

VOLUME 108 ISSUE NO. 1



THE TRAIN DISPATCHER

SPECIAL PRE-CONVENTION EDITION | 34TH GENERAL ASSEMBLY

OCTOBER 15-17, 2023 | CAESAR'S PALACE | LAS VEGAS, NV



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Legal Notice – Dues

Article 2, Section 4(b) defines the national dues rate. Effective October 1, 2023, the national dues rate is \$125.75 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, 2023

ALASKA \$21.50	KEOLIS \$17.95	PanAm \$17.95
AMTRAK \$18.80	KIAMICHI \$10.55	PATH \$24.20
BNSF \$24.05	L&I \$12.05	SIRT \$20.70
BRC \$24.10	METRA \$18.95	SOO \$20.50
CONRAIL \$21.85	MRL \$24.05	SUNRAIL \$18.65
CSX – South \$25.00	NICTD \$14.75	TRA \$28.50
– East \$23.40	NJT-P \$20.80	TRE \$17.40
IHB \$25.30	NJT-TD \$20.80	TRI-RAIL \$20.40
KCS \$23.45	NS INT \$22.75	WC \$23.25

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.

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



Congratulations to our newly elected delegates to the ATDA 34th General Assembly. This preconvention edition of The Train Dispatcher newsletter provides the delegates and guests with details on the upcoming 34th General Assembly. The Convention will

take place at Caesars Palace Hotel in Las Vegas, NV and convene on Sunday, October 15, 2023, with registration on Saturday, October 14, 2023. You will find enclosed the proposed amendments submitted by the Executive Board and 2 proposed amendments by 10 members in good standing from the CSXT System Committee. Registration packets will be sent to the delegates and guests from Secretary-Treasurer Dowell regarding hotel reservations, travel arrangements and scheduled events. For those delegates attending for the first time, we will follow the Order of Business (Agenda) as prescribed by Article X, Sec. 6 of our Constitution and By Laws:

1. Announcement by President of personnel of Committees appointed prior to Convention and appointment and announcement of special committees on Press and Greetings, Grievances and Appeals.
2. Report of Credentials Committee.
3. Call to order by the President.
4. Roll call of Officers, Retired Executive Board Officers and Delegates.
5. Report of Committee on Rules and Order of Business.
6. Report and message of President.
7. Reports of other officers.
8. Reports of other committees.
9. Unfinished business.
10. New business.
11. Election and installation of officers.
12. Adjournment.

We are honored that NCFO President Dean Devita and Railroad Retirement Board Labor Member John Bragg have accepted our invitation to speak to our delegates. General Counsel Kevin Brodar will serve as Parliamentarian. We are pleased that former General Counsel, Parliamentarian and

Honorary Lifetime Member Mike Wolly will also be in attendance. Throughout the Convention, our representatives from United Healthcare, Aetna, Highmark, MetLife, and Express Scripts will be available to answer any questions and offer our members assistance. The National Office completed the delegate elections on June 27, 2023. A total of 64 delegates will represent the membership at the General Assembly and their names appear in this newsletter. The next order of business will be the preparation of reports by the Finance, Constitution, and Resolutions Committees. They will meet in Cleveland during the week of August 7, 2023. Appointments to these Committees have been made and the following delegates have agreed to serve:

Constitution and Rules and Order of Business Committee

1. J. Andy Brewer, Kiamichi General Chairman
2. Nick Serrano, NS General Chairman
3. W. Colin Thurman, CSXT General Chairman

Resolutions and Legislative Committee

1. Tim Evans, WC General Chairman
2. Erica Ray, Tri Rail General Chairperson
3. Jessica Veltri, Amtrak General Chairman

Committee on Finance, Salaries, and Officers' Reports (Sec/Treas. L. Ed Dowell, Advisor)

1. Craig Duncan, NS System-Treasurer
2. Ed Kearns, CSXT System-Treasurer
3. Dave Ursini, BNSF General Chairman

All reports by the above committees will be provided to all elected delegates not less than thirty (30) days before the opening of the General Assembly.

We look forward to a successful and rewarding convention as the General Assembly representing the supreme authority of the American Train Dispatchers Association convenes in October in Las Vegas, NV. to set the agenda and future of our Organization for the next four (4) years.

Fraternally yours,

A handwritten signature in blue ink that reads "Leo McCann". The signature is fluid and cursive, with a large initial "L" and "M".

Leo McCann
President

American Train Dispatchers Association

ATDA PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to Article XVIII, Section 1 of the Constitution and By-Laws of the American Train Dispatchers Association the following proposed constitutional amendments have been received from the Executive Board:

(Changes are noted in **underlined italicized bold.**)

Amend Article II, Sec. 1 to read:

"a. Any person of good moral character, who is employed in any classification of employees represented by the Association will be eligible for active or active-extra membership in this Association as set forth in sub-sections b. and c. of this Sec. 1.

b. **A person who receives compensation in a craft represented by the Association is eligible for active membership only, except as provided in sub-section c below.**

c. Active-extra membership shall be comprised of those persons who hold a full time position in another craft, maintains full membership in and pays dues to the Union representing the other craft, and are subject to call as a non-guaranteed employee.

d. Members elected President, Secretary-Treasurer, or Vice President or appointed to employment with the Association shall not lose their membership status as a result of their election or appointment.

e. In cases where a member's **monthly** compensation is **reduced by more than 30 percent** due to illness, disability, furlough, discipline, other action by an employer, or military leave not compensated by the employer, dues may be waived upon request by the General Chairman and approved by the Secretary-Treasurer. This does not apply to seniority retention fees. Dues shall be automatically waived in the event of dismissal. Members whose dues are waived on account of suspensions or dismissal and whose discipline is subsequently reversed with back pay shall pay dues that were waived for the period covered by such back pay.

f. Active and Active-Extra members who are promoted to, and any persons who hold, official or excepted positions shall have no voice, vote, or participation in Association

affairs, either National or System, for as long as they hold such official or excepted positions."

Amend Article III, Sec. 5 to read:

"a. The President, Secretary-Treasurer and Vice Presidents shall be nominated and elected by majority vote of the duly accredited delegates present and voting at each regular session of the General Assembly who have been elected by secret ballot as provided in Section 3 of Article X. If only one (1) candidate is nominated for a particular office, motion may be made for the election to be by acclamation. If two (2) or more candidates are nominated for the same office, the election shall be conducted by secret ballot and such ballots may be cast by each duly qualified delegate elected as aforesaid. Only delegates in attendance may vote, and there shall be no voting by proxy. In the event no nominee receives a majority of the votes cast, the name of the nominee receiving the least number of votes shall be dropped from each succeeding ballot until one (1) nominee receives a majority of the votes cast.

b. Trustees shall be nominated and elected by plurality vote of the duly accredited delegates present and voting at each regular session of the General Assembly who have been elected by secret ballot as provided in Section 3 of Article X. The election of Trustees shall be by secret ballot. Only delegates in attendance may vote and there shall be no voting by proxy. Votes will be cast for not more than three (3) nominees. The three (3) nominees receiving the highest number of votes will be elected to the position of Trustee. **The four (4) nominees receiving the next highest number of votes will be elected to the position of Alternate Trustee.**

c. In conducting the balloting, the presiding officer shall appoint two (2) tellers and a judge of the election and shall announce the

names of the nominees in the order of their nomination. Such tellers shall collect and count the votes cast and report the result to the presiding officer who shall announce such result to the General Assembly."

Amend Article III, Sec. 6 to read:

"Sec. 6. Installation, and Term of Office and Transition.

a. The incoming President shall be installed by the Senior Past President present at the General Assembly or by such other person as may be designated by the delegates for such purpose. The other elected officers shall be installed in such form and manner as may be designated by the incoming President. All such officers shall serve until the next regular session of the General Assembly and the election and installation of their successors, if any, unless relieved of their duties as provided in this Constitution and By-Laws. Trustees and Alternate Trustees on whose road Association representation becomes terminated shall relinquish their office upon notification from the President regarding termination of representation.

b. Following the election of National Officers, outgoing former Executive Board Officers shall continue to receive their salary and benefits through December 31st of the year of the General Assembly for the purposes of transitioning office to the newly elected officer."

Amend Article IV, Sec. 8 to read:

"a. When negotiations with a carrier or carriers reach a deadlock and it becomes apparent that the dispute cannot otherwise be adjusted, a decision with respect to whether strike action will be authorized will be made in accordance with the following procedure:

b. The President, with the approval of the Executive Board, will prepare a strike ballot to be mailed to all members involved in said dispute who are then in good standing. The ballot shall concisely state the issue or issues involved and permit the members to vote "yes" or "no" as to whether members should concertedly withdraw

from service until the dispute has been resolved. A letter accompanying the ballot will briefly describe the efforts which have been made to resolve the dispute.

c. Ballots shall be mailed to all members then in good standing to their last known addresses as shown by the Association's records. Ballots shall be returned within the time specified by the Executive Board which shall be not less than fifteen (15) days from the date mailed. Balloting will be secret and in compliance with the instructions on each ballot.

d. If two-thirds of the **ballots cast** favor withdrawal of service, the President, with the approval of the Executive Board, may authorize a strike. Conduct of any strike shall be under the supervision and direction of the President and he shall, upon approval of the Executive Board, have authority to command the entire resources of the Association to bring such strike to a successful conclusion.

e. In disputes where unilateral action by a carrier or carriers is taken or imminently threatened which would immediately adversely affect wages, rules, or working conditions, emergency strike action may be authorized by the President, with the approval of the Executive Board, without the necessity of a membership strike ballot."

Amend Article V, Sec. 1 b. to read:

"b. He shall deposit on at least a weekly basis all funds of the Association in his possession in an account in a bank or trust company in the name of the Association. No withdrawals from such account(s) shall be made unless **authorized by the** Secretary-Treasurer or by such person as may be selected by him and approved by the Executive Board. Two signatures (the Secretary-Treasurer and the President or such other officer so designated by the Executive Board) shall be required on all checks for one thousand dollars (\$1,000) or more."

Amend Article XI, Sec. 2 to read:

"a. Separate System Committees may merge, subject to ratification by a majority vote

of each of their respective members, and approval by the President. In the event of such merger, the so-called minority transportation systems shall be entitled to representation on the combined System Committee.

b. In the event of a merger, acquisition, or other transaction by one or more carriers which results in multiple transportation systems being governed by a single collective bargaining agreement, such committees shall be merged to form a single System Committee. Members of the respective committees shall draft and adopt By-Laws or regulations governing the merged System Committee in accordance with Article XI, Sec. 16.

Amend Article XI, Sec. 15 to read:

“a. Each System Committee shall maintain a fund to be known as the System Fund comprised of System Fund dues, payable by all active and active-extra members of the Association on the System, in an amount sufficient to carry on the affairs of the System Committee on a sound financial basis, having in mind its current and prospective needs and requirements. Upon the establishment of a System Committee, the original amount of its dues shall be determined by the System Committee, subject to approval by the President, and shall be announced by the General Chairman to all members on such System by regulations duly adopted by the System Committee in accordance with Section 16 of this Article. Such System dues shall be payable by all members in the manner prescribed by such regulations.

b. Effective December 1, **2023**, each System Committee shall establish minimum monthly System Dues in an amount determined by multiplying the average truck train dispatcher daily rate of pay **or, in cases where other crafts are represented by the Association, the average daily rate of pay of all crafts represented.** (eight hours straight time pay plus all daily allowances) in effect on the System by .05 and rounding up to the next nickel. On those Systems where System Dues exceed this minimum monthly amount, System Dues shall not be reduced except by action of the

members on the System in accordance with the Rules Regarding Referendum Voting set forth in this Constitution and Bylaws. These amounts shall be adjusted every October 1 thereafter using the same methodology.

c. No other increase in System Dues may be implemented without the prior approval of the President and a majority of the members in good standing on the System voting in accordance with the Rules Regarding Referendum Voting set forth in this Constitution and Bylaws.

d. General or special System assessments in addition to regular System Dues shall be subject to the same procedures as apply to increases in System Dues, provided that no assessment(s) shall exceed the amount of annual system dues in any calendar year.”

Amend Rules Governing Elections of Delegates and Alternates, Rules 2-4 to read:

Rule 2. time and Method of Nominations.

“a. As provided in subsection a. of Article X, Sec. 3. of this Constitution and By-Laws, any delegates and alternates in addition to General Chairman and Vice General Chairmen to which members of a transportation system are entitled shall be nominated and elected in accordance with the procedures in the Rules below governing System Committee Officer elections **contained herein.**

“b. The Secretary-Treasurer shall issue a call for nominations of candidates for delegates and alternates to all members in good standing on each transportation system during the fifth month preceding the quadrennial convention of the General Assembly.

“c. Any active or active-extra member in good standing on a transportation system shall be eligible for nomination as a delegate or alternate for said transportation system.

“d. The number of delegates to which each transportation system is entitled in accordance with Article X, Section 3 of this Constitution and By-Laws shall be determined by the Secretary-Treasurer as of the first day of the fifth month preceding the quadrennial convention and such

delegate entitlement shall not be changed because of changes in membership occurring between the first day of the fifth month and the date the General Assembly convenes.

NOTE: The delegate strength established pursuant to the foregoing subsection shall prevail, notwithstanding any mergers or consolidations occurring during the interim before the General Assembly is convened; provided, however, in the event of loss of representation on a transportation system during such interim, the affected transportation system shall not be entitled to have delegates seated. In the event the Association is certified or recognized as the collective bargaining representative for a new transportation system during such interim, the Secretary-Treasurer will endeavor to conduct an election of delegates in an appropriate number, to the extent possible within provisions of applicable law, notwithstanding provisions in this Constitution and By-Laws providing otherwise.

"e. Nominations shall be submitted via U.S. mail, fax, or email on the form furnished by the Secretary-Treasurer and returned within the period prescribed by him. Upon receipt of all nominations as aforesaid, the Secretary-Treasurer shall prepare suitable ballots listing the names as listed on the nomination form of all candidates properly nominated for distribution to the members of the respective transportation system. Such nominees shall be placed on the ballot in alphabetical order."

Rule 3. time and Method of Election.

"a. All elections of delegates and alternates to the General Assembly shall be commenced by the Secretary-Treasurer as soon as possible following nominations during the fifth month and distribution of ballots as heretofore provided in Rule 2 and such elections shall be completed within three (3) months except when a runoff election is required. Any election not so conducted will be an invalid election. Such election shall be conducted by secret ballot vote of the active and active-extra members in good standing who are entitled to participate therein. No vote shall be valid or recorded except for candidates whose names appear on said ballot. "Write in"

votes are not permissible. The requirement of a secret ballot means the expression by ballot or otherwise of a choice by a member cast in such a manner that such member cannot be identified with his vote. In all instances where nominees for delegates or alternate are unopposed, the secret ballot election need not be conducted notwithstanding any other provisions of this Constitution and By-Laws and the unopposed nominees shall be declared elected and the System Committee of the respective transportation system so notified.

"b. No funds or resources of the Association, any System Committee or of an employer of any members of the transportation system or any other employer shall be contributed or applied to promote the candidacy of any person for delegate or alternate delegate.

Rule 4. Conduct of Voting.

"a. During the three (3) months period prescribed in Rule 3, and in time to permit at least thirty (30) days for members to cast and return their ballots, ballot forms and envelopes as hereafter prescribed shall be mailed by the Secretary-Treasurer to each member qualified to vote at his last known home address, along with such instructions as the Secretary- Treasurer considers necessary ensure the secrecy of the ballot and its execution and mailing within the prescribed period. The instructions shall include directions that there shall be no voting by proxy.

Amend Rules Regarding Conduct of Triennial Elections of System Committee Officers to read:

"System Committee officers shall be elected in accordance with the requirements of Sections 5, 6, and 7 of Article XI, and such elections shall be conducted as prescribed in these Rules.

Rule 1. Time and Method of Nominations.

At least thirty (30) days before the triennial elections of all General Chairmen, Vice General Chairmen, System Treasurers, and Local Chairmen, the Secretary-Treasurer shall issue a call to all qualified members on their respective transportation systems for nomination of eligible

candidates for the offices above specified. Such nominations may be submitted via U. S. mail, fax, or email on the form prescribed and furnished by the Secretary-Treasurer by any active or active-extra member in good standing within fifteen (15) days following the date of the Secretary-Treasurer's call for nominations. All such nominations must be accompanied by the written consent of the nominees that they accept the nomination and will serve if elected. Upon receipt of all nominations, the Secretary-Treasurer shall prepare suitable ballots listing in alphabetical order the names of all candidates properly nominated for distribution to the members.

Rule 2. Time and Method of Election.

All elections of System Committee officers shall be conducted as provided in Section 7 of Article XI (a) by secret ballot vote of the active and active-extra members in good standing or (b) voting by secure electronic means, if permissible by law, that ensures the secrecy and security of the ballot.

Rule 3. Rights of Candidates.

b. No funds or other resources of the Association, System Committee or of an employer of any members of the transportation system or any other employer shall be contributed or applied to promote the candidacy of any person for office; provided, however, that the System Committee may make expenditures for notices, factual statements of issues, and other expenses necessary to conduct nominations and elections so long as they do not involve promotion of any candidate.

Rule 4. Conduct of Voting.

a. During the time period provided within which to complete nominations and elections, and in time to permit at least thirty (30) days for members to cast and return their ballots, the Secretary-Treasurer shall mail notice of the election, ballot forms and envelopes as

hereafter prescribed to each member qualified to vote at his last known home address, along with such instructions as the Secretary-Treasurer considers necessary to ensure the secrecy of the ballot and its execution and mailing within the prescribed period.

b. After the member has executed the ballot in accordance with the instructions thereon, and without affixing any signature or other identification on such ballot he shall place it in the envelope provided by the Secretary-Treasurer bearing the printed designation "Official Ballot." After being securely sealed by the member, this envelope shall then be placed in an outside plain envelope provided by the Secretary-Treasurer and such outside envelope also securely sealed. The member shall then sign his name and address on the outside of this envelope in the space provided therefor. The envelope shall then be mailed by the member within sufficient time to reach the Secretary-Treasurer by the date specified by him for the return of all ballots. Failure of the member to affix his signature and address on the outside envelope will invalidate the ballot, as will any signature or other means of identification on the ballot itself or on the inside envelope containing the ballot. In the event an official ballot or inside envelope containing the ballot is lost, defaced, or incorrectly executed by a member, or if a member fails to receive a ballot, additional ballot and envelopes must be secured by request to the Secretary-Treasurer and must be made within time to permit the return of the ballot by the prescribed date.

(Each succeeding paragraph under Rule 4 shall be renumbered based on the addition of the new paragraph above.)

MEMBER PROPOSED CONSTITUTIONAL AMENDMENTS

Pursuant to Article XVIII, Section 1 of the Constitution and By-Laws of the American Train Dispatchers Association the following proposed constitutional amendments have been received from at least ten members in good standing from the CSXT System:

(Changes are noted in underlined italicized bold.)

Amend Article XI, Sec. 10 to read:

“The General Chairman shall be the authority in all matters pertaining to the business of the System Committee. He shall preside at all the meetings of the System Committee, exercise supervision over System Committee officers, and assign such duties as, in his opinion, will permit the work of the Committee to be handled in the most efficient and economical manner. The General Chairman shall interpret System Committee By-Laws and agreements with the employing Carrier and decide all questions passed to him for decision, subject to appeal to the President. He shall have authority on all matters properly referred to him for handling and perform such other duties as required by the laws or rules of the Association, or as may be assigned by the President. In the event of failure to adjust any grievance that has been referred to him for handling, he shall submit a full report to the President together with all the papers in the case. The General Chairman must be signatory to all system agreements, implementing agreements and letters of understanding (excluding National Agreements), subject to the approval of the President or his designated representative.”

Amend Article XI, Sec. 15(b) to read:

“b. Each System Committee shall establish minimum monthly System Dues in an amount determined by multiplying the average trick train dispatcher daily rate of pay (eight hours straight time pay plus all daily allowances) in effect on the System by .05 and rounding up to the next nickel. **On those Systems covered by more than one agreement, System Dues will be based on the trick train dispatcher rate under the applicable agreement.** On those Systems where System Dues exceed this minimum monthly amount, System Dues shall not be reduced except by action of the members on the System in accordance with the Rules Regarding Referendum Voting set forth in this Constitution and Bylaws. These amounts shall be adjusted every October 1 thereafter using the same methodology.

2023 ATDA Scholarship Recipients

Congratulations to each of the recipients of the 2023 ATDA Scholarship. The Scholarship Committee comprised of Gordon Smith, Associate Member and past General Chairman from the Soo System Committee, Phil Houle, Associate Member and past General Chairman from the former CSXT-East System Committee, and Reggie Vincent, National Trustee and General Chairman from the Norfolk Southern Integrated System Committee has selected each of the recipients listed below for the 2023 American Train Dispatchers Association's scholarship.

Christopher Cahill
Regan Grigsby
Jacob Irving
James Jeremiah
Haley McGhee
Carsyn Morse
Alexander Ramsey
Ryan Ramsey
Andrew Rautio
Donald Scott
Michael Scott
Victoria Sims
Grayson Spillman
Logan Spillman
Elizabeth Sikes
Karis Van Camp
Mary Watt
Erica Young

DELEGATES TO THE 34TH GENERAL ASSEMBLY

System Committee	Title	Name
ALASKA	General Chairman	Adam Young
AMTRAK	General Chairman	Jessica Veltri
AMTRAK	Vice General Chairman	Michael DePue
AMTRAK	System Treasurer	Roger Dail
AMTRAK	Local Chairman	Matt O'Connor
AMTRAK	Local Chairman	Chris Pardini
AMTRAK	Member	Michael Veltri
BNSF	General Chairman	David Ursini
BNSF	Vice General Chairman	Hector Bas
BNSF	Vice General Chairman	Joe Calderon
BNSF	Vice General Chairman	Allison Dooley
BNSF	Vice General Chairman	Kindralyn Farnes
BNSF	Vice General Chairman	Corey Keller
BNSF	Vice General Chairman	Dave McCall
BNSF	Vice General Chairman	Andrew Patterson
BNSF	Vice General Chairman	William Prescott
BNSF	Vice General Chairman	Jessica Stone
BNSF	Vice General Chairman	Jennifer Torres
BNSF	Vice General Chairman	Chris Whitt
BNSF	Member	Angie Wright
BNSF	Member	Jody Bas
BNSF	Member	Joshua Jones
BNSF	Member	Jason Maxfield
BRC	General Chairman	Bruce West
CONRAIL	General Chairman	Keith Kajkowski
CSXT	General Chairman	Colin Thurman
CSXT	Vice General Chairman	Bill Sikes
CSXT	Vice General Chairman	Lacrecha Taborn
CSXT	Vice General Chairman	Cory Charles
CSXT	Vice General Chairman	Paul Young
CSXT	Vice General Chairman	Ben Craft
CSXT	System Treasurer/Vice General Chairman	Ed Kerns
CSXT	Member	Jim McCann

DELEGATES TO THE 34TH GENERAL ASSEMBLY

System Committee	Title	Name
IHB	General Chairman	Jordan Snoderly
KCS	General Chairman	August Miles
KCS	Vice General Chairman	Hugh Dulle
KIAMICHI	General Chairman	Andy Brewer
KIAMICHI	Vice General Chairman	James Cole
LOUISVILLE & INDIANA	General Chairman	Sol Williams
MBCR	General Chairman	Ed Kadlick
MBCR	System Treasurer/Vice General Chairman	Sarah Gouthro
NICTD	General Chairman	Zachary Sheblosky
METRA	General Chairman	Chad Looby
NJT-PS	General Chairman	Richard Driz
NJT-TD	General Chairman	Jared Eagle
NJT-TD	Local Chairman	Ryan Holmgren
NS INTEGRATED	General Chairman	Nick Serrano
NS INTEGRATED	System Treasurer/Vice General Chairman	Craig Duncan
NS INTEGRATED	Vice General Chairman	Gemond Smith
NS INTEGRATED	Vice General Chairman	Shanan Williams
NS INTEGRATED	Vice General Chairman	Jim Rubert
NS INTEGRATED	Vice General Chairman	Brandon Alicie
NS INTEGRATED	Vice General Chairman	Ted Daniels
NS INTEGRATED	Member	Jeremy Carr
PATH	General Chairman	Ronnie Anderson
SIRT	General Chairman	Mike Cummings
SOO	General Chairman	Jesse Kottner
SUNRAIL	System Treasurer	Stacy Fournier
TRIRAIL	General Chairman	Erica Ray
TRINITY RAIL	General Chairman	Jason Corley
TRINTY RAIL	System Treasurer/Vice General Chairman	Preston Marlar
TERMINAL	Member	Thomas Vratney
WC	General Chairman	Tim Evans
WC	Member	Jason Staniszeski

SUMMARIES OF DISPUTES

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

PLB No. 7299 Case No. 46, Arbitrator Phillips – NS

Failure to mark up or show cause.

The Claimant last performed service for the Carrier on July 11, 2019. The Carrier notified the Claimant on August 13, 2021, to mark up for service or show cause for his absence. The Claimant was charged with failure to follow instructions and an investigation was held. The Claimant was dismissed from service. The Organization made a procedural argument that the Claimant had not received proper notice to attend the investigation. The Board determined that it was the Claimant's responsibility to keep the Carrier informed of his current address, and found that the Carrier made adequate attempts to notify the Claimant of the investigation at several addresses on file and therefore found no procedural grounds or other convincing evidence to set aside the discipline.

Claim denied.

PLB No. 7299 Case No. 47, Arbitrator Phillips – NS

Failure to follow instructions.

The Claimant failed to follow instructions to protect his Train Dispatcher assignment on August 27, 2021, claiming that he had been instructed by a Carrier medical contractor to take a physical for a re-certification in a prior craft on that day. Claimant was instructed by his supervisor that he was required to protect his assignment and that he would be subject to discipline if he did not appear for his Train Dispatcher assignment. The Claimant did not appear and was charged with failure to follow instructions. The Claimant was found guilty and dismissed from service. The Board found that the Claimant refused to comply with a direct order and that the Carrier did not act "arbitrarily or capricious so as to constitute an abuse of discretion" and given the seriousness of the conduct, the discipline of dismissal was warranted.

Claim denied.

PLB No. 7299 Case No. 48, Arbitrator Phillips – NS

Unprofessional behavior.

The Claimant, while working in a management position, engaged in unprofessional behavior which violated the Carrier's EEO Policy. Claimant was allowed to return to his seniority as a Train Dispatcher and was promptly charged. An investigation was conducted on October 26, 2021, and as a result, the Claimant was dismissed from service. The Board noted that the Claimant admitted the violation and that Boards have ruled that "a charged employee's admissions are sufficient to meet the Carrier's burden of proof in these matters, and we find no reason to reach a different conclusion here." In denying the Claim, the Board wrote "While Claimant's candor at the investigation is commendable, and his tenure is lengthy, we find no reason to dispute the Carrier's assessment of the seriousness of the conduct in question. In light of all the circumstances, we cannot find that the Carrier's assessment after Claimant's proven violation was an abuse of discretion."

Claim denied.

PLB No. 7299 Case No. 53, Arbitrator Phillips – NS

Order of Call for overtime.

A claim was filed when the Claimant was called for an overtime assignment on their rest day. The Carrier was unable to reach the Claimant but left a voicemail that an overtime assignment was available. The Claimant called back shortly after the message was left, but was told that a junior Train Dispatcher had been called and accepted the assignment. Given that there was no emergency, the amount of time between the call back and the start of the assignment (more than two (2) hours), a claim was filed. The Carrier based its decision to deny the claim on an arbitration award where a voicemail was left on an answering machine and within five (5) minutes the senior Train Dispatcher called back within ample time to fill the vacancy, but that claim was denied. The Board in this case determined that there were similar aspects in that award cited by the Carrier and as a result, denied this claim.

Claim denied.

PLB No. 7468 Case No. 52, Arbitrator VanDagens – KCS

Failure to correct crew on a readback during voiding of a Form A restriction.

The Claimant was charged with violation of GCOR rule 2.14.1, and other rules, when the Claimant failed to require a train crew to repeat a speed restriction by number and individual digit while voiding the restriction. After an investigation was held, the Carrier assessed discipline of a one (1) day actual suspension and a coaching event. The Organization maintained that the Claimant and train crew performed their duties properly and that GCOR Rule 2.14.1 did not require the use of individual digits during the voiding of mandatory directives. The Carrier contended that the transmission and voiding of a mandatory directive must be repeated in the same manner. The Board determined that it was plausible that the Claimant was not properly informed that she was expected to ensure that the crew was required to comply with rule 2.14.1 when voiding and transmitting a mandatory directive and that while the coaching event was appropriate, the one-day actual suspension was excessive.

Claim sustained in part.

PLB No. 7644 Case No. 43, Arbitrator Phillips – WC

Failure to complete drug test.

On August 8, 2021, the Claimant was subject to a DOT/FRA random drug and alcohol test. On August 17, 2021, the Claimant was informed that the result of the test indicated an interfering substance was present and that the Claimant was required to submit to a direct observation test. The Claimant refused to provide the required sample. As a result, the Claimant was charged with refusing a direct observation test. After an investigation, the Claimant was dismissed from service. The Board found that the Carrier met its burden of proof of Claimant's refusal and that although a direct observation test might be an uncomfortable process, it is the standard when a previous test has indicated an abnormality. It also found that the Claimant was adequately informed of the potential consequences of refusal.

Claim denied.

PLB No. 7644 Case No. 44, Arbitrator Phillips – WC

Improper cancellation of crossing protection.

The Claimant was charged with canceling a TGBO for road crossing protection that had not been requested by the signal maintainer. An investigation was held on September 13, 2021, and as a result, the Claimant was dismissed from service. The Organization argued that the Carrier failed to meet its burden of proof, produced documentation at the investigation that contained discrepancies, that the discipline assessed was excessive and not progressive, and was inconsistent with the Carrier's discipline policy. The Board ruled that the Carrier met its burden of proof by substantial evidence and noted that the Carrier's burden is merely the production of substantial evidence to support the discipline assessment, which has been defined in prior awards as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The Board also ruled regarding the level of discipline and determined that "while the Carrier is correct that the voiding of 529A protection is a very serious matter, we do find sufficient mitigating circumstances to warrant a sanction short of permanent dismissal" and held that the Claimant would be returned to service with seniority intact, but without pay for time out of service.

Claim sustained in part.

PLB No. 7724 Case No. 21, Arbitrator Hampton – Soo

Improper release of track and time.

The Claimant was charged on September 17, 2021, with the improper release of track and time which resulted in removing an on-track authority. An investigation was held on September 22, 2021. As a result of the investigation, the Claimant was dismissed from service. The Organization asserted that a close review of the record would fully substantiate that the Claimant did not receive a fair and impartial investigation, that the Claimant was not charged with the appropriate rule violations, and that there were a number of anomalies with the Carrier's computer system which could not be explained. The Carrier countered that the Claimant received a fair and impartial investigation and that there could be no doubt that a Track Foreman requested a track and time, that it was released, and that the Track Foreman was left unprotected for fifty-seven (57) minutes. The Board found that there were no procedural violations, and that the Carrier met their burden of proof of a violation.

Claim denied.

PLB No. 7724 Case No. 22, Arbitrator Hampton – Soo

Failure to enter fuel readings into computer system.

The Claimant was charged with failure to enter fuel readings for a train into the Carrier's Nexus system on July 19, 2021. An investigation was held on September 10, 2021. As a result of the investigation, the Claimant was found to be guilty of the charges and was assessed fifteen (15) demerits. The Organization argued that the Carrier failed in its burden of proof that the violation occurred and that the record reflected that the responsibility of reporting fuel readings fell on the train crew to report the readings to the Train Dispatcher, which they did not do. The record also showed that the fuel gauges on the train were malfunctioning. The Carrier countered that it is a shared responsibility of the train crew and Train Dispatcher to secure fuel readings, that the Claimant was well aware that securing fuel readings was mandatory, and that the Claimant confirmed that he did not enter fuel readings and failed to ask the train crew for them. The Board ruled that the record reflects the Claimant's culpability and that the discipline assessed was appropriate.

Claim denied.

PLB No. 7724 Case No. 24, Arbitrator Hampton – Soo

Incorrect track and time and failure to ensure track and time was repeated correctly.

The Claimant was charged with violating various Carrier rules and procedures when she allegedly incorrectly issued a verbal track and time and failed to ensure that it was repeated correctly on November 23, 2021. An investigation was held on December 11, 2021, and as a result, the Claimant was dismissed from service. The Organization argued that the decision to terminate the Claimant was capricious and excessive, especially considering the Claimant's many years of service with the Carrier. The Organization noted that the Claimant was permitted to continue to perform service until the end of her shift and that upon becoming aware of her mistake, she took immediate action to protect the safety of all involved. The Board found that the Carrier met their burden of proof, but that the Claimant would be given the opportunity to revive her railroad career. Claimant was returned to service with seniority intact but was not paid for her time out of service.

Claim sustained in part.

PLB No. 7575 Case No. 56, Arbitrator VanDagens – BNSF

Improper release and issuance of several track warrants.

The Claimant was charged with releasing an entire track warrant for a train instead of releasing a portion of the warrant, as the train reported. Shortly thereafter, the Claimant attempted to remedy the situation by issuing another track warrant to cover for the one released using the wrong engine number on 3rd shift, November 30, 2020. An investigation was held on February 3, 2021, and as a result, the Claimant was dismissed from service. The Organization argued that the discipline of dismissal for this violation was excessive, given the Claimant's 26 years of service with the Carrier, that Claimant's error never crossed into the realm of becoming dangerous or serious, and that the Claimant immediately protected the train with a new warrant. The Carrier asserted that it presented substantial evidence of the Claimant's violation of its rules and that the Claimant freely admitted that he improperly released a track warrant that left a train unprotected on the main track. The Board noted that the Claimant admitted the majority of his violations and that those violations were also supported by the record. It noted that the record supports the Carrier's determination that the Claimant failed to comply with the Carrier's rules. The Board found that the "Claimant's long seniority is not enough to overcome the seriousness of his violations. Accordingly, the Claimant's dismissal will not be disturbed by this Board."

Claim denied.

New ATDA Members

New Member	System Committee	New Member	System Committee
Alicia Brinson	AMTRAK	Melissa Jenniges	BNSF
Decalva Brown	AMTRAK	Allen Jerry	BNSF
Matthew Clifford	AMTRAK	Amanda King	BNSF
Corey Dell	AMTRAK	Kevin King	BNSF
Jason Feil	AMTRAK	David Lane	BNSF
Nicholas Fernandez	AMTRAK	Robert Mace	BNSF
Tichelle Georges	AMTRAK	Archie Mardis Jr.	BNSF
Michael Marioni	AMTRAK	Jonathan Maynard	BNSF
Edward Nieves	AMTRAK	Jacob Nash	BNSF
Anthony Pescatore	AMTRAK	Steven Nichols	BNSF
John Petro	AMTRAK	Erick Ornelas	BNSF
Brian Pierce	AMTRAK	Kevin Pendergraft	BNSF
Grant Pierce	AMTRAK	Duy Phan	BNSF
Jenesse Powell	AMTRAK	Christy Rhine	BNSF
Michael Reid	AMTRAK	Michelle Robinson	BNSF
Julia Scaltrito	AMTRAK	Joshua Royek	BNSF
Steven Soodgrim	AMTRAK	Jared Schriber	BNSF
David St. Hilaire III	AMTRAK	Colin Stone	BNSF
Ryan Testa	AMTRAK	Cody Stratton	BNSF
Shane Ward	AMTRAK	Joshua Stubblefield	BNSF
Roy Bas	BNSF	William Sykes	BNSF
Victor Benavides	BNSF	Brittany Talley	BNSF
Justin Blackwood	BNSF	Ashley Thompson	BNSF
Martha Braud	BNSF	Steve Tippet	BNSF
Marlon Brown	BNSF	Martin Valero	BNSF
Jeremy Burleson	BNSF	Dalton Vallejos	BNSF
Roxie Byars	BNSF	Caleb Van Wiene	BNSF
Jarrod Casler	BNSF	Andrew Wheeler	BNSF
Timothy Connell	BNSF	Garret Woods	BNSF
Jaime Contreras	BNSF	Jacob York	BNSF
Keith Cox	BNSF	Bradley Young	BNSF
Bradley Davis	BNSF	Amanda Zaghoul	BNSF
Olan Donaldson	BNSF	Brandon Jane	BRC
Steven Ellis	BNSF	Sean Niziolek	BRC
Johnny Enriquez	BNSF	Dahlton Brown	CSXT
Ryan Enriques	BNSF	Charles Bundrick	CSXT
Alfonso Galima	BNSF	Caleb Clark	CSXT
Matthew Garrett	BNSF	Lauren Creel-Zuravnsky	CSXT
Jaime Haas	BNSF	Nicolas Green	CSXT
Ebony Hagans	BNSF	Isaac Hammons	CSXT
Danielle Hobbs	BNSF	Nicholas Huff	CSXT
James Hodges	BNSF	Gavin Jaques	CSXT
Deidre Houston	BNSF	Michael King	CSXT
Va'Le'Rie Hudson	BNSF	Ryan Lewis	CSXT
Tashaun Hurd	BNSF	Andrew Male	CSXT

New Member **System Committee**

Jorge Peralta-Munoz	CSXT
Kristopher Roberts	CSXT
Taylor Smith	CSXT
Dale Taylor, Jr	CSXT
Brett Tickell	CSXT
Jordan Chamberlin	KCS
Pamela Everett	KCS
Michelle Fellers	KCS
Freeman Harrison	KCS
Dennis Minter	KCS
Amanda Pequin	KCS
Christian Snider	KCS
Ricky Carter	KIAMICHI
Samuel Deckard	KIAMICHI
Bryson Haskin	KIAMICHI
Ryne Jackson	KIAMICHI
Dylan Kennedy	KIAMICHI
Tony Maynard	KIAMICHI
Schakila Bowden	MBCR
Ryan Bullen	MBCR
Brian Ferri	MBCR
Diane LaChance	MBCR
Chadd Miller	MBCR
Gabriel Solano Camilo	MBCR
Antuan Aguirre	NS INTEGRATED
Charles Allen	NS INTEGRATED
Uriah Argyrakis	NS INTEGRATED
Deidre Claffy	NS INTEGRATED
Brandon Cone	NS INTEGRATED
Ohan Evans	NS INTEGRATED
Detron Fields	NS INTEGRATED
Angelique Freeman	NS INTEGRATED
Margaret Gerard	NS INTEGRATED
Mitchell Gornick	NS INTEGRATED
Desiree Hobbs	NS INTEGRATED
Preston Jackson	NS INTEGRATED
Nicholas James	NS INTEGRATED
Jami Johnson	NS INTEGRATED
Matthew Keys	NS INTEGRATED
Darrion Mannings	NS INTEGRATED
Joseph Moscatello	NS INTEGRATED
Xavier Owens	NS INTEGRATED
Calia Seals	NS INTEGRATED
Matthew Slaney	NS INTEGRATED
Jacob Stamets	NS INTEGRATED
Sammy Waguespack	NS INTEGRATED

New Member **System Committee**

Peyton Webb	NS INTEGRATED
Justina Williford	NS INTEGRATED
Dennis Murphy	SIRT
Michael Billingsley	SOO
Rachel Burstert	SOO
Reba Dorsett	SOO
Robert Gale	SOO
Faith Jackson-Sanders	SOO
Shaun Krockner	SOO
Lisa Sigfrids	SOO
Jonathan Slayden	SOO
Ryan Young	SOO
Thomas Vratney	TERMINAL
Arturo Alvarado	TRINITY RAIL
Jose Banda	TRINITY RAIL
Wendell Blair	TRINITY RAIL
Robert Brown	TRINITY RAIL
Evan Comas	TRINITY RAIL
Lahonda Cook	TRINITY RAIL
Jonathon Corley	TRINITY RAIL
Leo Covington	TRINITY RAIL
David Dorsey	TRINITY RAIL
Mark Fuller	TRINITY RAIL
Brian Gibbs	TRINITY RAIL
James Hall	TRINITY RAIL
Michael Harrison	TRINITY RAIL
Jadon Henderson	TRINITY RAIL
John Man, III	TRINITY RAIL
Dearl Mann	TRINITY RAIL
Jason McMeekin	TRINITY RAIL
Isaac Medellin	TRINITY RAIL
Cesar Munoz	TRINITY RAIL
Michael Owens	TRINITY RAIL
Cody Pogue	TRINITY RAIL
Melissa Regalado	TRINITY RAIL
Dayla Richards	TRINITY RAIL
Ismael Saldivar	TRINITY RAIL
Brad Southard	TRINITY RAIL
Colvin Stephens	TRINITY RAIL
Cedric Stewart	TRINITY RAIL
Brad Stinson	TRINITY RAIL
David Stinson	TRINITY RAIL
Alex Stubbs	TRINITY RAIL
Jamie Thomas, III	TRINITY RAIL
Paul Gartner	TRI-RAIL

STATUS OF DISPUTES

Docket	Carrier	Claimant	Subject	Status
PLB-7644-43	WC	S. Truesdale	Discipline	Denied by Arb. Phillips on 1/4/2023
PLB-7644-44	WC	K. Jutkus	Discipline	Sustained in part by Arb. Phillips on 1/4/2023
PLB-7644-45	WC	W. Adams	Overtime	Case settled on property
PLB-7644-46	WC	K. Gebhardt	Withheld from Service	Sustained by Arb. Phillips on 1/4/2023
PLB-7644-47	WC	C. Plunk	Discipline	Sustained in part by Arb. Phillips on 1/4/2023

PLB-7575-56	BNSF	D. O. Gilbranson	Discipline	Denied by Arb. VanDagens on 4/26/2023
PLB-7575-57	BNSF	H. Kahan	Discipline	Sustained by Arb. VanDagens on 4/26/2023
PLB-7575-58	BNSF	H. Kahan	Discipline	Denied by Arb. VanDagens on 4/26/2023
PLB-7575-59	BNSF	R. Humphries	Discipline	Denied by Arb. VanDagens on 4/26/2023

PLB-7724-20	CP/SOO	N. Atkins	Sick pay	Resolved on property.
PLB-7724-21	CP/SOO	C. Ryder	Discipline	Denied by Arb. Hampton on 1/13/2023
PLB-7724-22	CP/SOO	J. J. Tatge	Discipline	Denied by Arb. Hampton on 1/13/2023
PLB-7724-23	CP/SOO	A. J. Cinbalnik	Discipline	Sustained in part by Arb. Hampton on 1/13/2023
PLB-7724-24	CP/SOO	P. A. Tracy-Altier	Discipline	Sustained in part by Arb. Hampton on 1/13/2023

PLB-7468-52	KCS	C. Penn	Discipline	Sustained by Arb. VanDagens on 3/31/2023
PLB-7468-53	KCS	D. Everett	Discipline	Denied by Arb. VanDagens on 3/31/2023

PLB-7299-46	NS	K. Grant	Discipline	Denied by Arb. Phillips on 5/9/2023
PLB-7299-47	NS	Z. S. Zolman	Discipline	Denied by Arb. Phillips on 5/9/2023
PLB-7299-48	NS	A. D. Essig	Discipline	Denied by Arb. Phillips on 5/9/2023
PLB-7299-49	NS	R. C. Vannier	Discipline	Sustained in part by Arb. Phillips on 5/9/2023
PLB-7299-50	NS	R. C. Vannier	Discipline	Denied by Arb. Phillips on 5/9/2023
PLB-7299-51	NS	R. P. Bishop	Discipline	Case settled on property
PLB-7299-52	NS	C. Scott	Discipline	Denied by Arb. Phillips on 5/9/2023
PLB-7299-53	NS	A. Shaw	Discipline	Denied by Arb. Phillips on 5/9/2023

PLB-	Conrail	T. Gardner	Discipline	Resolved on property
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TD-230340	CSX	B. Haney	Withheld from service	Awaiting NMB Funding
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PLB-7494-151	CSX	D. McDaniel	Discipline	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-152	CSX	D. McDaniel	Discipline	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-153	CSX	L. D. Riley	Discipline	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-154	CSX	T. L. Wolfe	Discipline	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-155	CSX	T. Denmark	Supplemental sickness	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-156	CSX	T. G. Saxton	PLD entitlement	Assigned to Arb. Phillips - Awaiting NMB Funding
PLB-7494-157	CSX	J. F. Mitchell	Denied PLD	Assigned to Arb. Phillips - Awaiting NMB Funding

STATUS OF DISPUTES

Docket	Carrier	Claimant	Subject	Status
PLB 7560-54	BNSF	L. Bernard	Discipline	Assigned to Arb. Campagna - Awaiting NMB Funding
PLB-7560-55	BNSF	L. Harvey	Discipline	Assigned to Arb. Campagna - Awaiting NMB Funding
PLB-7560-56	BNSF	A. G. Lincoln	Discipline	Assigned to Arb. Campagna - Awaiting NMB Funding
PLB-7560-57	BNSF	J. Vidal	Discipline	Assigned to Arb. Campagna - Awaiting NMB Funding
PLB-7560-58	BNSF	M. L. Penney	Discipline	Assigned to Arb. Campagna - Awaiting NMB Funding
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PLB-7153-10	Kiamichi	J. Garrison	Failure to allow exercise of seniority	Assigned to Arb. Benn - Awaiting NMB Funding
PLB-7153-11	Kiamichi	T. Testerman	Discipline	Assigned to Arb. Benn - Awaiting NMB Funding
.....				
PLB-7769-5	Keolis	J. Lincoln	Discipline	Assigned to Arb. Simon - Awaiting NMB Funding
PLB-7769-6	Keolis	K Mellix	Discipline	Assigned to Arb. Simon - Awaiting NMB Funding
.....				
PLB-7644-48	WC	J. Borter	Discipline	Awaiting NMB Funding
.....				
PLB-	BNSF	K. Hughes	Discipline	Awaiting assignment to a Public Law Board
PLB-	BNSF	K. Hughes	Discipline	Awaiting assignment to a Public Law Board
PLB-	BNSF	A. J. Blackford	Discipline	Awaiting assignment to a Public Law Board
PLB-	BNSF	T. E. Joneson	Discipline	Awaiting assignment to a Public Law Board
PLB-	BNSF	S. Settle	Discipline	Awaiting assignment to a Public Law Board
PLB-	BNSF	E. J. Armitage	Discipline	Awaiting assignment to a Public Law Board
.....				
PLB-	CSX	D. O. Marcovsky	Discipline	Awaiting assignment to a Public Law Board
PLB-	CSX	D. Taylor	Compensation	Awaiting assignment to a Public Law Board

Train Dispatchers, Load Supervisors and Power Directors Ratify New Seven-Year Contract with Amtrak

Congratulations to Amtrak ATDA members who overwhelmingly ratified a new 7 year contract with the passenger Carrier. Our Amtrak members will see a 30% pay raise (compounded to 34.1%) over the life of the Agreement which includes retroactive back pay to July 1, 2022. Members will also get 10 paid National holidays and those who work a National holiday will get overtime pay for time worked. Also included in this Agreement is 10 weeks of paid parental leave for both mothers and fathers to bond with a newborn child (including surrogacy) or a child placed with an employee for adoption, within the first year of birth or placement. Improvements to the health and welfare plan include an increase in coverage for hearing aid devices, an increase in life insurance and accidental death

and dismemberment coverage, and expanded or added coverage for fertility treatments and vasectomies. The employees' monthly contribution for health and welfare benefits will remain frozen at the current rate until the next round of bargaining that begins on January 1, 2029.

ATDA President McCann noted that this is another success story of our Organization negotiating the highest general wage increases ever achieved on Amtrak, without any givebacks in benefits or rule changes, and he recognized the hard work of Amtrak General Chairperson Jessica Veltri, Vice General Chairman Mike DePue and National Vice Presidents Barry Cross and Paul Arden for bringing this negotiation session to a successful conclusion.

PROCEDURES REGARDING DUES AND FEE OBJECTORS

The following revised policy adopted by the Executive Board is provided to each new employee when he/she first becomes subject to a collective bargaining agreement containing a union security provision and is published annually in the Train Dispatcher.

The Executive Board has adopted the following procedure regarding maintenance of union membership and dues obligations under the union shop agreements between ATDA and the employers for whom its members work, in order to comply with interpretations of the U.S. Constitution and the Railway Labor Act by the United States Supreme Court:

1. An employee whom the ATDA represents who is required to be a member of the union under a union shop agreement, but who objects to joining or remaining a member of the union, will be deemed to have met the requirements of the union shop agreement if the employee pays to the ATDA an amount equal to the periodic dues, fees and assessments (not including fines and penalties) uniformly required of all members of the union ("the service fee") within the time limits provided for in the union shop agreement. Such employee shall be known as a "service fee payer." Service fee payers are not union members; they may not vote in union elections or be candidates for union office, attend union meetings, serve as delegates to union conventions or participate in the delegate selection process, or vote on the ratification of collective bargaining agreements.

2. A service fee payer has the legal right, through timely written objection, to limit his/her service fee payment to expenditures that are necessarily or reasonably undertaken by the union to represent employees for whom it is the exclusive representative, i.e. activities of the union that are related to collective bargaining, contract administration and grievance handling. In such case, expenses unrelated to these activities, will be excluded from the service fee calculation. Such "non-chargeable expenditures" include contributions of money or paid union staff time to political parties, candidates, and charities and other organizations; expenses to recruit new members; legislative lobbying expenses not directly related to collective bargaining agreement negotiation or administration, including time of union officers and employees; AFL-CIO and affiliated organization dues; costs of portions of the union's newsletter and magazine publications not related to the employment interests of the employee; members-only benefit expenses; and expenses for litigation that does not directly concern the objector, his bargaining unit, or the union as an institution.

3. An employee who wants to submit such an objection must do so initially within 30 days after he/she first begins paying a service fee and receives notice of this procedure or thereafter in writing to the ATDA Secretary-Treasurer postmarked during the month of July. The Union will consider your objection to be for the upcoming year unless you expressly state that it is continuing in nature. Once filed, an objection may be revoked at any time in writing by

you to the Secretary Treasurer. The objection must include the employee's name, home address, social security number, employer, job title, work location, and home and office phone numbers. The service fees of new employees who file such objections shall be reduced retroactively to the date they first begin paying a service fee; the service fees of all other employees who file such objections shall be reduced for the twelve-month period beginning the subsequent October after the objection is received and ending September 30th of the following year. Prior to the beginning of this twelve-month period, each employee who has filed an objection will be provided with a full explanation of the basis for the reduced fee, and an explanation of the procedure for challenging the calculation of that reduced fee.

4. The union shall maintain records of the amount of time, dues/assessment/fee income, and assets that are expended for chargeable and non-chargeable activities. Such records shall be subject annually to an independent audit in order to determine the amount of reduced fee to be charged service fee objectors.

5. An employee may challenge the union's calculation of the reduced fee via arbitration before an impartial arbitrator in accordance with the Rules for Impartial Determination of Union Fees of the American Arbitration Association. In such an arbitration, the union bears the burden of proving the propriety of its calculation. To invoke arbitration, the employee must submit his/her challenge in writing to the Secretary-Treasurer postmarked within 30 days of his receipt of the fee explanation. Pending resolution of the challenge, the union shall place in an interest-bearing escrow account a sufficient portion of the fees being paid by those employees who have filed challenges to ensure that the portion of the fee reasonably in dispute will not be expended. After the issuance of the arbitrator's ruling, the union shall promptly distribute the escrowed monies in accordance with the ruling and, if required by the ruling, adjust the amount of the reduced fee.

6. This procedure shall be administered in a manner that is completely fair to service fee payers who register objections. The Secretary-Treasurer is authorized to determine the amount of the reduced fee each year, to provide proper notice of this procedure to service fee payers, and to recommend to the Executive Board the establishment of such other procedures as may be required by state or federal laws for the accommodation of service fee objections.

7. A public employee may not be required to be a member of the union or to pay any fee as a condition of employment though he/she may elect to become a service fee payer.

8. This procedure shall be published by the union in its newsletter or magazine, and sent to each service fee payer, annually. It shall also be provided to each new employee when he/she first becomes subject to a collective bargaining agreement between ATDA and his/her employer.



American Train Dispatchers Association
4239 West 150th St
Cleveland, Ohio 44135
E-Mail: dowell@atda.org
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NATIONAL HEALTH AND WELFARE BENEFIT DIRECTORY

United Healthcare

National Plan-GA-23000

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Benefit (CHCB)
1-800-842-9905
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

Highmark Blue Cross Blue Shield

Railroad Dedicated Unit

P.O. Box 890381
Camp Hill, PA 17089-0381
1-866-267-3320
bcbs.com

Life Insurance

MetLife

P.O. Box 6122
Utica, NY 13504-6122
1-800-310-7770
metlife.com

Vision Service Plan

EyeMed

Member Support
1-855-212-6003
eyemedvisioncare.com/railroad

Mental Health and Substance Abuse Benefits

For treatment, claims or inquiries call:

United Behavioral Health
1-866-850-6212
liveandworkwell.com
Access code: Railroad
Company identifier: RR

Dental Benefits under Group Policy No. GP-12000

Aetna

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Lexington, KY 40512-4094
1-877-277-3368
aetna.com

Managed Pharmacy Benefit

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UnitedHealthcare Plans
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