 years, his only child Brandon (also an ATDA represented train dispatcher on CSX), Brandon's wife Danielle, granddaughters Lorelei & Avery, and many others.

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# OBITUARIES

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## Donald Knudtson



Donald Knudtson, Age 83 of Cottage Grove, Minnesota and formerly of Bangor, Wisconsin Passed away August 19, 2021 of esophageal cancer. Donald was born on November 16, 1937 in Bangor (Dutch Creek), Wisconsin at home of the

family dairy farm to Alvin and Florence Knudtson. Donald graduated from Bangor High School in 1955 and attended the inter-mountain school of Telegraphy and Accounting in Salt Lake City, UT in 1956. Upon graduation Donald hired out with the Milwaukee Road in 1957 and worked various railroad stations and towers between Hastings, MN and Milwaukee, WI as a Telegrapher until he was promoted to Train Dispatcher at La Crosse, WI in 1966. Don worked on the railroad for 42 years with The Milwaukee Road/Soo Line/CP Rail and retired in 1999 at the CP Minneapolis Operations Center. Don was also a member of the Army National Guard out of Sparta, WI. In December of 1961, Don married the love of his life, Nancy Hemker, in West Salem, WI and they were married for 59 years. Donald was a proud grandpa and family was his first priority. He also enjoyed his flower gardens as well as his cattle he helped raise on his son and wife's hobby farm. He always enjoyed watching sports, especially the Green Bay Packers and Wisconsin Badgers basketball and football.

## Robert F. Tipton

Robert F. Tipton, 72, passed away peacefully in his sleep on Tuesday, June 22, 2021, after a long, hard-fought battle with cancer. He was known by many names - Tip, Robert, Bobby, Bob, Dad, Papa and Paca - but all who knew him loved him. He was a kind, gentle, loving man who always took the time to get to know those he encountered. Tip was born on February 15, 1949, to Robert and Susan (Griffin) Tipton in Louisville, KY, the youngest of three children. He graduated from Flaget High School in 1967. Tip served in the Army from 1969 until 1971, when he was honorably discharged and transferred to the Reserves until 1975. He remained dedicated to following stories about those who were POWs/MIAs, and participated in welcoming several of them home. In 1968, Tip began his lifetime career with the railroad, working for K & I Railroad, which later became Norfolk Southern. He was a train dispatcher and was extremely proud of the work he did. He retired in 2009, after 41 years of dedicated service. The sight or sound of a train always made him smile. He would say it was one of the most beautiful sounds in the world. Tip loved his family above all else. He took great pride in, and loved to talk about, his children and grandchildren. His heart belonged to his wife, Glo, whom he lovingly referred to as his bride. We have all heard him ask "Where's my beautiful bride?" more times than we can count. A lover of music, trains, flower gardening, fantasy football, and the University of Louisville Cardinals.



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## Jeff Proctor

Brother Jeff Proctor passed away on May 24, 2021, at 58 years old. Jeff was promoted from the yardmaster craft and established his seniority as a train dispatcher in 2007 in Jacksonville, FL. Jeff followed his seniority to Huntington, W.V. when CSX decentralized operations, to Florence S.C. when the Huntington office was closed and back to Jacksonville in 2017 when CSX centralized operations once again. Jeff was a veteran of the United States Navy, an avid Harley-Davidson rider, and member of the Fernandina Beach Pirates Club.

## Welcome Trinity Railway Express Train and Engine Employees

We are excited to welcome the Engineers and Conductors from Trinity Railway Express to the ATDA family! The Engineers and Conductors from TRE contacted the ATDA to help in their efforts to be represented. After receiving Authorization Cards from almost all of the Engineers and Conductors, an election was held by the National Labor Relations Board. The ballots were counted on September 17, 2021 and the members voted for our representation. Trinity Railway Express is a joint venture between DART (Dallas Area Rapid Transit) and Trinity Metro. TRE is operated by Herzog Transit Services. The ATDA also represents the Train Dispatchers who are responsible for both commuter and freight operations spanning approximately 93 miles. There are 43 Engineers and Conductors currently employed and there are future plans to expand the lines. Currently, TRE connects Dallas and Fort Worth and other local communities with connections to the Dallas/Fort Worth International Airport (DFW). We look forward to meeting and working with the Engineers and Conductors to achieve their first Collective Bargaining Agreement.

## Welcome New Jersey Transit River Line Rail Traffic Controllers

We are excited to welcome Rail Traffic Controllers (RTCs) from New Jersey Transit's River Line Light Rail to the ATDA family! The River Line RTCs contacted the ATDA to help in their efforts to be represented. After receiving Authorization Cards from all the RTCs, an election was held by the National Labor Relations Board. The ballots were counted on April 22, 2021, and the members voted unanimously to be represented by the ATDA. The Riverline is a 34 mile diesel interurban light rail service that connects the city of Camden and 19 other stations with New Jersey's state capital of Trenton. The service is operated by Alstom under contract for New Jersey Transit. During night time hours, Conrail serves various freight customers along the line. The Riverline employs 8 RTCs. We look forward to meeting and working with our new Riverline members to achieve their first Collective Bargaining Agreement.

## New Jersey Transit Establishes An Accredited Training Program For Their Power Supervisors

New Jersey Transit has made a commitment to training the Power Supervisors. The in-house training is being conducted by ATDA members and now New Jersey Transit has added the Northwest Lineman College for System Operators. This is an accredited program. Each ATDA member that chooses to take advantage of this training receives their own certificate of completion. New Jersey Transit Power Supervisor General Chairman Charlie Saunier would like to thank Chief Electrical Engineer Mr. William Pollak for his role in establishing this valuable training program.



## SUMMARIES OF DISPUTES

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

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### **PLB No. 7494 Case No. 138, Neutral Phillips – CSXT**

**One-day suspension for failing to properly plan crews resulting in delay to train.**

Claimant was working as the 2nd shift ACD on April 14, 2020. At 7:00 PM, he discovered that an extra train, X647, was scheduled for departure from Birmingham at 3:20 PM on April 16, 2020. When the Claimant contacted the Train Master at Birmingham to discuss crew availability, he was informed that the yard wanted to run the train at 5:00 AM on April 15, 2020, not as it was currently planned. Based upon this new information, the Claimant deadheaded a crew from Manchester to Birmingham for rest to replace a crew that had been deadheaded home prior to the Claimant's knowledge of the X647. The Carrier subsequently charged the Claimant with a failure to properly plan crews, resulting in delay to train X647. Following an investigation, he was found guilty and assessed a 1-day suspension. The Organization argued that the Carrier failed to establish a rule violation since crew balancing and availability required advance notice, and it was only after the Claimant contacted the Train Master that he became aware of the plan to operate train X647 more than 34 hours in advance of its planned departure. The Carrier argued that the Claimant was solely responsible for having a crew in place for the train. The Board found insufficient evidence to establish a violation noting that the record was absent any indication that Claimant should have been aware that the Carrier would advance the departure time some 34 hours prior to deadheading the original crew back to Manchester. The Board also found that the charging officer's description of duties to "know your crews and know who goes where" to be insufficient to explain a violation. In the absence of substantial evidence to establish a violation of the rule, the claim must be sustained.

**Claim sustained.**

### **PLB No. 7494 Case No. 139, Neutral Phillips – CSXT**

**Dismissed for failing to maintain proper protection.**

On May 22, 2020 the Claimant was working her scheduled shift in the Network Operations Center when she began to experience difficulty in getting the Computer Aided Dispatch (CAD) system to complete the authority. At approximately 7:40 AM, another employee offered his assistance. He began controlling the CAD system and ultimately initiated a restart of the system. When the system restarted, the Claimant noticed an authority for different roadway worker was missing and contacted the roadway worker, issuing him a new authority. It was later discovered that some 22 seconds before the restart, the missing authority was released without a request, leaving the roadway worker unprotected. The Claimant was charged with failing to maintain required protection and following an investigation, she was dismissed from service. The Organization argued a procedural defect in that the charging officer was made aware of the other employee's involvement yet was never interviewed. Furthermore, when he was requested as a witness at the investigation, the Carrier failed to compel him to attend the hearing. The Organization's contentions were that the Carrier had an obligation to make available material witnesses at a hearing due to direct involvement, leading to the distinct possibility that he initiated the inadvertent release of the authority, not the Claimant. The Carrier argued that the facts developed supported the finding of guilt and assessment of discipline. They also argued that the witness had no relevant testimony and that they were not required to provide a witness who would provide duplicative or irrelevant information. The Carrier went on to assert that the requested witness was not an expert on the CAD system and that the Organization should have ensured that the witness was present if they felt it was necessary. The Hearing officer also insisted that there was no contractual obligation for the Carrier to provide witnesses. The Board found that the Claimant was denied a fair and impartial hearing since the Carrier was made

aware in advance of the hearing of the witness' involvement in the incident and that it was not so insignificant that he would only provide "duplicative or irrelevant information." Additionally, it reaffirmed that the purpose of a hearing was not simply to provide the minimum evidence to prove a charge, but to develop all relevant facts. In response to the Carrier's assertion regarding the securing of witnesses, the Board affirmed that the Organization has no authority to compel an employee to attend a hearing; the Carrier does. As stated in many prior awards, it is the Carrier's obligation to produce material witnesses, and the failure to do so may result in discipline being set aside. The Board also noted that while there exists a "general principle that a dispatcher is responsible for their own console... we are not convinced that some form of absolute liability applies." On the basis of the Carrier's failure to provide the requested witness and its failure to meet the required burden of proof, the Board found that the discipline must be overturned and that the Claimant must return to service with backpay subject to offset of any outside earnings during the period of dismissal.

***Claim sustained.***

## **PLB No. 7494 Case No. 140, Neutral Phillips – CSXT**

### **Dismissed for refusing to undergo drug/alcohol testing.**

On August 24, 2020 Claimant reported for service, clocked in and was advised by a Carrier official that he must take a drug/alcohol test. Rather than submit to the test, Claimant said he was sick and left the building. A Carrier manager followed Claimant out and advised him that he would be held accountable for refusing to test. Claimant failed to submit to the required test and was subsequently removed from service and directed to attend a hearing on September 3, 2020. On September 2, one day prior to the investigation, the Claimant and his representative were notified by the Carrier that the investigation had been postponed. Despite the Organization's immediate objection to the postponement, the hearing was not convened until September 10, 2020. Following the hearing, the Claimant was dismissed from service. The Organization argued that the Carrier violated the

CBA which clearly states that the hearing must be held within 10 days from the date the Claimant was withheld from service noting that the CBA language explicitly stated that time limits for such can only be extended by "agreement between the Company and the employee and his representative". The Carrier offered an email from a Company witness that was sent to the representative stating that he was "double booked" for that date, as well as a letter dated August 31, 2020 that simply stated that the new date for the hearing was September 10, 2020. The Carrier also argued that the Claimant was not prejudiced by the delay and that the discipline must be upheld. The Board found that the Carrier failed to secure an agreement to postpone the hearing and did so unilaterally, noting that the charging officer testified that he had not requested postponement. The Board concurred with the Organization that the CBA was violated when the hearing was not held until 17 days after the Claimant's removal from service. While the Board concurred with the Carrier that neither party can unreasonably withhold its concurrence to a postponement requested for good reason, it did not believe that such a good faith obligation relieves a party from seeking agreement in the first place. Ultimately, the Board found that the discipline must be overturned, and the Claimant returned to service, but due to the circumstances, the Claimant must be cleared by EAP. Additionally, due to the fact that the federal regulation restricted Claimant from working for nine months as a result of his refusal to test, any backpay entitlement would not begin until nine months from date of refusal.

***Claim sustained in accordance with the findings.***

## **PLB No. 7494 Case No. 142, Neutral Phillips – CSXT**

### **Two-day suspension for authorizing a train to advance without proper inspection.**

On September 26, 2020 Claimant was working her assignment as a Train Dispatcher when the crew of Train Q0042 notified her that a detector had indicated a high car in their train. The crew reported that a previous detector had given them the same message and that they had inspected their train and found no high cars. The Claimant then relayed the information to the Assistant Chief, who gave her instructions to advance the train to South Kearney where they

could be inspected in the yard. The Carrier later charged the Claimant for authorizing the train to continue without a proper inspection. Prior to the hearing taking place, the Assistant Chief accepted responsibility for his role in authorizing the train to advance and signed a waiver for 1 day of refresher training. The Claimant attended a hearing on October 6, 2020 and was found guilty and assessed a 2 day actual suspension. The Organization challenged the Carrier on a procedural defect when the hearing officer failed to allow the Assistant Chief as a material witness and also disallowed exhibits regarding the Assistant Chief's acceptance of responsibility. The Organization also argued that if there was a rule violation, it was not due to any failure by the Claimant, pointing out that train dispatchers are required to follow instructions of Assistant Chiefs, and that the Assistant Chief authorized the movement to South Kearney without inspection. The Carrier argued that the Assistant Chief's involvement was discussed in detail during the hearing and his presence was not necessary. They also asserted that since she was the dispatcher of the territory, she was equally responsible with the Assistant Chief. The Board considered the Organization's procedural arguments, stating they are not without appeal, but did not prevent the Board from considering the merits. The Board found that there was no question that Claimant provided the Assistant Chief with all information, and the Assistant Chief made the decision to allow the train to proceed without inspection. As such, it was found that Claimant's involvement in the matter did not warrant the discipline against her.

***Claim sustained.***

## **PLB No. 7494 Case No. 143, Neutral Phillips – CSXT**

**Dismissed for failure to protect a flash flood warning.**

On October 10, 2020 Claimant was working his 3rd shift assignment when he received a flash flood warning, lasting until 2:00 AM the next day. Due to the overlapping nature of a previously issued warning, the Claimant believed the earlier warning had been amended, and thus annulled the earlier restriction. Later that evening, the Claimant issued the amended restriction to train Q58309, but failed to include the limits of the previously issued warning, leaving that segment of track unprotected. The Claimant was charged with a failure to protect a flash flood warning. Following an investigation, he was dismissed on November 3, 2020. The Organization contended that mitigating circumstances surrounded this incident, including numerous weather alerts associated with a hurricane moving through the Claimant's territory. Many of the alerts and warnings issued either overlapped or duplicated previously issued warnings, causing confusion about which warnings were current, expired or cancelled. Additionally, the Organization noted that the Claimant's desk had recently been combined with another desk, substantially increasing the size of the territory. The Organization also cited the Claimant's 13 years of service and argued that the discipline was excessive. The Carrier argued that the evidence clearly supported the violation and that the discipline is justified based upon the seriousness of the offense, noting that its discipline policy categorized the violation as a Major offense which can result in dismissal. While the Board found sufficient evidence to support the finding of guilt, it noted that, "the circumstances were out of the ordinary and the Claimant's actions were the result of confusion rather than conscious disregard." Given the Claimant's tenure and record, the Board conclude that he should be given another opportunity to demonstrate that he can be a safe and productive employee, and he was returned to service with seniority intact but without backpay.

***Claim sustained in accordance with the findings.***

# STATUS OF DISPUTES

| Docket    | Carrier | Claimant      | Subject       | Status                                 |
|-----------|---------|---------------|---------------|----------------------------------------|
| TD-190441 | CSX     | L. Patrick    | Discipline    | Denied - 6/10/2021 - Arb. Zimmerman    |
| TD-190444 | CSX     | K. M. Graham  | Temp. Vacancy | Denied - 6/10/2021 - Arb. Zimmerman    |
| TD-190442 | CSX     | M. D. Stewart | Discipline    | Sustained - 6/10/2021 - Arb. Zimmerman |
| TD-190443 | CSX     | L. D. Riley   | Discipline    | Denied - 6/10/2021 - Arb. Zimmerman    |
| TD-190439 | CSX     | L. D. Riley   | Discipline    | Denied - 6/10/2021 - Arb. Zimmerman    |
| TD-190440 | CSX     | L. D. Riley   | Discipline    | Sustained - 6/10/2021 - Arb. Zimmerman |

|             |     |            |            |                                        |
|-------------|-----|------------|------------|----------------------------------------|
| PLB-7469-46 | KCS | D. Everett | Discipline | Sustained - 6/28/2021 - Arb. VanDagens |
|-------------|-----|------------|------------|----------------------------------------|

|             |    |          |            |                                               |
|-------------|----|----------|------------|-----------------------------------------------|
| PLB-7299-34 | NS | Z. Wray  | Discipline | Denied - 6/22/2021 - Arb. Campagna            |
| PLB-7299-35 | NS | W. Slone | Discipline | Sustained in part - 6/22/2021 - Arb. Campagna |
| PLB-7299-36 | NS | V. Morns | Discipline | Sustained in part - 6/22/2021 - Arb. Campagna |
| PLB-7299-37 | NS | P. Davis | Discipline | Denied - 6/22/2021 - Arb. Campagna            |

|      |     |           |            |                     |
|------|-----|-----------|------------|---------------------|
| PLB- | SOO | G. Prince | Discipline | Settled on property |
|------|-----|-----------|------------|---------------------|

|              |     |                 |            |                                               |
|--------------|-----|-----------------|------------|-----------------------------------------------|
| PLB-7494-136 | CSX | C. L. Ozark     | Discipline | Denied - 8/10/2021 - Arb. Phillips            |
| PLB-7494-137 | CSX | J. M. Rodgers   | Discipline | Denied - 8/10/2021 - Arb. Phillips            |
| PLB-7494-138 | CSX | J. H. Rodgers   | Discipline | Sustained - 8/10/2021 - Arb. Phillips         |
| PLB-7494-139 | CSX | R. M. Toms      | Discipline | Sustained - 8/10/2021 - Arb. Phillips         |
| PLB-7494-140 | CSX | G. P. Davis     | Discipline | Sustained in part - 8/10/2021 - Arb. Phillips |
| PLB-7494-141 | CSX | M. A. Castleman | Discipline | Denied - 8/10/2021 - Arb. Phillips            |
| PLB-7494-142 | CSX | A. C. Johnson   | Discipline | Sustained - 8/10/2021 - Arb. Phillips         |
| PLB-7494-143 | CSX | E. B. Craft     | Discipline | Sustained in part - 8/10/2021 - Arb. Phillips |

|             |       |              |            |                                  |
|-------------|-------|--------------|------------|----------------------------------|
| PLB-7578-13 | Metra | S. Basenberg | Discipline | Denied - 10/4/2021 - Arb. Newman |
|-------------|-------|--------------|------------|----------------------------------|

|           |      |             |            |                      |
|-----------|------|-------------|------------|----------------------|
| TD-210612 | LIRC | S. Williams | Discipline | Awaiting NMB funding |
|-----------|------|-------------|------------|----------------------|

|             |    |             |            |                                                         |
|-------------|----|-------------|------------|---------------------------------------------------------|
| PLB-7644-41 | WC | M. Fasel    | Discipline | Assigned to Arb. Darby - Board scheduled for 11/11/2021 |
| PLB-7644-42 | WC | K. Gebhardt | Discipline | Assigned to Arb. Darby - Board scheduled for 11/11/2021 |

|            |     |           |                      |                                                      |
|------------|-----|-----------|----------------------|------------------------------------------------------|
| PLB-7286-2 | BRC | P. McCann | Blanking Assignments | Assigned to Arb. Benn - Board scheduled for 1/5/2022 |
| PLB-7286-3 | BRC | A. Marchi | Blanking Assignments | Assigned to Arb. Benn - Board scheduled for 1/5/2022 |

# STATUS OF DISPUTES

| Docket      | Carrier  | Claimant      | Subject               | Status                                                |
|-------------|----------|---------------|-----------------------|-------------------------------------------------------|
| PLB-7153-8  | Kiamichi | R. Payne      | Discipline            | Assigned to Arb. Benn - Board scheduled for 1/5/2022  |
| PLB-7153-9  | Kiamichi | R. Payne      | Discipline            | Assigned to Arb. Benn - Board scheduled for 1/5/2022  |
| PLB-7814-27 | BNSF     | S. Grabman    | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7814-28 | BNSF     | M. Seymour    | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7814-29 | BNSF     | B Perrotta    | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7814-30 | BNSF     | S. Jefferson  | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7814-31 | BNSF     | S. Jefferson  | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7814-32 | BNSF     | C. Goode      | Discipline            | Assigned to Arb. Bell - Board scheduled for 11/9/2021 |
| PLB-7520-16 | AMTK     | V. Boney      | Discipline            | Assigned to Arb. Bierig - Awaiting NMB Funding        |
| PLB-7520-17 | AMTK     | P. Miller     | Discipline            | Assigned to Arb. Bierig - Awaiting NMB Funding        |
| PLB-7769-4  | Keolis   | M. Simonson   | Discipline            | Assigned to Arb. Simon - Awaiting NMB Funding         |
| PLB-        | NS       | J. Jones      | Discipline            | Case awaiting assignment to an Arbitrator             |
| PLB-        | NS       | J. Malcom     | Discipline            | Case awaiting assignment to an Arbitrator             |
| PLB-        | CSX      | K. Cunningham | Discipline            | Case awaiting assignment to an Arbitrator             |
| PLB-        | CSX      | A. Staten     | Compensation          | Case awaiting assignment to an Arbitrator             |
| PLB-        | CSX      | J. C. Muller  | Overtime              | Case awaiting assignment to an Arbitrator             |
| PLB-        | CSX      | H. L. Heilman | Overtime              | Case awaiting assignment to an Arbitrator             |
| PLB-        | CSX      | B. Haney      | Held out of service   | Case awaiting assignment to an Arbitrator             |
| PLB-        | CP/SOO   | N. Atkins     | Sick pay              | Case awaiting assignment to an Arbitrator             |
| PLB-7578-14 | Metra    | Various       | Scope                 | Case awaiting assignment to an Arbitrator             |
| PLB-7578-15 | Metra    | A. Seals      | GAD Choice of Assign. | Case awaiting assignment to an Arbitrator             |

# NJT Power Supervisor, Nigel Graham, recognizing the work of General Chairman, Charlie Saunier

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**NIGEL GRAHAM**

95 Rutgers Street • Maplewood • New Jersey • 07040 • 973 763 - 2894

Mr. Leo McCann  
President ATDA

4239 West 150<sup>th</sup> Street  
Cleveland, Ohio 44135

Dear Mr. McCann,

It is with great pleasure that I have the opportunity to express my association with Charles Saunier. I have known "Charlie" in a variety of capacities for over 20 years.

I know Charlie as a co-worker, supervisor, trainer, union representative and "brother". He has shown his commitment to others and is dependable, responsible, honest, courteous and considerate.

Over the years, I have been faced with medical issues and Charlie proved to be everything I mentioned above. He was one of the first to visit me, help me process necessary papers and was instrumental in my recovery.

Charlie worked with me when I returned to work with refresher/training programs and as my Union Representative, he was knowledgeable and continues to guide me, sticks by me and has been very supportive.

I hope this letter shows all the appreciation that I have for Charles Saunier along with several others who have that same feelings. Please feel free to contact me if I can be of further assistance.

Yours truly,

  
Nigel Graham



**American Train Dispatchers Association**

4239 West 150th St  
Cleveland, Ohio 44135  
E-Mail: [dowell@atda.org](mailto:dowell@atda.org)  
[atda.org](http://atda.org)



## NATIONAL HEALTH AND WELFARE BENEFIT DIRECTORY

### **United Healthcare**

#### **National Plan-GA-23000**

Managed medical Care  
Programs (MMCP) &  
Comprehensive Health Care  
Benefit (CHCB)  
1-800-842-9905  
[myuhc.com](http://myuhc.com)

#### **Retiree Claims-GA-46000**

UnitedHealthcare  
P.O. Box 30985  
Salt Lake City, UT 84130-0985  
1-800-842-5252

#### **Retiree Supplemental- GA-23111**

UnitedHealthcare  
P.O. Box 30304  
Salt Lake City, UT 84130-0404  
1-800-842-5252

### **Aetna Healthcare**

3541 Winchester Road  
Allentown, PA 18195  
1-800-842-4044  
[aetna.com](http://aetna.com)

### **Highmark Blue Cross Blue Shield**

#### **Railroad Dedicated Unit**

P.O. Box 890381  
Camp Hill, PA 17089-0381  
1-866-267-3320  
[bcbs.com](http://bcbs.com)

### **Life Insurance**

#### **MetLife**

P.O. Box 6122  
Utica, NY 13504-6122  
1-800-310-7770  
[metlife.com](http://metlife.com)

### **Vision Service Plan**

#### **EyeMed**

Member Support  
1-855-212-6003  
[eyemedvisioncare.com/railroad](http://eyemedvisioncare.com/railroad)

### **Mental Health and Substance Abuse Benefits**

#### **For treatment, claims or inquiries call:**

United Behavioral Health  
1-866-850-6212  
[liveandworkwell.com](http://liveandworkwell.com)  
Access code: Railroad  
Company identifier: RR

### **Dental Benefits under Group Policy No. GP-12000**

#### **Aetna**

P.O. Box 14094  
Lexington, KY 40512-4094  
1-877-277-3368  
[aetna.com](http://aetna.com)

### **Managed Pharmacy Benefit**

#### **Express Scripts UnitedHealthcare Plans GA-23000 and GA-46000**

1-800-842-0070  
[Express-Scripts.com](http://Express-Scripts.com)