

January 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

In my December 2007 report, I advised of the Carrier's intent to appeal the prior ruling(s) concerning the Family & Medical Leave Act litigation between the Rail Unions and Rail Carrier's to the Supreme Court for final consideration. On January 14, 2008, the Supreme Court announced that it denied the carrier's petition for a writ of certiorari. This means that the federal court part of this dispute should be over. Unless the Carrier's reconsider a settlement, we will now have to arbitrate the various claims that have been filed as a "minor dispute" under Section 3 of the Railway Labor Act.

In September 2007, Aetna Insurance Company began conducting a "dependant audit" questionnaire of all employees participating in the Railroad National Dental Plan. The freight Railroads, through a mutual agreement with Rail Labor, will be applying the results of the audit to all National plans including Health, Dental and Vision. On Amtrak, for the time being, the results of the audit will only affect Dental benefits. The audit has been ongoing since September 2007 when the initial letters were sent out. Follow-up letters were sent out in December 2007 to all employees who had not responded. IBEW Railroad Director Bill Bohne' recently advised that there are still approximately 140,000 dependants not verified. Of these 140,000, the IBEW has approximately 2,600. Brother Bohne' further advised that Aetna will be sending out final letters to all non-responders soon; and, those employees who do not respond to the audit will risk loss of dependant benefit coverage, including health, dental and vision. Therefore, it is imperative that any member, who has not yet completed the dependant audit, should do so as soon as soon as possible.

On the date of January 8, 2008, myself, AGC Shell and the Shop Craft Coalition General Chairmen met with Union Pacific personnel in Omaha to discuss a recent audit conducted by the Federal Railroad Administration (FRA) concerning the Carrier's compliance with the DOT drug & alcohol testing regulations as relates to employees performing hours of service (HOS) work. Such work includes work on coded cab signals, locomotive moving, and work performed when an employee attaches himself with a train crew.

As a result of the foregoing audit, the FRA determined that employees performing HOS work will remain in the random DOT test pool for 90 days unless they perform covered service again in the 90 days, which would subsequently, extend their time in the pool. In the years past, the Carrier applied their policy to include a 30 day stay in the pool. With regard to the FRA Pre-employment or Transfer drug test (also known as Test 15), the FRA also determined that many of the employees who may be required to perform covered service did not have a pre-employment/transfer test on file, prior to being assigned to HOS work. This includes employees who are assigned or may be assigned

to tasks that have been identified as HOS-covered work. In this regard, the Carrier is now researching its employee records to determine which employees have not yet had the proper drug screen FRA Pre-employment/Transfer drug test.

On the date of January 9, 2008, SMWIA General Chairman Willis Jepsen, VGC Perry, AGC Shell and I met with Union Pacific Labor Relations concerning ongoing issues relating to those employees working in the Southern Region Engineering Department. The issues discussed included the increased contracting out of work, employee staffing, employee attrition rates, and the local Management policies affecting the electricians and water service employees. As a result of our discussions, UPRR Labor Relations has agreed to research the matter with the Southern Region in an attempt to resolve some of these issues.

On the dates of January 22 – 24, 2008, the System Council staff attended arbitration with the Union Pacific in The Villages, Florida at Public Law Board 7001 before neutral arbitrator Don A. Hampton. At this time, the System Council presented eleven (11) cases before the Board. I will notify the affected locals and the respective Claimant's as soon as the decisions are rendered, which will be forthcoming.

This office is currently negotiating a Public Law Board Agreement with the Kansas City Southern Railway in order to arbitrate the disputes with that Carrier. There are currently three cases pending with the Second Division National Railroad Adjustment Board which have not yet been heard. In the event an agreement is reached with the KCS, those cases will be pulled down and listed for final adjudication before the PLB together with any additional cases.

Please find hereto attached the following which can be disseminated and/or posted:

1. Health and Welfare Aetna Audit Dependant Update information; [details](#)
2. Federal Register concerning Certified Drug Testing Laboratories; [details](#)
3. Information from IBEW RR Director Bill Bohne' and the FRA concerning Drug & Alcohol testing; [details](#)
4. Labor Member Speakman's February newsletter; [details](#) and
5. RRB Job Vacancies. [details](#)

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

VLJ:se
Enclosures

February 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

On February 11, 2008, the Department of Labor published in the Federal Register a Notice of Proposed Rulemaking which addresses changes in its regulations and how it administers the Family and Medical Leave Act. A review of such proposed changes include areas of interest such as substitution of paid leave, use of leave in less than full or half day increments, notice obligations and eligibility requirements. Any changes cannot go into effect until after the public is permitted to comment, which are due by April 11, 2008. I will keep you apprised with any updates I receive.

In August 2007, new legislation was passed with changes in Federal Law regarding threats, intimidation and harassment against railroad workers by railroad employers. The legislation provides specific Whistle-Blower protection for railroad workers pursuant to Title 49 U.S.C. Section 20109 and provides that a railroad may not discharge, demote, suspend, reprimand or in any other way discriminate against an employee for providing information or assisting in any investigation as set forth in Section 20109. This protection extends to employee's who refuse to violate or refuse to help violate any Federal law, rule, or railroad safety requirement. Moreover, this law protects employees when reporting on-duty injuries, files a lawsuit for a personal injury, and/or agrees to testify in such related suits. Finally, the legislation also applies when an employee refuses to work in a hazardous situation or reports, in good faith, a hazardous safety condition. The foregoing applicable sections of the act are attached hereto.

It has been brought to my attention that some locations may still be using employee social security numbers for identification purposes when progressing correspondence, claims or grievances on behalf of individual members. As I'm sure you are aware, identity theft has become a major concern for all. Therefore, when progressing any correspondence on behalf of a member, Employee Identification numbers should be used rather than a social security number.

During the period of February 5 – 7, 2008, I attended the annual IBEW Railroad Department General Chairman's meeting held by R.R. Director Bill Bohne' in Hollywood, Florida. At this time, many issues were discussed, such as the recent IBEW Rail Road Task Force recommendations. In addition, each System Council General Chairman was given time to discuss their specific issues and concerns.

On February 11 – 12, 2008, the System Council staff together with Telecommunication AGC Dave Starkjohann, and Local 650 President Joe Bycroft, met to discuss issues of concern and matters within the UPRR Telecommunications Department. At this time we reviewed the Carrier's recent proposals and then collectively identified the matters which were important to the employees; such as, eliminating ET positions, career paths,

wages, differentials, geographic COLA allowances, per diem allowance, certifications, classification of work, etc. On the date of February 29, 2008, the System Council staff met with Telecommunications General Director Neal Spencer and General Director Labor-Relations Andrea Gansen. During this meeting, we identified the foregoing issues as well as on-going issues and concerns within the Telecommunication Department as relates to all classifications. The Carrier stated that they would review the issues presented and agreed to meet again in several weeks to discuss them further.

On February 21, 2008, VGC Pat Perry, AGC Randy Shell and I attended a meeting in Fort Worth with Union Pacific personnel, IBEW "Code of Excellence" representative Jim Prizmich, and the individual IBEW local union representatives. The meeting was held in order to discuss local involvement with developing best work practices and job site assessments (JSA) at the different locations. It is my understanding that the Carrier is currently scheduling a follow-up meeting in Denver next month.

On the date of February 27, 2008, AGC Randy Shell and I met with KCS Director Labor Relations Jim Albano to address the outstanding issues and claims on the Kansas City Southern Railway. At this time we entered into a Public Law Board (PLB) Agreement with the KCS to arbitrate existing cases and those cases currently listed with the NRAB Second Division. Pending National Mediation Board approval, the date of April 16, 2008 has been tentatively set for arbitration.

Please find hereto attached the following which can be disseminated and/or posted:

1. [Title 49 U.S.C. Section 20109;](#)
2. [RRB Job Vacancies for February 2008;](#)
3. [R.M. Speakman, Labor Member, Monthly Report.](#)

With best wishes, I remain

Fraternally yours,

Jim Wisniski

March 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

On the date of March 1, 2008, myself, VGC Perry and AGC Shell attended a retirement party for Local Union 807 Local Chairman Jack Keeling in North Little Rock, Arkansas. Jack served his local in several capacities as well as the System Council as an Executive Board member for many years. Throughout his career, he devoted himself to leading the membership with the sincere desire to improve the lives of those he served. I can personally attest to his tireless effort and dedication. Jack will be greatly missed and we thank him for his valuable service, time and support.

Due to Brother Keeling's recent retirement, I have appointed Brother Ron Lynch, Local Chairman - Local 807, to fill the System Council No. 2 Executive Board position vacated by Brother Keeling. This appointment was unanimously approved by a referendum of the System Council No. 2 Executive Board. We welcome Brother Lynch and look forward to working with him in the future.

This office has recently discovered, as I'm sure many of you have, that the Union Pacific is requiring candidates for electrician apprentice to possess some level of formal electrical and/or electronic education prior to being considered for such positions. Although, prior education should certainly be recognized, I have recently informed the Carrier that such a prerequisite may significantly limit the pool of apprentice candidates, and may further mitigate the training needed to become a skilled and competent journeyman. I have requested a meeting with the Carrier to discuss this matter further.

Throughout the month, the System Council staff completed preparation for arbitration with the Union Pacific Railroad before Public Law Board 7001, and the Kansas City Southern Railway before newly created Public Law Board 7160.

Arbitration with both Carrier's are scheduled for the date of April 16, 2008 in Orlando, Florida. For those locals who have cases pending, you will be notified accordingly as to the outcome of the disputes. Furthermore, this office has advised the Union Pacific Railroad that we are prepared to proceed with arbitrating the outstanding FMLA disputes following the Carrier's recent denial for appeal before the Supreme Court. In this regard, I have requested that a Public Law Board be established to hear these cases.

On the date of March 19, 2008, VGC Pat Perry attended the bi-annual UPRR General Chairman's Association meeting in Salt Lake City, Utah. Following the general meeting, the General Chairman toured the UPRR Hospital Association facility located in Salt Lake City.

On March 25, 2008, the System Council staff and affiliated local unions conducted the first conference call with IBEW Railroad Director Bill Bohne' pursuant to the 2008 Railroad Department Task Force recommendations. The call agenda included such topics as, an explanation of the Task Force report; Railroad Health and Welfare Dependant Audit; the upcoming 2008 IBEW Railroad Conference; COPE collection & LU Registrars; LU's filing OE-1a forms, and; an update of LU information & LU President info. For those locals who did not participate, I encourage your future participation.

On the date of March 31, 2008, AGC Don Tortorice and AGC Randy Shell attended a meeting in Omaha, Nebraska to conference and discuss outstanding claims and grievances with the UPRR. During the month of March, the System Council continued to process and assist LU's with progressing claims, grievances, subcontracting issues and discipline investigations. It's important to note that disputes relating to subcontracting must be initiated by the System Council with the highest officer of the Carrier designated to handle such disputes. It is very important that the local union provide the necessary information promptly in order to initiate the process. If you have any questions, feel free to contact myself or the System Council representative assigned to your LU.

Please find hereto attached the following which can be disseminated and/or posted:

1. [AFL-CIO message on Sen. John McCain](#);
2. [Letter from U.S. Sen. Kay Bailey Hutchison](#);
3. RRB Labor Member Speakman's newsletter for March 2008;
4. RRB Scheduled Informational Conferences;
5. RRB Job Vacancies list for March 2008;

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

VLJ:se
Enclosures

April 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

On the date of April 3, 2008, the Federal Railroad Administration issued a memo (hereto attached) which clarifies ambiguities that existed in the Code of Federal Regulations for determining whether a task required the use of Blue Signal Protection (BSP) or Roadway Worker Protection (RWP). This technical bulletin tightens up locations such as locomotive service track areas and car shop repair track areas where some carriers have previously circumvented use of the appropriate required protection. Moreover, the bulletin specifies what protection is mandated for contractors.

I have recently been notified that Union Pacific is purchasing the South Morrill, Nebraska Progress Rail facility. As I'm sure many of you are aware, Progress Rail has been performing overflow maintenance and repair work to locomotives for several years now. I am pleased to advise that negotiations are currently underway in order to staff the facility with craft employees, including IBEW forces. I will keep you apprised with any updates.

During the week of April 1, 2008, I and the System Council staff attended meetings in Omaha to discuss outstanding issues and ongoing claims with Union Pacific. Also, the System Council staff together with the BRS General Chairmen met with UPRR Telecommunications Director Spencer and Labor Relations personnel in order to discuss ongoing issues within the IT Department. We are scheduled to meet again at the end of May.

During the week of April 15, 2008, Assistant General Chairman Shell and I attending Public Law Board 7001 with the Union Pacific Railroad, and Public Law Board 7160 with the Kansas City Southern Railway. At this time, each party presented their respective cases before neutral Arbitrator Don Hampton. I will notify the claimants and individual local unions as soon as the decisions are rendered.

On the date of April 24, 2008, the System Council staff attended the General Chairmen Shop Craft Coalition meeting in Kansas City, Missouri with the Union Pacific Railroad. In attendance, were labor representatives from the IBEW, IAM, NCF&O, SMWIA and IBBB. Attending for the Carrier was new Vice President Labor Relations Lance Fritz, CMO Barry Kanuch, Superintendent Locomotive John Estes, Safety Director Larry Earnshaw, Training Director Dave Kleffman, and various Labor Relations personnel. During the meeting, the Carrier provided presentations on topics such as craft training, safety overview, on-duty injuries, major locomotive initiatives and business financials. Also, the shop craft coalition discussed a lengthy agenda of issues such as Carrier's use of its "Upgrade" discipline policy, disciplinary hearings, injured employees, Carrier's EAP program, subcontracting, payroll direct deposit, vacation relief workers, apprentice

hiring practices, craft training, and workforce guidelines, to name a few. We are currently scheduled for a follow up meeting in June 2008 to readdress some of these issues.

During the week of April 28, 2008, myself, VGC Perry, AGC Shell, various IBEW International Officers and staff, and representatives from ten local unions attended a meeting in Denver, Colorado with Union Pacific personnel to discuss issues and fundamentals of Job Safety Analysis (JSA). I would like to thank those local representatives in attendance for their participation and valuable input concerning this matter.

Throughout April, the System Council staff continued to address outstanding issues, on-going claims, grievances and disciplinary appeals. I would like to thank the local representatives for their hard work and assistance with these matters. As a reminder, the 2008 IBEW Railroad Department conference is scheduled for June 16th & 17th in Miami, Florida. Registration and lodging information is included with President Hill's conference notice which you recently received.

Please find hereto attached the following which can be disseminated and/or posted:

1. [FRA technical bulletin memo](#)
2. Working Families CEO "PayWatch" information
3. RRB Labor Member Speakman's newsletter for April 2008
4. RRB Scheduled Informational Conferences
5. RRB Job Vacancies list for April 2008

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

VLJ:se
Enclosures

May 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

Efforts are currently underway by the System Council to secure an Implementing Agreement in order to staff Union Pacific's South Morrill, Nebraska locomotive facility with IBEW workers (previously "Progress Rail"). I have requested a meeting and am scheduled to meet with Labor Relations concerning this matter on June 26, 2008. I have recently discussed this matter with 11th District International Representative John Borne and suggested that the future membership at South Morrill serve as a "unit" of Local Union 1920, North Platte, Nebraska. I will keep you updated with any progress regarding this matter.

Liveandworkwell.com has Tornado Special Alerts posted on the website for those impacted by the storms that have occurred recently. Please find the attached information from United Behavioral Health with the special 800-689-5703 public support number. The attachment also includes excerpts from disaster recovery articles and directs members to "liveandworkwell" for resources and articles.

I have been advised that the Department of Labor will be issuing proposed revisions to the LM-2 and LM-3 reporting requirements which will require even more detail and disclosure than currently required by labor unions. Once I am apprised of these revisions, I will notify the local unions accordingly.

Union Pacific has recently informed me that effective June 1, 2008 individual letters advising employees who test negative under the UPRR Drug and Alcohol Policy will be discontinued. Employees who subsequently test negative will be able to go online to review and print their negative results from a confidential website. The Carrier states that the new online system will reduce employees' waiting time since results are posted as soon as they are received. Only those tests which are negative will be available online. Employees who test positive for drugs will continue to receive the results via certified mail, and; employees who are tested for alcohol using a Breathalyzer will receive their test results on site. A link will be provided on the UP website, or employees may go to www.uservices.com and follow these steps:

- Click on "Toxicology Services."
- Click on "UPRR Drug Testing Results."
- Enter appropriate information: Employee ID number, Specimen ID Number or Chain of Custody Number (found on the top portion of the testing form) and date of collection.
- Click "submit."

During the week of May 14, 2008, myself and System Council staff attended an All-Craft

meeting in El Paso, Texas with speakers from the RRB and FELA Representatives. During this time we also met with the Officers and members of Local Union 726, as well as the locomotive facility manager to discuss ongoing issues and concerns at the facility.

During the week of May 27, 2008, the System Council staff including Telecommunications AGC Starkjohann and BRS Representatives met with UPRR Labor Relations and Telecommunications General Director Spencer as a follow-up to our ongoing discussions and concerns within the IT Department. The Carrier is currently reviewing our concerns and suggestions. We expect to meet again in the upcoming weeks in anticipation of resolving some of the issues.

The System Council has continued to address journeyman and apprentice training issues and obstacles within the Union Pacific Mechanical Department. We are prepared to meet with the Carrier in June to follow-up with issues regarding apprenticeships. Also, AGC Shell is scheduled to meet with the Kansas City Southern concerning disputes and concerns with their application of electrical apprentices. Throughout the month, VGC Perry's office has been preparing for the annual System Council audit scheduled for early June. The System Council staff has been busy progressing ongoing disputes with the Union Pacific and Kansas City Southern Railway in hopes of resolving some of these matters short of arbitration. As of this writing, no decisions have been rendered concerning the recent Public Law Boards held on April 15, 2008. I will advise the appropriate local union and claimant(s) as soon as these decisions are rendered.

Please find hereto attached the following which can be disseminated and/or posted:

1. [United Behavioral Health Tornado Resources](#)
2. RRB Labor Member Speakman's newsletter for May 2008
3. RRB Scheduled Informational conferences
4. RRB Job Vacancies list for May 2008

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

June 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

As a follow-up to my previous correspondence concerning the recent amendment to the Federal Rail Safety Act, I am enclosing an OSHA Fact Sheet highlighting whistleblower protection for railroad employees together with the procedures and requirements for filing a related complaint. In August, 2007, the Federal Rail Safety Act was amended by the Implementing Recommendations of the 9/11 Commission Act to transfer authority for rail carrier employees whistleblower protection to OSHA and to include new rights and remedies. Although, FRA regulations prohibiting harassment and intimidation of employees who sustain or report work related injuries or illnesses remain in effect; the recent amendment is a much broader expansion providing rail workers access to broader safe guards relating to safety and security issues.

Vice Chairman Perry recently notified the applicable UPRR LU Financial Secretaries concerning implementation of monthly electronic dues deposit as opposed to receiving checks via US mail. It is our expectation that this will establish a secure and reliable method of deposit without the unnecessary need and time for depositing the check at the local union's financial institution. The Carrier will continue to provide deposit information as well as the monthly dues check-off list by either US mail and/or electronically. In this regard, the applicable Financial Secretaries were provided a form to complete with pertinent information in order to execute this process. Therefore, those locals who have not yet provided the requested information please do so by completing the form and forward to VGC Perry's office for further handling. If you have any questions, feel free to contact Brother Perry or myself.

On June 3, 2008, the System Council staff together with representatives from the IAM, NCF&O,

SMWIA and ARASA attended a meeting in Omaha with Union Pacific personnel to discuss implementation of the Carrier's revised UPGRADE Discipline Policy, as well as concerns in handling disciplinary investigations. During our discussions, the parties' exchanged a lengthy dialog regarding on-going concerns and issues with investigations and the administration of the revised policy. Although, I feel some progress was made during this meeting, there still exists some outstanding issues which the Carrier has agreed to review.

On the date of June 4, 2008, the System Council staff and the Union Pacific Shop Craft Coalition General Chairmen attended a follow-up meeting in Omaha to discuss the recent audit conducted by the Federal Railroad Administration (FRA) concerning compliance with the FRA Pre-employment/ Transfer Drug Test. At this time the Carrier provided a revised list of those employees by craft and location who has not tested but who may be required to perform covered Hours of Service work. Therefore, I have recently provided the Local Chairpersons with the employee lists for their review and reply.

On June 4, 2008, AGC Randy Shell met with Kansas City Southern Labor Relations in Kansas City, MO in order to discuss and resolve some of our outstanding claims and concerns on that property.

On the date of June 13, 2008, VGC Perry attended a meeting in Kansas City together with Local 1832 Local Chairman Darin Nearmyer and President Chris Stoner to discuss maintenance sub-contracting issues with the Union Pacific. During the week of June 16, 2008, the System Council staff attended the annual IBEW Railroad Department meeting in Miami, Florida. I pleased to inform that fourteen (14) locals under the jurisdiction of System Council 2 participated in this year's conference. During the week of June 23, 2008, AGC Randy Shell attended the Tenth District Progress meeting in Charleston, SC. On June 25, 2008, VGC Perry and I met with Labor Relations in Omaha to conference outstanding discipline claims on the Union Pacific.

On the date of June 26, 2008, VGC Perry and I met with Union Pacific Labor Relations concerning the Carrier's Article I Notice to transfer work to the UPRR South Morrill, Nebraska facility (formerly Progress Rail). We are currently finalizing an implementing agreement which will initially create eighteen (18) IBEW electrician positions at the facility by October 1, 2008. As I previously advised, plans are underway to include the members at South Morrill as a unit of North Platte Local 1920.

Please find hereto attached the following which can be disseminated and/or posted:

1. [OSHA Fact Sheet \(Whistleblower Protection\)](#)
2. RRB Labor Member Speakman's newsletter for June 2008
3. RRB Scheduled Informational conferences
4. RRB Job Vacancies list for June 2008

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

JULY 2008 MONTHLY REPORT

ALL LOCAL UNIONS SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

On July 2, 2008, Local 1829 Local Chairman John Jennings retired from the Kansas City Southern Railroad with over thirty years of service as an Electrician. Over the years John served Local 1829, Shreveport, Louisiana, in several office capacities as well as Local Chairman and a member of the System Council No. 2 Executive Board. Brother Jennings valuable service and dedication to the IBEW will surely be missed. I personally wish John and his family a long and happy retirement.

Due to Brother Jennings recent retirement and pursuant to the System Council bylaws, I have appointed Brother John Colding - Local Union 1829 to fill the System Council No. 2 Executive Board position vacated by Brother Jennings. This appointment was approved by a referendum of the System Council No. 2 Executive Board. We welcome Brother Colding and look forward to working with him in the future.

On the date of July 15, 2008, I finalized an Implementing Agreement between the Union Pacific and System Council No. 2 establishing for IBEW positions at the South Morrill, Nebraska locomotive facility (formally Progress Rail). The Carrier has identified a closing date for the purchase of the facility for August 21, 2008, and the last day of operations for Progress Rail will be August 18, 2008. Plans to begin production with Union Pacific labor is scheduled for August 25, 2008.

On June 25, 2008, revisions to 49CFR Part 40 were published in the Federal Register concerning DOT Urine Specimen Collection Guidelines effective August 25, 2008. These guidelines are available and can be found on the web at: www.dot.gov/ost/dapc/udsc.html. In summary, the recent amendments will make

it mandatory for labs to test all DOT specimens for validity (i.e., adulterants and urine substitutes). Observed collections will afford less privacy in order to guard against the use of items designed to specifically beat the test. Directly observed collections will continue when there is specific reason to believe an employee is attempting to evade the testing process and items such as prosthetic devices designed to carry clean urine will be checked for by observers. The new direct observation procedures require the observer to check for these devices when an employee is subject to an observed collection. Observed collections will now be required, rather than optional, for all return-to-duty and follow-up drug testing. Also, during an invalid result Medical Review Officer (MRO) review, an employee admission of adulterating or substituting a specimen is now a refusal to test.

We have received the decisions from Public Law Board 7001 and 7160 held on the date of April 16, 2008 regarding those cases with Union Pacific and the Kansas City Southern Railroad's. I have recently notified the respective Claimant's and Local Unions regarding the decisions and furnished a copy of the Award(s). The System Council is currently scheduling an additional arbitration date anticipated for September, 2008 with the Union Pacific before PLB 7001.

It has recently been brought to my attention that at some locations on Union Pacific Railroad, mechanical employees are being required to make blind locomotive moves without the assistance of a ground or point-man. Although, I was not aware of such a provision, it was discovered that Carrier rules (specifically Rule 81.10.3) allow for this under certain circumstances. Nonetheless, I must point out that an IBEW member assigned to an outlying point was disciplined for derailing a locomotive during a required unassisted move. A conference call was recently held with Union Pacific personnel concerning this matter. The Carrier has agreed to investigate this unsafe practice and procedure and follow-up with further discussion. I would like to thank Local 214 President Jack Kramer for providing this information. It is my position that any member required to make an unassisted move is entitled to empower themselves to request assistance in order to perform the move safely.

Throughout the month, VGC Perry's office finalized the System Council audit and the annual LM-2 and 990 report filing. During the dates of July 23 – 25, 2008, Brother Perry attended the Eleventh District IBEW Progress Meeting in Des Moines, Iowa. During the week of July 9, 2008, AGC Don Tortorice together with IBEW Railroad "Code of Excellence" liaison Jim Prizmich met with the Local Chairman and Officers of Local 650, Salt Lake City, Utah. On the dates of July 17 & 18, 2008, AGC Shell attended a meeting with the Engineering Dept in Kansas City, Missouri and later met with the Officers and Local Committee of Local 1832. During the week of July 28, 2008, AGC Shell and Brother Prizmich toured the North Little Rock and Pine Bluff, Arkansas facilities and met with members of Local Union's 807 and 1758.

Please find hereto attached the following which can be disseminated and/or posted:

1. RRB Labor Member Speakman's newsletter for July 2008;
2. RRB Job Vacancies list for July 2008;
3. Sen. John McCain's agenda on Amtrak;
4. AFL-CIO Working Families "Union Veterans 2008"

With best wishes, I am

Fraternally yours,

Jim Wisniski
General Chairman

Enclosures

Cc: IVP's System Council 2
Bill Bohne, Director of Railroads
Pat Perry, VGC SC2
Staff

AUGUST 2008 MONTHLY REPORT

ALL LOCAL UNIONS SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

The Department of Transportation (DOT) and the Federal Railroad Administration recently issued federally mandated changes and regulations relating to drug and alcohol testing that includes more stringent direct observation guidelines. Drug testing requiring direct observation will be conducted in compliance with Federal Regulation 49 CFR part 40.67. The DOT states that more rigorous direct-observation procedures are being adopted to reduce incidents of adulterated and substituted test results. Under the new procedures, a detailed description of the observation process will be provided to both the donor and the observer at the time of the test. It is my understanding that the FRA may be providing the Carrier's with an extension of time for implementing these regulations. Nonetheless, please find the enclosed *"Frequently Asked Questions by Employees regarding New Direct Observation Requirements under Part 40."*

On July 31, 2008, the Office of Drug and Alcohol Policy and Compliance, together with the Office of General Counsel, issued 49 CFR Part 40 Questions and answers. Like all ODAPC/OGC Question and Answers, these constitute official and authoritative guidance and interpretation concerning Part 40 (hereto attached). One Q and A addresses how, during periods of hot weather, Medical Review Officers are authorized to deal with laboratory results reported as invalid because of pH in the 9.0-9.5 range. Two Q's and A's address the time period given employees to provide an adequate amount of urine. The final Q and A deals with tracking information that can be placed onto the DOT Alcohol Testing Form. These questions and answers are available at: <http://www.dot.gov/ost/dapc/qanda.html>.

Throughout the month of August, I have been in the process of relocating the System Council office to a new location, the contact phone numbers to remain the same. Effective September 1, 2008, the new address for System Council No. 2 will be as follows:

System Council No. 2, IBEW
8000 Main Street, Suite A
North Richland Hills, Texas 76180

Due to the National Mediation Board (NMB) approval for additional funding in 2008, time was allotted for Arbitrators to hear and handle additional disputes. As a result of the extended funding, I have scheduled a Public Law Board before Neutral Don A. Hampton. Therefore, throughout August, the System Council staff has been preparing ten disputes to be heard before PLB 7001 between UPRR and IBEW SC2 for the date of September 17, 2008, Chicago, IL. The Claimant's and Local Chairmen were recently notified of the details of this Board.

During the week of August 18, 2008, I attended the System Council staff meeting together with VGC Perry, AGC Tortorice and AGC Shell. At this time, a wide range of issues, accomplishments and concerns were addressed, such as; discipline and claim handling, subcontracting disputes, training, manpower, and specific local union issues. As a result of our discussions, it was decided to generate an on-going training agenda for local chairmen and/or local committeemen to assist with effectively dealing with the Carrier on everyday issues and disputes. In this regard, any Local Chairman who does not already have the "*Manual for Handling Claims and Grievances in the Railroad Industry*" and/or "*Agreements and Amendments dated January 1, 2007*", please notify this office in order for us to provide these.

Any local union who has recently had a change in Officers or Local Chairmen, please provide this office with the updated information including, name, address and contact information.

Please find hereto attached the following which can be disseminated and/or posted:

1. RRB Labor Member Speakman's newsletter for August 2008;
2. RRB Job Vacancies list for July 2008;
3. RRB Informational conferences;
4. RRB info on Medicare Part B Beneficiaries Premiums;
5. Frequently asked Questions-Part 40 Direct Observation Requirements;
6. 49CFR Part 40 Questions and Answers;
7. VP Labor Relation Fritz's letter concerning the Union Pacific's United Way Campaign.

With best wishes, I am

Fraternally yours,

Jim Wisniski
General Chairman

Enclosures

Cc: IVP's System Council 2
Bill Bohne, Director of Railroads
Pat Perry, VGC SC2
Staff

SEPTEMBER 2008 MONTHLY REPORT

ALL LOCAL UNIONS SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

As a result of Hurricane Ike which hit the Galveston and Houston, Texas area on September 12, 2008, many Union Pacific employees, including our IBEW Brothers and Sisters, sustained damage to their property and homes, were left without electricity for days, and suffered a loss in wages. Our thoughts and prayers go out to all who were affected by this devastating event. Union Pacific has recently notified this office that they are providing a Hurricane Help Line at 877-877-2567, Option 1, which is staffed from 8AM-5PM CDT Monday through Friday to provide a central point for employees to report dwelling-related emergencies. The Carrier has further advised that Risk Management will review each case with the Service Unit to identify those cases which qualify for funds from the Friend to Friend Network, referrals to Peer Support and EAP and a wage continuation program.

Recently, the U.S. Department of Transportation delayed its implementation of regulations requiring a new observation method for federally mandated observed return-to-duty and follow-up drug tests until November 1, 2008. The new observation method as described in my August 2008 report was originally scheduled to apply on August 25, 2008. BNSF, along with eight rail labor organizations, including the IBEW, has filed a petition seeking judicial review of this new observation method for federally mandated observed return-to-duty and follow-up drug tests. Although, we certainly do not condone the use of drugs and alcohol in the workplace, employees are entitled to be treated with respect and dignity at work to which the new regulation appears to be an intrusion of ones privacy.

The Federal Transportation Worker Identification Credential (TWIC)

established by Congress, are tamper-resistant biometric credentials that will be issued to workers who require unescorted access to secure areas of ports, vessels and outer continental shelf facilities. I have been advised that more than 1 million various workers including various rail workers will be required to obtain a TWIC. It is my understanding that the program has been delayed at several ports, but Union Pacific anticipates implementation soon. There are still a number of questions to be answered as the Carrier moves forward with this federally mandated program. I will keep you advised as more information is provided to me concerning specific ports and the TWIC implementation process.

During the week of September 8, 2008, I attended the IBEW Seventh District Progress Meeting in Phoenix, Arizona where I conducted a Railroad Workshop covering various topics relative to the rail industry. On the dates of September 8 – 10, 2008, VGC Perry and IBEW “Code of Excellence” Liaison Jim Prizmich toured the facilities and met with the local committee and officers of Local 214, Chicago, IL. During this same period, AGC Shell toured the Kansas City Southern facility in Shreveport, LA and later met with the local committee of Local 1829 in order to provide Local Chairman training.

On the date of September 15, 2008, myself, VGC Perry, COE Liaison Prizmich and LU 1920 Local Chairman Dave Hunt toured Union Pacific’s newly acquired South Morrill, NE facility. At this time we met and welcomed the new unit members of Local 1920. We look forward to working with the new membership at this location as well as the unit facility Local Chairman, Rex Harris. On the date of September 16, 2008, VGC Perry and I traveled to Denver, CO and later met with the Officers and Local Chairman of Local 708. On September 17, 2008, AGC’s Tortorice and Shell attended Public Law Board 7001 in Chicago, IL. At this time, ten disputes were presented before neutral arbitrator Don Hampton. I will notify the respective Claimant(s) and Local Chairmen of these decisions as they are rendered. On the dates of September 18th and 19th, AGC Shell and myself attended the annual meeting of the National Association of Railroad Referees (NARR) in Chicago, IL.

On September 29th and 30th, AGC Tortorice met with the Officers and local committee in Roseville, CA, LU 1682. Throughout the month of September, Brother Tortorice has also been assisting Los Angeles Local 889 with several disciplinary investigations. This office was scheduled to attend a General Chairman’s meeting together with UPRR personnel during the week of September 29th; however, due to the recent events in the Houston area and a conflict with the hotel, the meeting was cancelled. I have been advised that this meeting will be rescheduled to a later date.

I can’t overemphasize the importance of this November election. Much is at stake! It is my understanding that over the past several weeks, some local unions may have received correspondence and/or important information through their International District offices. Therefore, I urge each Local to share this

information with your members. We must also continue to remind and urge the membership to get to the polls on November 4th and get out the VOTE in support of the candidate(s) who maintain a pro-worker/labor agenda and who support the issues most important to working families. In this regard, please find enclosed for your distribution, two flyers provided through the IBEW Sixth District office concerning some of the issues at stake for "Rail Workers".

Please find hereto attached the following which can be disseminated and/or posted:

1. Who Supports Rail Workers (Flyer 1);
2. Who Supports Rail Workers (Flyer 2);
3. Working Families – Labor 2008 Strategy Memo;
4. RRB Labor Member Speakman's newsletter for September 2008;
5. RRB Job Vacancies list for September 2008;
6. RRB Informational conferences;

With best wishes, I am

Fraternally yours,

Jim Wisniski
General Chairman

Enclosures

Cc: IVP's System Council 2
Bill Bohne, Director of Railroads
Pat Perry, VGC SC2
Staff

October 2008 MONTHLY REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

As pointed out in my September correspondence, the U.S. Department of Transportation delayed its implementation of regulations requiring a new observation method for federally mandated observed return-to-duty and follow-up drug tests until November 1, 2008. The Court of Appeals recently issued an order which stays the Department of Transportation's mandatory direct observation urine specimen collection rule temporarily while the court considers whether to stay the rule for the duration of the litigation. This Order has no reflection on whether they will grant the longer stay requested. In addition to specimen collection procedures, please find attached the latest list of certified laboratories set forth in the Federal Register for those railroads subject to Part 219 drug and alcohol testing.

Arguments pertaining to the national FMLA issues within the railroad industry are scheduled for arbitration before a National Arbitration panel on November 12, 2008. The parties' Initial briefs and reply submissions were exchanged in October, 2008, which include disputes between the Rail Unions, including the IBEW, and the BNSF, UPRR, CSX and Norfolk Southern Railroads. I will keep you updated as to the outcome of this matter.

On October 16, 2008, President Bush signed the Rail Safety Improvement Act of 2008 and the Passenger Rail Investment and Improvement Act of 2008. These bills were combined in the U.S. Senate and passed on October 1, 2008. It has been noted that this was the most comprehensive rail safety bill in more than 30 years to which Rail Labor worked very hard to get passed. Please find attached a brief overview of the major provisions contained in the Act.

It has been brought to my attention that the deadline for applying for the Union Plus Scholarship is January 31, 2009. The scholarship is available to child dependants of IBEW members and other AFL-CIO affiliate unions. The application for the Union Plus Scholarship can be accessed online at www.unionplus.org/benefits/education/scholarships/up.cfm.

During the week of October 1, 2008, AGC Don Tortorice together with Ninth District International Rep. Kelly Foster toured the Progress Rail facility in Rockland, California and met with the officers and members of IBEW Local 800. During the week of October 13, 2008, I and Vice Chairman Pat Perry attended the UPRR General Chairman's Association meeting. On October 24, 2008, AGC Randy Shell met with the officers of Local 1814, Houston, Texas. On October, 25th, Brother Shell later attended the retirement party for former President of Local 1814, Raymond Pantoja. Our congratulations and best wishes go out to Brother Pantoja and his family and wish him a

long and happy retirement.

During the week of October 27, 2008, I, VGC Perry, AGC Tortorice and AGC Shell attended several meetings with Union Pacific in Omaha, Nebraska. During this period, the System Council staff met with Union Pacific Labor Relations to discuss outstanding claims and grievances. On October 28th, the System Council together with ten Local Chairmen met with UPRR personnel to discuss topics relative to the Mechanical Locomotive departments' business focus, lean processes, safety overview, training and other issues of concern. I want to thank the local representatives for their participation and input during this meeting. On October, 29th, the System Council staff along with Telecom AGC Dave Starkjohann met with UPRR Labor Relations and Telecom General Director Neal Spencer to discuss our outstanding issues and concerns affecting the IT Department. We are scheduled to meet again in November with hopes of resolving some of these issues. On October 30, 2008, AGC Shell met for a claims conference with Kansas City Southern Labor Relations in Kansas City, Missouri.

During the month of October, IBEW "Code of Excellence" Liaison Jim Prizmich met with the members and/or local officers of Local 1920 at the South Morrill and North Platte, Nebraska facilities as well as Local 1814, Houston, Texas.

I am currently awaiting decisions from Public Law Board 7001 which was held on September 17, 2008 involving ten disputes with Union Pacific Railroad. I will notify the appropriate local unions and claimant(s) as soon as the Awards are rendered.

Please find hereto attached the following which can be disseminated and/or posted:

1. [Rail Safety Improvement Act summary](#);
2. [Federal Register Certified Laboratories](#);
3. RRB Labor Member Speakman's newsletter for October 2008;
4. RRB Job Vacancies list for October 2008;
5. RRB October 2008 Informational conferences

With best wishes, I remain

Fraternally yours,

Jim Wisniski

General Chairman, SC#2

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Enclosures

NOVEMBER 2008 MONTHLY REPORT

ALL LOCAL UNIONS SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

Initially, on behalf of myself and the System Council Two staff, I would like to wish all our brothers and sisters a most joyous holiday season and best wishes for a happy and healthy new year.

Due to an interpretation dispute following the 2007 National agreement regarding those members covered by the National Health and Welfare Plan, some medical office visits were being patient (co-pay) billed at the "Specialist" co-pay rate of \$35.00. However, I have recently been advised that through discussion between the Labor and Management members of the National Health and Welfare Plan Committee, on which the IBEW participates, it was agreed to lowering the co-pays for Pediatrics, OB/GYN, Nurse Practitioners, Physicians Assistants, Physical Therapists and Chiropractors. Please feel free to distribute and post the attached announcement. Also attached is a letter from International President Hill outlining the employee cost-sharing premium rates for 2009. As indicated in President Hill's correspondence, the 2009 monthly cost-sharing amount that each employee covered by the Plan must contribute is 15 percent of \$1,139.74, or \$170.96, and increase of \$4.71 (2.8 %) over the current amount.

The US Court of Appeals granted the request that DOT's Direct Observation rule for all return to work and follow-up drug testing be stayed pending the Court's review on the merits. The Court has also set an expedited briefing schedule that extends to January 26, 2009. The DOT has issued a new final rule that returns the language to its original language indicating that an employer "may" order specimen collections under "direct observation" under certain circumstances. However, the message is clear that this final rule may change depending on the action of the Court as to whether or not "mandatory

direct observation” is appropriate.

With recent changes to the National Health and Welfare plan, there has been some questions pertaining to different types of drugs, i.e. preferred vs. non-preferred, formulary vs. non-formulary, name brand and generic. I was recently advised by IBEW Railroad Director Bohne that members may obtain a “Member Guide” for Medco drugs by contacting Medco at 800-842-0070, or go to www.medco.com in order to see if a drug is preferred or not. It was also suggested that members who obtain the guide can take it to their physicians’ office so there is no confusion as to what drugs the doctor may prescribe.

During the week of November 10, 2008, AGC Shell, together with representatives from Local Union’s 942, 1920 and 1682 met at the UPRR Fort Worth facility to investigate and discuss alternative methods for replacing alternator slip-rings. During the week of November 17, 2008, I, VGC Perry and AGC Tortorice met with UPRR Carrier officials in Omaha to discuss outstanding issues in the Mechanical and Telecommunication Departments. As a result of our discussions, it was decided that the Denver Locomotive facility electricians will begin installation of 280 C44AC locomotive ARC kits, rather than use a contractor as initially suggested. We also discussed the D-90 traction motor work in connection with the SD-70 overhaul project at North Little Rock. Following a subsequent discussion with Superintendent Locomotive John Estes concerning this matter, it is optimistic that the D-90 traction motor work will be done in-house by the electrical forces at North Little Rock. I am, however, still awaiting the Carrier’s confirmation. With regard to the Telecommunication Department’s initial directive to contract out the exchange of wide-band frequency radios and installation of narrow-band radios in Carrier vehicles, it was discussed and agreed to allow available Telecom employees to complete such work rather than send it to an outside vender.

Throughout the month of November, the System Council staff continued to handle on-going claims and discipline appeals as well as assisted the local unions with everyday issues. I recently received the final decisions from PLB 7001 and the copies of the Award(s) were forwarded to each Claimant and applicable Local Chairman.

Please find hereto attached the following which can be disseminated and/or posted:

1. RRB Labor Member Speakman’s newsletter for November 2008;
2. RRB Job Vacancies list for November 2008;
3. RRB November 2008 Informational conferences;
4. OSHA Regional News Release (regarding whistle blower statute);
5. Message from President Hill concerning the November, 2008 Election;
6. Letter from President Hill concerning 2009 cost-sharing premium rates;
7. MMCP co-pay change announcement;

With best wishes, I am

Fraternally yours,

Jim Wisniski
General Chairman

Enclosures

Cc: IVP's System Council 2
Bill Bohne, Director of Railroads
Pat Perry, VGC SC2
Staff

DECEMBER 2008 MONTHLY REPORT

ALL LOCAL UNIONS SYSTEM COUNCIL NO. 2

Dear Sisters and Brothers:

I hope that everyone had a joyous holiday season. I would personally like to thank the local union officers and those members who contributed so much of their time, effort and support throughout the past year on behalf of the IBEW membership.

As pointed out in my previous correspondence, the Family & Medical Leave Act (FMLA) arbitration was held on November 12, 2008 before a National Arbitration panel. I recently received the arbitrators' Award concerning this matter and am pleased to announce that we were successful on all counts. Each local union was provided a synopsis of the decision identifying the specific grounds for the panels' decision. The Award became effective on December 16, 2008, and provides that the carriers will immediately discontinue the invalidated provisions of their policies. It is my understanding that the Carriers' have rescinded their forced substitution policies, but have recently requested further interpretation of the award. The arbitrators will subsequently consider the appropriate remedy for outstanding claims filed on behalf of employees who were required to substitute paid leave for FMLA leave. A hearing will be held by February 13, 2009 regarding this matter.

The U.S. Railroad Retirement Board (RRB) announced that it will begin phasing in nationwide toll-free telephone service. A single toll-free number (**1-877-772-5772/1-877-RRB-5RRB**) will provide RRB customers with easy access to the agency's field offices. In addition, the new toll-free number will offer options for self-service through automated menus and automatic routing of calls to claims representatives in nearby offices during emergency and peak periods. Twelve of

the RRB's 53 field offices will participate in the initial implementation and include, St. Paul and Duluth, MN; Fargo, ND; Des Moines, IO; Jacksonville and Tampa, FL; Atlanta, GA; Birmingham, AL; Oakland, Sacramento and Covina, CA; and Mesa, AR. Nationwide toll-free telephone service will be available in additional RRB field locations after the initial phase has been completed. Until then, those who reside outside of the service areas covered by these twelve offices should continue to use the telephone number for the field office for their area by calling the automated RRB Help Line at **1-800-808-0772** or by checking online at www.rrb.gov.

Attached is the new Federal Register Notice publishing the revised monetary threshold for rail equipment accidents/incidents from \$8,500 in 2008, to \$8,900 for 2009, together with the updated FRA post-accident testing flow chart reflecting this change. Also attached for your information are the new DOT Random Drug and Alcohol Testing Rates Notice, and a copy of the Federal Register outlining drug testing laboratories.

During the week of December 2, 2008, a UPRR Non Operating General Chairmen meeting was held in San Antonio, Texas. Due to unexpected circumstances I was unable to attend the meetings; however, VGC Pat Perry was able to attend on my behalf. The meeting commenced with a tour of the new San Antonio Intermodal facility and the south San Antonio yard followed by a business update presentation by UPRR personnel Dennis Duffy, Joe Santamaria and Barry Kanuch. The meeting concluded with a tour of the UPRR Houston facilities. On December 11th, I met with the members and officers of San Antonio Local 1911 and attended their annual Christmas party. During the week of December 15th, AGC Don Tortorice attended a meeting with Los Angeles Local 889 officers and UPRR management personnel for the Los Angeles area. On December 17th, VGC Pat Perry attended a UPRR Northern Region update in Omaha, NE. Throughout the month, AGC Shell continued discussions with the Kansas City Southern Railroad concerning outstanding issues in Kansas City, MO and Shreveport, LA.

In December, the System Council staff finalized an amendment to the UPRR Telecommunication Agreement in an attempt to create a career path for all Telecom employees while addressing some of the on-going issues and concerns within the department. I would like to thank AGC Telecom Dave Starkjohann, Local 650 President Joe Bycroft, and all the other Telecom members who offered their suggestions, ideas and support regarding these matters. A copy of the amended agreement has been provided to each applicable local union. There are also plans to meet with the UPRR Telecom Department as a follow up to re-address some of the ongoing concerns.

In addition to routine claim handling, appeals and other matters, the System Council staff is looking forward to working with all the local unions in 2009 with the expectations for a productive year.

Please find hereto attached the following which can be disseminated and/or posted:

1. RRB Labor Member Speakman's newsletter for December 2008;
2. RRB Job Vacancies list for December 2008;
3. Federal Register – Revised Monetary Threshold;
4. FRA Post Accident Testing Flow Chart;
5. DOT Random Drug & Alcohol Testing Rates Notice;
6. Federal Register – Drug Testing Labs

With best wishes, I remain

Fraternally yours,

Jim Wisniski
General Chairman

Enclosures

Cc: IVP's System Council 2
Bill Bohne, Director of Railroads
Pat Perry, VGC SC2
Staff