



# THE TRAIN DISPATCHER



The official publication of the American Train Dispatchers Association  
AFL-CIO and Transportation Trades Department Member

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## ATDA 31st GENERAL ASSEMBLY OCTOBER 9 - 13, 2011

The 31<sup>st</sup> General Assembly of the American Train Dispatchers Association was held in Las Vegas at the Flamingo Hotel October 9 through 13. Registration of Delegates, Officers and Guests started at 2pm on Sunday October 9 with the Assembly convening at 9am on Monday October 10.

The report of the Credentials Committee was presented by Brother Ron Peterson (CONRAIL). Also serving on the Committee were Brothers John Campbell (BRC) and James Hollis (BNSF).

The attendance roll was called by Secretary/Treasurer Melton with 64 Delegates, 9 Officers and 3 retired Officers present. President McCann announced a quorum and the Assembly was convened. Former President Bill Clifford, Former Vice President Dean Bennett and Former Vice President Jim Parker were in attendance.

President McCann, Secretary/Treasurer Melton presented reports followed by the Trustees report by Brother Mike Greenwell. Guest Speakers were Walt Barrows from the Railroad Retirement Board, Ron Barto from United Healthcare, Melanye Smith from the National Labor College, and Chris Maxwell from First American Bank which holds the ATDA Trust Fund.

Brother Rory Broyles (NS) gave the report of the Constitution Committee and presented the proposed constitutional amendments to the assembly. Brothers Barry Bolton (KCS) and Gordon Smith (SOO) served on the Committee with Chairman Broyles. The Resolutions and Legislative committee report was presented by Brother John Salvey (AMTRAK). Brothers Phil Houle (CXTE) and Brother Jay Weber (BNSF) also served on the committee.

Numerous changes were made to the ATDA Constitution and By Laws and many Resolutions were passed. With the exception of one additional Alternate Trustee position, no changes were made to the Executive or Joint Board structure. The Delegates chose to keep our current dues structure.

Once the business of the Assembly was finished, the election of officers was held. President McCann was challenged by Jay Weber and retained his position as President with a vote count of 38 to 26. Incumbent Gary Melton and Rory Broyles ran for the Secretary Treasurer position with Melton winning 50 to 14. Joe Mason and David Volz ran for the Central Vice President position with Volz retaining the position 46 to 18. Vice resident Ayers was declared elected without opposition in the West Vice President election. Brother L. Ed Dowell (CSX) was elected over opposition Reggie Vincent and Dan Wheat to serve as Southeast Vice President following Crawford Boggs who has retired. Brother John Salvey (AMTRAK) was elected as Northeast Vice President upsetting incumbent Brother Gary Wasserman (PATH) with Brothers Mike Greenwell and Ed Kadlick also running in the race.

Reggie Vincent (NS), Irma Bernal (MRL) and Mike Spencer (BNSF) were elected as trustees. Alternate Trustees are Ken Bennett (CSX) Paul Arden (CSX) Chris Calhoun (TRRA) and Jay Parker (MBCR). Others running in the trustee race were Ron Peterson, Nick Lengares and Barry Cross.

Delegates, Officers and Guests attended a dinner Monday evening with honors given to Brother Boggs recognizing his service and retirement. Snacks and refreshments were served poolside on Tuesday evening during an informal social gathering. The ATDA officers and Staff want to thank everyone for a successful and productive Assembly.

**THE ATDA SCHOLARSHIP PROGRAM FOR 2012 Will begin November 1, 2011. Download applications at [WWW.ATDA.US](http://WWW.ATDA.US)**

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## LEGAL NOTICE

### ~DUES~

Article 2, Section 4(b) defines the national dues rate. Effective October 1, 2011, the national dues rate is **\$86.95** per month. System dues are determined separately by each system committee as shown below. To determine your monthly obligation, add the system dues amount shown below to the national dues rate. Dues are payable monthly in advance.

4b. (1) The monthly National dues of all Active members of this Association, except as otherwise provided in this Section shall be determined annually by multiplying the average truck 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 \$136.00 per day shall be determined annually by multiplying the average daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 for each craft by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

### SYSTEM DUES RATES

ALASKA	\$20.00	MRL	\$10.00
AMTRAK	\$6.67	NICTD	\$0.00
BNSF	\$15.00	METRA	\$7.00
BRC	\$0.00	NJT-P	\$4.00
CONRAIL	\$9.00	NJT	\$7.00
CSX	\$25.00	NS	\$10.00
CSXTE	\$13.45	NKP	\$5.00
GTW	\$5.00	PATH	\$5.00
IHB	\$2.50	SOO	\$10.00
KCS	\$11.35	SIRT	\$0.00
KIAMICHI	\$10.00	TRA	\$10.00
MBCR	\$6.67	WAB	\$10.00

## AMERICAN TRAIN DISPATCHERS ASSOCIATION

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4239 West 150th St  
Cleveland, Ohio 44135  
Telephone: 216-251-7984

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

### OFFICIAL ROSTER

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108 Tower Bluff, Cibola, TX 78108  
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Home Telephone 904-868-2118

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**R. A. VINCENT** Trustee

229 Settlers Grove Ln., Salisbury, NC 28146

**I. A. BERNAL** Trustee

57738 Foothill Rd St. Ignatius, MT 59865

**M. R. SPENCER** Trustee

276 County Road 3481, Paradise, TX 76073

### STAFF

**R. M. SERMAK** Director of Research

**K. W. BENNETT** Asst. Director of Research

**DEB HALL** Accounts Receivable

**DAN LANIGAN** Accountant

4239 West 150th St, Cleveland, Ohio 44135  
Office Telephone: 216-251-7984

### RETIRED EXECUTIVE BOARD OFFICERS

**G. D. BENNETT**

**C. L. BOGGS**

**W. A. CLIFFORD**

**R. E. JOHNSON**

**H. E. MULLINAX**

**J. W. PARKER**

**G. A. PARDLO**

**A. M. SNYDER**

**M. A. SWARTZ**

**G. S. WASSERMAN**

### HONORARY MEMBER

**MIKE WOLLY**

## CHANGE OF ADDRESS NOTICE

To assure prompt delivery of your Train Dispatcher, when you change your address, fill in this coupon and mail to THE TRAIN DISPATCHER, 4239 West 150th St., Cleveland Ohio 44135.

Name \_\_\_\_\_

Address \_\_\_\_\_



# ATDA 31st GENERAL ASSEMBLY AMENDMENTS AND RESOLUTIONS

## **AMENDMENT NO. 1**

Amend the entire Constitution and By-Laws by correcting all mis-prints and typos by replacing the irrelevant characters with the correct and proper ones; these errors were caused in the printing process. Also, insert any missing words omitted during the printing process and correct any formatting or spacing errors. (For example - see page 4 Article I, Sec 3.a.(iii) last sentence.)

## **AMENDMENT NO. 2 Amend Article II, Sec. 1.a., b. and c. (p. 4) to read as follows:**

"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. Active membership shall be comprised of those persons who are employed full time in a craft represented by this Association.

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 full dues to the Union representing the other craft and are subject to call as a non-guaranteed extra employee."

## **AMENDMENT NO. 2A Amend Article II, Sec. 1.e. (p. 4) to read as follows:**

"e. In cases where a member's compensation is substantially reduced due to illness, disability, furlough or disciplinary action by an employer, dues may be waived, upon approval by the Secretary-Treasurer. Any request for such waiver of dues must be made within sixty (60) days of the reduction of compensation."

## **AMENDMENT NO. 2B Amend Article II, Sec. 1.f. (p. 5) to read as follows:**

"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."

## **AMENDMENT NO. 3 Amend Article II, Sec. 2.a. (p. 5) to read as follows:**

"a. Any person of good moral character who has been employed in a craft or class represented by the Association but who is no longer employed as such at the time of making application will be eligible for associate membership only.

b. An associate member who resumes service in any craft or class represented by the Association shall transfer to Active or Active-Extra membership."

## **AMENDMENT NO. 4 Amend Article II, Sec. 4.e. (p. 7) to read as follows:**

"e. System Fund dues established pursuant to Section 14 of Article XI on each road shall be added to the National dues and the full amount remitted to the Secretary-Treasurer. The Secretary-Treasurer shall refund to the custodian of the System Fund on each road all System dues (including seniority retention fees equal to regular System dues), System assessments, and initia-

tion fees which have been received by him."

## **AMENDMENT NO. 5 Amend Article II, Sec. 5.a. (p. 8) to read as follows:**

"a. Whenever the equity of the Association falls below Three Million, Five Hundred

Thousand Dollars (\$3,500,000.00), assessments may be levied within six (6) months by the President, with the approval of the Joint Board, and said assessment shall be paid by all members in such amounts and in such manner as may be necessary to restore and maintain an equity of Three Million, Five Hundred Thousand Dollars (\$3,500,000.00)."

## **AMENDMENT NO. 6 Delete Article II, Sec. 7. (p. 10):**

"Active or Active-Extra members who have left the service may transfer to Associate membership at the end of the period through which dues have been paid by making application to the Secretary-Treasurer.

**NOTE:** Incumbents of Chief Train Dispatcher positions are not recognized as officials by this Association."

## **AMENDMENT NO. 7 Amend Article III, Sec. 1. (p. 11) to read as follows:**

"The officers of the Association shall consist of a President, Secretary-Treasurer, four (4) Vice Presidents and a Board of Trustees comprised of three (3) members and four (4) Alternate Trustees. The President, Secretary-Treasurer and Vice Presidents jointly shall constitute the Executive Board. The Executive Board, together with the Board of Trustees, not including the Alternate Trustees, shall constitute the Joint Board."

## **AMENDMENT NO. 7A Amend Article III, Sec. 5.b. (p. 13) by adding a new last sentence:**

"The nominee receiving the seventh highest number of votes will be elected the fourth Alternate Trustee."

## **AMENDMENT NO. 8 Amend Article III, Sec. 5.c. (p. 13) to read as follows:**

"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."

## **AMENDMENT NO. 9 Amend Article III, Sec. 6 (p. 13) by adding the following:**

"Sec. 6. Installation and Term of Office.

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."

## **AMENDMENT NO. 10 Amend Article III, Sec. 10.c. (p. 15) to read as follows:**

*(Continued on page 4)*

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"c. Such charges must be filed in duplicate and within sixty (60) days of actual knowledge of the alleged misconduct with the Secretary-Treasurer through the General Chairman on the railroad on which the party or parties preferring the charges is employed and on which he is a member in good standing, except that if the party preferring the charges is an officer, the charges may be filed initially with the Secretary-Treasurer. Should charges be preferred against the Secretary-Treasurer, they shall be filed in the manner specified herein with the President."

**AMENDMENT NO. 11 Amend Article III, Sec. 10.f. (p. 15) to read as follows:**

"d. The Secretary-Treasurer shall promptly furnish such charges to the Joint Board which shall decide whether the charges have been properly filed, as provided herein, and whether the charges are not facially invalid. If the charges are determined to have been properly filed and are not invalid on their face, the Secretary-Treasurer shall furnish the charges to the accused, who shall within two weeks from the date of receipt of a copy of such charges, file answer with the Secretary-Treasurer or President.

e. Upon receipt of an answer from the accused, or in the event no answer is received within the time prescribed in paragraph (d) of this section, each member of the Joint Board shall be furnished copies of the answers and other documents filed by the parties in connection with such charges."

**AMENDMENT NO. 12 Amend Article IV, Sec. 7.a. (p. 20) to read as follows:**

"a. All collective bargaining negotiations and matters pertaining thereto shall be subject to the direction and approval of the President or his designated representative."

**AMENDMENT NO. 13 Amend Article V, Sec 1.n. (p. 24) to read as follows:**

"Sec. 1.n. The Secretary-Treasurer shall pass upon the authorized expense accounts of officers and others and adjust any irregularities therein before payment, except that the Secretary-Treasurer shall present his expense account to the President who will adjust any irregularities therein before payment."

"Sec.2.a.The Secretary-Treasurer shall provide a copy of all documents to the Vice Presidents pertaining to their assigned territory and/or duties as assigned by the President. This is including, but not limited to, elections, referendums, correspondence with the System Committee Officers and members and any other information pertaining to their assigned territory and involving their duties as assigned by the President.

b. The Secretary-Treasurer shall provide a copy of all documents that he provides to the Vice Presidents to the President."

**AMENDMENT NO. 13A Amend Article IV by adding a new Sec. 1.g. and renumbering existing sections 1.g and 1.h to 1.h and 1.i (p. 18):**

"g. The President shall pass upon the authorized expense account of the Secretary-Treasurer and adjust any irregularities therein before payment."

**AMENDMENT NO. 14 Amend Article IX, Sec. 2 (p. 28) by relettering the existing paragraph "c" as paragraph "b" and relettering the existing paragraph "b" as "c" to read as follows:**

"c. The Joint Board may expend up to 30% of the assets of the Association to achieve the purposes of this Section."

**AMENDMENT NO. 15 Amend Article X, Sec. 6. 4. (p. 35) to read as follows**

"4. Roll call of Officers, retired Executive Board Officers and Delegates."

**AMENDMENT NO. 16 Amend Article XI, Sec. 14. by adding a new f. (p. 42) to read as follows:**

"f. The General Chairman, with approval of a majority of the system committee and subject to further approval of the President, may request the Secretary-Treasurer to perform the duties of the System Treasurer and Custodian of System Fund. When such a request is made, all system committee financial records and funds must be forwarded to the Secretary-Treasurer. The General Chairman may request that the system committee financial records and funds be returned to the System Treasurer or Custodian of System Fund at anytime."

**AMENDMENT NO. 17 Amend Article XII, Sec. 2.a. (p. 44) to read as follows:**

"a. The funds of the Association in excess of Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be invested pursuant to the Investment Policy as adopted by the Executive Board, provided that at least 50% be invested in United States Government or Agency securities, including Bank Certificates not to exceed FDIC insurance guarantee limits, in the name of the American Train Dispatchers Association, as directed by the Executive Board."

**AMENDMENT NO. 18 Amend Article XII, Sec. 2.b. (p. 44) to read as follows:**

"b. All investments shall be deposited in trust in the name of the American Train Dispatchers Association with a reliable bank or trust company selected by the Executive Board, and will be subject to sale or withdrawal by the Secretary-Treasurer only on resolutions bearing the joint signatures of not less than two members of the Executive Board."

**AMENDMENT NO. 19 Amend Article XII, Sec. 2.d. (p. 45) to read as follows:**

"d. When approved by the Trustees, the Executive Board may borrow money on investments held by the Association, when same is deemed of greater advantage than to sell securities for current needs."

**AMENDMENT NO. 20 Delete Article XII, Section 2.e. (p. 45) in its entirety:**

"e. There shall be a one-time disbursement of monies held in excess of \$5,000,000.00 in the Organization's Trust Fund as of October 31, 2007. These monies shall be disbursed to each System, on request, on a per capita basis. In the event that a System does not have a System Fund, one will be established as outlined in Article XI, Sec. 15. These payments shall be made prior to December 31, 2007."

**AMENDMENT NO. 21 - WITHDRAWN**

**AMENDMENT NO. 22 Amend Article XV, Sec. 3 (p. 50) by adding a new paragraph f. to read as follows:**

"f. The expense incurred in connection with the defense of members under this section shall be borne by the Association and the Trial Board shall decide who shall bear the expense incurred by the prosecution."

**AMENDMENT NO. 23**

Amend Article XVI, Sec. 3. (p. 52 - 54) by making the first sentence of the Article paragraph a. and re-designate paragraphs a., b.(i), b.(ii), b.(iii) and b(iv) as paragraphs a.(i), a.(ii), b., c., and d. respectively.

**AMENDMENT NO. 24 Amend Article XX (p. 60) by adding a new Sec. 3.c. as follows:**

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“c. The Executive Board has the authority to correct any clerical errors that may occur in printing the Constitution and By-Laws. Such corrections shall not be considered amendments.”

**AMENDMENT NO. 25 Amend Article II, Sec. 4.c. (p. 67) of the RULES AND REGULATIONS GOVERNING ELECTIONS AND REFERENDUM VOTES to read as follows:**

“c. The candidate receiving the highest number of votes for a particular office shall be certified on the prescribed form by the tellers as elected to such office, and the results of each election shall be communicated by the Secretary-Treasurer to the General Chairman, who shall promptly notify all members. The Secretary-Treasurer shall notify the Highest Designated Carrier Officer of those persons elected to all offices of the transportation system concerned.”

**AMENDMENT NO. 26 Amend Article II, Sec. 4.e. (p. 67) of the RULES AND REGULATIONS GOVERNING ELECTIONS AND REFERENDUM VOTES to read as follows:**

“e. No vote shall be valid or recorded except for candidates who have been properly nominated as aforesaid. Write-in votes are not permissible. There shall be no voting by proxy. Notwithstanding any other requirements of this Constitution and By-Laws, a secret ballot need not be conducted where nominees are unopposed. Unopposed nominees shall be declared elected and the notifications shall be made by the Secretary-Treasurer as set forth in c. of this Section.”

**AMENDMENT NO. 27 Amend Article III, Sec. 1. (p. 68) of the RULES AND REGULATIONS GOVERNING ELECTIONS AND REFERENDUM VOTES by re-inserting words that were omitted during the printing process to read as follows:**

Sec. 1. Authority to Conduct Referendums By Mail. A referendum vote of the members of a transportation system on changes in system dues...”

**AMENDMENT NO. 28 Amend the RULES AND REGULATIONS GOVERNING ELECTIONS AND REFERENDUM VOTES by adding a new Article 6 (p. 70) to read as follows:**

**“Article VI Election Protest Procedures**

Any member in good standing who is eligible to vote in an election or is a candidate in that election has the right to protest that election. Election protests must be submitted to the President by certified mail, return receipt requested within ten (10) days of actual knowledge of the conduct or event which is the subject of the protest but no later than sixty (60) days after the election has been certified. Protests submitted in any other manner will not be considered. An appeal of the President's decision must be made in accordance with Article XVI.”

**AMENDMENT NO. 29 - rejected**

Any member who is promoted to an official or excepted position pay a 25% premium above and beyond existing dues to protect their seniority rights in ATDA and the premium be passed on to the affected system committee.

**AMENDMENT NO. 30**

Amend all articles by replacing the words “Train Dispatcher” with “Rail Traffic Controller” with the exception of any reference to the organization’s title itself.

**PROPOSED AMENDMENT NO. 31 Amend the first sentence of Article XV, Sec. 4. a. to read:**

“The trial board shall make its decision by majority vote, which

decision shall be in writing, within sixty (60) days of the date of the close of the trial board hearing.”

**RESOLUTION NO. 1**

**WHEREAS:** Individual members of this Association are inclined to overlook the important work done by our Executive Board; and

**WHEREAS:** It would be remiss of the Committee if we did not bring to the attention of this Assembly and to the members of this Association the time and effort our elected officers spend on our behalf; and

**WHEREAS:** We wish to acknowledge the difficulties our elected Officers have faced in securing our National and Local working Agreements with the Carriers in spite of the continuing anti-labor atmosphere and the issues involving Health and Welfare, therefore;

**BE IT RESOLVED:** This Thirty-First General Assembly extends to the Executive Board our heartfelt thanks and we ask each delegate to rise and join with us in giving these Officers a hearty round of applause.

**RESOLUTION NO. 2**

**WHEREAS:** Individual members of this Association are inclined to overlook the important work done by our Joint Board; and

**WHEREAS:** It would be remiss of this Committee if we did not bring to the attention of this Assembly and to the members of this Association the time and effort our elected officers spend on our behalf; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly extends to the Joint Board our heartfelt thanks and we ask each delegate to rise and join us in giving these Officers a hearty round of applause.

**RESOLUTION NO. 3**

**WHEREAS:** To any successful Organization it is required and necessary to maintain a staff of efficient and loyal employees to properly conduct the business of that Organization; and

**WHEREAS:** This Organization is extremely fortunate and proud to have such office staff at its National Headquarters; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly hereby extends to the current office staff at National Headquarters Robert Sermak, Debbie Hall, Dan Lanigan, Kenneth Bennett, and Amber Woolson its heartfelt thanks and sincere appreciation to these employees of this Association.

**RESOLUTION NO. 4**

**WHEREAS:** There have been organizing efforts by this Organization to unite transportation employees into the Brotherhood; and

**WHEREAS:** The purpose of those organizing efforts has been to promote and protect the mutual interests of transportation employees as a whole; and

**WHEREAS:** These organizing efforts have resulted in the Train Dispatchers of the Wisconsin Central and Pan-Am Railways, the Maintenance of Way employees of the DeQueen and Eastern Railroad, and the Montana Rail Link Yardmasters, uniting with the union membership of this Organization; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly extends its welcome to our new Brothers and Sisters of these sys-

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tems, and we ask those in attendance to rise and join with us in giving these New Brothers and Sisters a welcome round of applause.

#### **SUBSTITUTE RESOLUTION NO. 5**

**WHEREAS:** For any successful Organization it is required and necessary to have qualified, experienced and competent leadership to properly conduct the business of that Organization; and **WHEREAS:** This Organization is extremely fortunate and proud to have such leadership at the National Level; therefore **BE IT RESOLVED:** This Thirty-First General Assembly recognizes the retirement of Vice-Presidents Crawford Boggs, Ann Snyder and Greg Pardlo, and wishes to thank them for all their leadership and efforts in promoting the Organization's activities and we ask that all delegates stand and applaud these efforts.

#### **RESOLUTION NO. 6**

**WHEREAS:** Resolution No. 6, adopted by the Thirtieth General Assembly, bestowed the title of Lifetime Honorary Member to General Counsel Michael S. Wolly; therefore **BE IT RESOLVED:** This Thirty-First General Assembly proposes to list Lifetime Honorary Members in "The Train Dispatcher" along with Past Officers beginning with General Counsel Wolly.

#### **RESOLUTION NO. 7**

**WHEREAS:** The American Train Dispatchers Association recognizes the exemplary service provided by past Vice-President Alvin Hunnicutt. Alvin's dedication to our Organization and its membership was remarkable; and

**WHEREAS:** Amongst the many characteristics that make him most loved and missed was his incredible humor; that godgiven ability to reduce tension and make his family, friends, and peers see the lighter side of events, to enjoy even those times that may not be the brightest; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly extends its heartfelt condolences to Brother Hunnicutt's family and friends, and asks all in attendance that...when you find yourself in a heated discussion with management, ask yourself, "what would Alvin say?," and then act accordingly...now, please stand and observe a moment of silence, in recognition of Alvin's lifetime of care and contribution.

#### **RESOLUTION NO. 8**

**WHEREAS:** The American Train Dispatchers Association recognizes the exemplary, selfless and outstanding service provided by past President Bernard Hilbert and his boundless sacrifice to the ideals of the American family and workers; and

**WHEREAS:** As a veteran of World War II and having worked for thirty-five years in the railroad industry, half of that time in service to this Organization, Brother Hilbert was a man of great social conscience who worked tirelessly to promote the dignity and security of Unionized workers. Being a man of great intellect who had an abiding interest in current affairs and politics, particularly those of interest and importance to the Labor Movement, his efforts on behalf of his fellow brothers and sisters was invaluable to our common interests; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly directs the leadership of this Organization to continue to strive to achieve his goals; and

**BE IT FURTHER RESOLVED:** This Thirty-First General Assembly extends its heartfelt condolences to Brother Hilbert's family and friends upon his recent passing. We share in your sadness, and ask all in attendance to stand and observe a mo-

ment of silence to recognize Barney's lifetime of care and contribution.

#### **RESOLUTION NO. 9**

**WHEREAS:** The American Train Dispatchers Association recognizes the long, tireless and dedicated service provided by past President Robert J. Irvin and his selfless sacrifice to the ideals of the American working man and woman; and

**WHEREAS:** His service had a profound and positive effect on the Labor Movement within the Railroad Industry in general, and our membership in particular. His professional influence was born from a deep and abiding regard for his fellow man, and emphasized among other noble goals; workers' unfettered right to organize and be recognized by a simple majority vote, health care for all regardless of ability to pay, complete confidence in the concepts espoused by our Bill of Rights, and a society where the rich do not victimize the poor; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly directs the leadership of this Organization to continue to strive to achieve his goals; and

**BE IT FURTHER RESOLVED:** This Thirty-First General Assembly extends its heartfelt condolences to Brother Irvin's family and friends, upon his recent passing. We share in your sadness, and ask all in attendance to stand and observe a moment of silence in recognition of Bob's lifetime of care and contribution.

#### **RESOLUTION NO. 10**

**WHEREAS:** The Thirty-First General Assembly of the American Train Dispatchers Association recognizes the recent passing of the 10th anniversary of 9/11 terrorist attacks, and the incredible sacrifices made by many American men and women during that crisis. In particular, we wish to note the ultimate sacrifices made by our Brothers and Sisters of the Fraternal Order of Police, the Uniformed Firefighters Association of Greater New York and those of the United States Military; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly wishes to express to the families of all those lost that we have not, and will not, forget. We proudly remember and are grateful for the service of those responders who, with selfless dedication and disregard for their own safety, acted in the finest tradition of their respective Organizations. As well, we wish to acknowledge the heroic actions of those passengers of United Airlines Flight 93, without whose bravery many more lives would have been lost. We also would like to take this opportunity to express our respect and appreciation for all those in the service of this nation who continue their vigilant mission to protect lives and freedom.

#### **RESOLUTION NO. 11**

**WHEREAS:** The American Train Dispatchers Association believes in maintenance of past relationships; and

**WHEREAS:** The ATDA has benefitted from the contributions to the Organization's well-being by a Ladies Auxiliary; and

**WHEREAS:** In recent years the Ladies Auxiliary has not been as active as it once had been; and

**WHEREAS:** The Organization would be benefitted by the reinvigoration of an Auxiliary body to support its programs and outreach; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly hereby directs the President and Executive Board to research the existence of a Ladies Auxiliary Charter for the ATDA. If said Charter is still active, to determine the viability of revitalizing

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the Ladies Auxiliary of the ATDA. If not, to determine the viability of establishing a new Auxiliary.

**RESOLUTION NO. 12**

**WHEREAS:** Previous General Assemblies adopted resolutions involving the Organization's Educational Program; therefore

**BE IT RESOLVED:** This General Assembly continues in its support of the Organization's Educational Program, providing instruction to present and future System Committee Members and to extend many thanks to those who have contributed their time and efforts to make the program possible.

**RESOLUTION NO. 13**

**WHEREAS:** The Thirty-First General Assembly of the American Train Dispatchers Association recognizes an opportunity to further expand the lines of communication, learning and trust within its leadership, and to promote the sharing of ideas from across several System Committees, further providing an atmosphere of Brotherhood; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly directs the Executive Board to meet with the General Chairmen midway between the regularly scheduled sessions of the General Assembly.

**RESOLUTION NO. 14**

**WHEREAS:** This Thirty-First General Assembly of the American Train Dispatchers Association agrees with the principle of a drug and alcohol free workplace; and

**WHEREAS:** We support Operation Redblock and similar programs which, amongst other ideals, provides a confidential mark-off procedure for employees, and recruits Union members to volunteer as peer counselors to further the pursuit of a drug and alcohol free workplace for the safety of employees and the public; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly encourages the Executive Board to explore ways to prevail upon Carriers which have no such program to collaboratively implement a similar one, to educate the System Committees and endorse the implementation of these programs as an option to its members; and

**BE IT FURTHER RESOLVED:** This General Assembly hereby affirms its commitment to the aspect of confidentiality embraced by these programs which is the linchpin to ensuring that they serve their intended function.

**RESOLUTION NO. 15**

**WHEREAS:** The assembled delegates find that certain issues are of paramount importance to the General Membership which include, but are not limited to; protection of seniority in consolidations, protection of work, Extra Dispatchers' tours of duty in conjunction with short turn arounds, fatigue, wages and benefits, the ever increasing influence of newer technologies, training, working conditions, proper staffing; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly hereby directs the President and Executive Board, with the advice and consent of the General Chairmen, to pursue through bargaining, negotiations and any other practical methods, ways in which to meet the needs of the General Membership with regards to these items.

**RESOLUTION NO. 16**

**WHEREAS:** The loss of Health and Welfare benefits is catastrophic for those families who are left without coverage; and

**WHEREAS:** Our members that have been suspended and/or

dismissed, experience this hardship; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly encourages the Executive Board and General Chairmen to explore ways to provide affordable benefits coverage for those members who have been suspended and/or dismissed until suspension has ended, or Arbitration process has concluded.

**Formatted:** Strikethrough

**RESOLUTION NO. 17**

**WHEREAS:** The Thirty-First General Assembly of the American Train Dispatchers Association recognizes that a clearer understanding of the rights and benefits under the Family and Medical Leave Act of 1993, and any modifications or clarifications as defined by legislation or litigation since passage of said Act need be communicated to our System Officers and Membership;

therefore

**BE IT RESOLVED:** This Thirty-First General Assembly directs the President, in conference with the General Counsel, to prepare and distribute a full and concise synopsis of those rights and benefits contained within the Act.

**RESOLUTION NO. 18**

**WHEREAS:** The membership of this Organization, recognizing the need to remain informed and engaged with regard to current electoral and legislative concerns; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly hereby recommends that an effort be made to publish in "The Train Dispatcher" articles which inform the General Membership of the nature and importance of these issues and place a call to action for promoting the best interests and welfare of the Organization through active participation in the political process.

**RESOLUTION NO. 19**

**WHEREAS:** The Thirtieth General Assembly passed Resolution No. 9; and

**WHEREAS:** ATDA is an active participant in Transportation Trades Department's (TTD) Rail Division; and

**WHEREAS:** TTD has acted to protect the rights of our members and all rail workers on matters that directly affect their livelihoods, including the preservation of AMTRAK, the balanced budget amendment, rail safety, the preservation of FELA, railroad retirement and unemployment; therefore

**BE IT RESOLVED:** That this Thirty-First General Assembly continues to support the efforts of TTD, and particularly its Rail Division, as it continues to present and defend legislation that betters the lives of the nation's transportation workers and to defeat legislation that undermines that goal.

**RESOLUTION NO. 20**

**WHEREAS:** Rail passenger service is an essential part of the nation's transportation system; and **WHEREAS:** AMTRAK is the largest provider of interstate rail passenger service; and

**WHEREAS:** AMTRAK, and all other represented commuter rail lines form an integral part of this nation's transportation infrastructure; and

**WHEREAS:** The employees of these Roads being essential to the overall well-being of the Railroad Retirement System; and

**WHEREAS:** These entities find themselves under consistent attack from those who would eliminate their funding, attempt to contract out existing and/or new work, and otherwise assault employee's rights gained through Collective Bargaining Agreements; and

(Continued on page 8)

(Continued from page 7)

**WHEREAS:** These represented employees, including our members, have made numerous sacrifices to keep these rail passenger services operating safely and efficiently; therefore

**BE IT RESOLVED:** That this Thirty-First General Assembly directs the Organization to continue to do everything in its power to assure that AMTRAK and these represented commuter rail lines continue to receive adequate funding, remain within the Railroad Retirement System, and survive as a safe, efficient and viable link in our transportation system.

**RESOLUTION NO. 21**

**WHEREAS:** Previous General Assemblies adopted resolutions involving organizing efforts; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly urges the Executive Board to proactively pursue efforts to organize the unorganized in the railroad industry and related businesses, and extends heartfelt thanks to all those who have participated in past organizing efforts.

**RESOLUTION NO. 22**

**WHEREAS:** The Thirty-First General Assembly of the American Train Dispatchers Association recognizes that Collective Bargaining is a fundamental right under the Constitution; and

**WHEREAS:** This Assembly has taken notice of the recent attacks on those rights of Organized public sector employees and their Labor Unions by various Governors and members of State Legislature; and

**WHEREAS:** This Organization can not and will not abide by these acts or stand silent in their wake; therefore

**BE IT RESOLVED:** This Thirty-First General Assembly condemns these actions perpetrated against the working men and women of these Organizations and the legacy of those who fought for these rights and working conditions to the benefit of all. Furthermore, we strongly affirm our support for those members of

these Legislatures who have worked diligently to preserve these rights and urge that they continue to stand steadfast against the deterioration of the right to Organize and Bargain Collectively. In the struggle to elect and maintain a majority who will uphold these principles, we implore the System Officers and Delegates gathered at this Assembly to return to their respective offices and encourage the General Membership to financially support The American Train Dispatchers Political League through payroll deduction and vote for candidates who are supportive of Organized Labor.

**RESOLUTION NO. 23**

**WHEREAS:** It often appears that the railroad referee (arbitrator) community has little, if any, knowledge of what train dispatchers or other railroad employees actually do; and

**WHEREAS:** It is evident from the arbitration decisions rendered by many railroad referees that they lack this basic knowledge; and

**WHEREAS:** The NMB (National Mediation Board) is more often including, on strike lists that the Organization requests, the names of referees that have never heard a railroad case and, likely, have little or no understanding of basic railroad terminology; and

**WHEREAS:** There are opportunities to join other unions, carriers, and/or the NMB to co-sponsor training for railroad referees to give them actual first-hand exposure to the duties of train dispatchers and other railroad employees; therefore,

**BE IT RESOLVED:** That the Executive Board shall explore opportunities to co-sponsor training sessions for railroad referees

in an attempt to educate them on what exactly train dispatchers and other railroad employees that we represent do, so that they may have the basic knowledge that will hopefully guide them in issuing more favorable arbitration decisions.

**RESOLUTION NO. 24**

**WHEREAS:** The Twenty-Ninth General Assembly established a college assistance scholarship account within the General Fund to assist the children and grandchildren of our members in paying for their college education; and

**WHEREAS:** The fund was limited to ten thousand dollars (\$10,000), to be used to provide up to twenty (20), five hundred dollar (\$500) scholarships annually; and

**WHEREAS:** Our Organization recognizes that the cost of college education continues to increase and that there is a desire to extend this benefit to more of our members' children and grandchildren; therefore,

**BE IT RESOLVED:** This Thirty-First General Assembly increases the college assistance scholarship account to twenty thousand dollars (\$20,000) annually beginning January 1, 2012, to be divided equally among the qualified applicants as determined by the Scholarship Committee as selected by the Joint Board.

**RESOLUTION NO. 25**

**WHEREAS:** The Twenty-Ninth General Assembly established a death benefit fund of up to twelve thousand dollars (\$12,000) annually to provide a minimum five hundred dollars (\$500) death benefit to the beneficiary of each current member in good standing or who retired while in good standing; and

**WHEREAS:** The cost of providing funeral services continues to increase; and

**WHEREAS:** The Organization recognizes the emotional stress associated with a death; therefore,

**BE IT RESOLVED:** This Thirty-First General Assembly hereby removes the twelve thousand dollar (\$12,000) annual limit and establishes a two thousand dollar (\$2,000) death benefit payable to the beneficiary of each member in good standing or those members who die after retiring while in good standing as of January 1, 2004, but will not be applied retroactively.

**RESOLUTION NO. 26**

**WHEREAS:** The Twenty-Fifth General Assembly adopted a resolution that the slogan "Representing Rail Traffic Controllers" should be used in addition to the Organization's title in all stationary and other printed materials; and

**WHEREAS:** The Organization includes that language on the bottom of its stationary; and

**WHEREAS:** The Organization has represented other railroad crafts such as Assistant Chief Dispatchers, Power Directors, Load Dispatchers, Engineers, Conductors, Yardmasters and Maintenance of Way Employees for many years; and

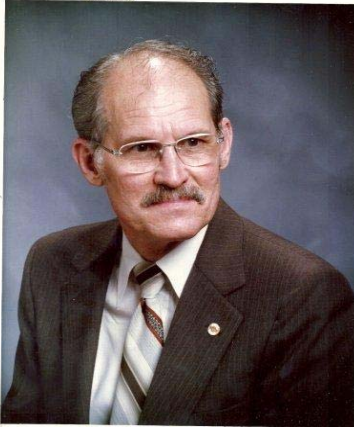
**WHEREAS:** The slogan "Representing Rail Traffic Controllers" does not recognize that we represent other crafts; therefore,

**BE IT RESOLVED:** This Thirty-First General Assembly directs the Executive Board to replace the slogan "Representing Rail Traffic Controllers" with "Committed to Representing All Railroad Workers" on its stationary and other printed materials to recognize all all crafts that the Organization represents.

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***In Memoriam***  
***May time's healing grace be kind to your sorrow***  
***and bring to your heart a more peaceful tomorrow.***

**IRVIN, Robert J.** Age 82, a resident of Warrior, AL, died on Tuesday, August 16, 2011 of cancer and heart attack. Born in Florence, Alabama, at 1:00 a.m., June 10, 1929.



*Editors note: Bob's wife, Maibell Irvin provided this history written by Bob a few years ago.*

Resided as a child in Russellville, Alabama, where my dad owned a drug store. He lost the store by bankruptcy in the early years of the Great Depression, and this circumstance required that he work as a pharmacist for other employers. (The building is still standing on the main street in Russellville, bearing my paternal grandfather's name on the fascia stone: "J. S. Irvin 1923"). We had to live for a time with my maternal grandparents in Florence.

Attended primary schools in Florence, Alabama; Troy, Alabama; Panama City, Florida; and Lynn Haven, Florida. Attended High School in Panama City and graduated from Coffee High School bicycle around town.

In my senior year, enlisted in the U.S. Navy Reserve unit in Sheffield, Alabama. This enlistment resulted in summer cruises on destroyers in the Caribbean. Visits to Guantanamo Bay, Cuba, and Kingston, Jamaica.

In late summer 1947, became employed by the Tennessee Central Railway as a messenger in its general offices in Nashville, Tennessee. Joined the old Brotherhood of Railway and Airline Clerks. Later worked as a clerk on line-of-road locations: Old Hickory and Crossville, Tennessee. Learned telegraphy at Crossville; never very good at it.

In 1948, worked for the Atlantic Coast Line Railroad in Woodland, Georgia, as extra operator. Got almost no work, so, I worked for about four months for the Dr. Pepper Bottling Co. in Pensacola, Fla., driving a truck, selling soft drinks around town.

I then returned to the Tennessee Central, worked as extra clerk and extra operator at Nashville and Lebanon. Dismissed for failure to protect a job (I went out of town and couldn't be reached to accept a call).

Out of work, I took a job as night manager of a bus station in Crossville, Tenn. for a few weeks. Sold bus tickets and supervised restaurant employees. The Crossville bus station was a regular rest stop for Greyhound and Tennessee Coach Company busses between Nashville and Knoxville. Wanting to make the big bucks in the railroad industry, I hired out on the Seaboard Air Line in Atlanta as operator, and also covered some clerks' vacation vacancies. Worked in Atlanta; Lincolnton, N.C.; Shelby, N.C.; Lumberton, N.C.; Maxton, N.C.; Birmingham, Ala. Didn't get enough extra work to live on.

In the summer 1949, knowing that railroad employees would probably soon have a five-day week, hired out as extra operator with the Texas & New Orleans Railroad (part of Southern Pacific System) in Houston, Texas, and joined the Order of Railroad Telegraphers. Worked extra assignments in Terrell, and Paris, Texas. When the five-day week was introduced, September 1949, I think it was, T&NO bulletined about 40 new relief jobs, plus regular positions then vacant. I was the successful bidder for second trick operator-towerman at Tower 38 in Galveston, Texas; handled trains of T&NO, Santa Fe, and Galveston, Houston & Henderson Railway. Besides those Burlington-Rock Island had trackage rights on Santa Fe, and MP and MKT had rights on the GH&H.

Lived through a hurricane at Tower 38. Rising water and the storm made it impossible for my relief to get to work. I doubled over, spending the night in the tower with only a signal maintainer to keep me company. All wires down. The tower looked like Noah's Ark on Mount Ararat the next morning. I later bid in a job at Pasadena, then returned to the extra board, and covered extra work in Texas City Junction and Beaumont, Texas, Longstreet, La.; and Cleveland and Nome, Texas.

Wanting to get back to my "home" area, and obviously having trouble holding a job, I left the T&NO and was hired by the Louisville & Nashville in Birmingham as extra operator. They needed me on the seniority district between Bowling Green, Ky. and Decatur, Ala. That was in 1950. I worked my first day to establish my seniority date on April 13, 1950, at Columbia Wye, Tenn. There was plenty of extra work, and I was qualified on every job on the seniority district. For that reason, the Chief Dispatcher liked having me on the extra board. Besides Columbia Wye, I worked as operator, agent, or leverman in 1950 and between 1952 and 1955 at Bowling Green Telegraph office; Bowling Green Ticket office; Franklin, Ky.; Portland, Tenn.; Gallatin, Tenn.; Scottsville, Ky.; Hartsville, Tenn.; Westmoreland, Tenn.; Amqui, Tenn.; Nashville, Tenn.; Chapel Hill, Tenn.; Franklin, Tenn.; North Athens, Ala.; Siglo, Tenn.; Mt. Pleasant, Tenn.; Lawrenceburg, Tenn.; Loretto, Tenn.; Iron City, Tenn.; and Florence, Ala.

Started training as dispatcher in the Paris, Tennessee office, Louisville Division, L&N Railroad, in mid-1950, but was soon interrupted by being drafted by U.S. Army in October 1950.

Basic training with an Engineer Construction Company in Ft. Leonard Wood, Mo. Then was assigned to the Post Headquarters Unit at Ft. Leonard Wood as a telephone maintainer, in reconstruction and rehabilitation of the open wire telephone system on the post, which had fallen into decay during the years after the post was deactivated following World War II, until reopened because of the Korean War.

In 1951, was shipped overseas to the Free Territory of Trieste, a United Nations operation. Was first in the 529th Signal Service Company (I think that's the number) assigned to manage a manual telephone exchange located in the headquarters office of the 351st Infantry Regiment. Did some maintenance work, but mainly supervised a flock of young Italian female telephone operators.

In the winter of 1951-2, I transferred to Headquarters TRUST

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(Trieste United States Troops), Transportation Section, as Movements Control NCO. Involved with transportation to and from the U.S. of supplies, troops, dependents, and their household effects ; operation of Army small craft boats; and rail movements to interior points through the port of Trieste. Returned to U.S. and discharged in 1952, at Fort Jackson, S.C., leaving the service as a Corporal.

Returned to railroad service, again working extra board. I Lived in Franklin, Kentucky during this period, and I moonlighted as a telephone repairman and installer, working with a signal maintainer, who was also moonlighting . We took care of a farmers' telephone exchange in Simpson County, Ky.

There was a need for extra train dispatchers on the Birmingham Division, so started training as such in late 1953. Became qualified in spring 1954, and started working extra in Birmingham and North Athens, Ala. that year . Finally decided to bid in regular job as agent to become more stable to protect calls for dispatcher work, but the only job that I could obtain was agent at Scottsville , Kentucky, at end of a branch line, 170 miles from North Athens and 268 miles from Birmingham.

More importantly, it was 104 miles from Chapel Hill, Tenn., where my inamorata, Miss Maibell Adgent , lived. All this kept my 1952 Chevrolet pick-up truck moving up and down the highways of three states .

The infamous 58-day strike of 1955 started in March. The L&N and several other smaller southeastern carriers refused to agree to provide health insurance for their employees , although other carriers had done so. Since I was the only employee in Scottsville, a one-man station with train service normally twice a week , I walked the picket lines in Bowling Green, a substantial

terminal. Got called for dispatcher work in Birmingham, but they were on strike down there, too. I also joined the ATOA in 1955.

The strike ended in May, and I returned to Scottsville to open the station. Everything was just as I'd left it. The Chief Dispatcher in Birmingham told the Office Chairman there, Tom Curlee, that he wasn't going to use me anymore because I was too far away and had not established my dispatcher seniority yet.

(We had to work 30 days within a year to start our seniority, and the strike had interrupted my one-year period to the extent I needed to work longer). Tom must have out-shouted the Chief, Eddie Burns, because I got called in for extra work and never returned to Scottsville. They fired the only fellow ahead of me on the extra board, someone else retired, and I got a regular job, all third tricks on a relief job in Birmingham .

1955 was a big year for me. I did my duty in a successful strike, got a regular job as dispatcher (and was never again on the extra board), traded my 1952 Chevy truck for a 1955 Chevy car , and married that Adgent girl in Chapel Hill on September 2.

My best friend at the time, Glenn Thompson, now deceased, predicted when I got a regular dispatcher job, I'd either get a new car or get married. I confounded him by doing both. He was my best man when I married Maibell. Our first child, Beverly, was born in Birmingham in 1956. I bid in a first trick job in North Athens, Ala., with Saturday and Sunday off. Our next child, Glenn, was born in Athens in 1958. In 1959, I took a job as Safety and Service Agent with the Interstate Commerce Commission in Indianapolis, taking a leave of absence from the L&N. We didn't much like it, so I returned to the L&N in North Athens in 1960. I was elected Office Chairman in 1960. Our third child, Gwendolyn, was born in 1962. Our North Athens jobs were abolished in early 1963, and consolidated with the Birmingham office. We had never owned a home up to that time, and had moved

six or seven times in seven years of marriage.

We bought a home in Warrior, 25 miles north of Birmingham. I worked the second worst job in the office, second trick on the main line between Nashville and Montgomery. It had been about half double track, but they'd put in CTC on single track, and sidings were about 15 to 20 miles apart on the parts most recently single-tracked. I normally had four passenger trains on second shift, but a fifth one on alternate days, the South Wind, operating every other day between Chicago and Miami . I was elected General Chairman in 1963, and this was the only time in my whole union career I was opposed in an election. My opponent was Dewey Mosely, a train dispatcher in the Mobile, Alabama office. Losing that election, he went on to become Chief Dispatcher, other officer jobs, and retired several years ago as Division Superintendent. I was appointed ATDA Trustee in 1965 , in the place of V. F. (Bill) Williams , who was elevated to Vice President when Tom Garrett passed away. In 1966 I bid in the relief position on the Chief's desk. In my last year of service before going with ATDA full time , I was on duty when a runaway locomotive, property of the Western Railway of Alabama, entered our main track in Montgomery and sideswiped a freight train heading in the yard. If it had been only a minute or two earlier, it would have struck the train head-on. I also was on duty when the only passenger train accident of my career occurred, a derailment due to excessive speed at the scene of two previous freight train derailments. On January 1, 1971, I was appointed Vice President-Southeast, when Bill Williams retired. Continued in that position until July 1, 1986, being appointed President in the place of Robert E. Johnson, who resigned to accept other employment. We moved to Berwyn at that time. I served as our organization's Labor Member at the National Railroad Adjustment Board from 1981 until 1990. Concurrently with being President of the ATDA, later ATDD, I was elected Secretary-Treasurer of the Railway Labor Executives' Association in 1992. I participated in negotiation of the affiliation agreement with the Brotherhood of Locomotive Engineers in 1993, and held the office of BLE Vice President. I moved to North Olmsted, Ohio when ATDD headquarters was relocated to Cleveland in 1994.

Beginning in 1959, and continuing through 1995, I've attended ten General Assemblies. I've personally met or known a lot of ATDA officers who are no longer with us: Hugh Braese, Joe Springer, Bob Coutts, Dick Pfenning, Art Covington, Tom Garrett, Joe Willett (still living, I think), Ray Hack, Jack Erickson, Marlin Swartz, Ray Crawford, Bill Williams, and one of the grandest true gentlemen I've ever met, Dewey Geil. Among those still around are Duane Chandler, Erick McKeown, Barney Hilbert, Dan Collins , Bob Johnson, and Max Kasera . I also had the privilege of meeting two of the ATDA's charter members, Past President Clif Darling , and Brother Ross Gore, at the 1967 General Assembly.

Among the Trustees I've known were Shelby Burnett (who preceded me as General Chairman on the L&N ) , Forest Fenstermaker (who called me a Johnny Reb, to my delight), and Tommy Jackson (all deceased), Hubert Story, Tommy Eshelman, Pat Kennedy, and Dave Sprau. The list of General Chairmen I've known over these many years would be exhaustive, if I could recall them all.

Maibell and I have three children and six grandchildren. Our retirement plans are to return to our home in Warrior, and hope to do some arbitration work. I've been a member of the Church of Christ for almost 25 years, and taught Bible school for about 12 years in the 1970's and 80's, and I hope to have the opportunity to do some preaching in area Churches of Christ, should they need someone temporarily in the absence of their own preachers. Maibell threatens to get some "yard work" out of me.

## PROCEDURES REGARDING DUES AND FEE OBJECTORS

The following policy adopted by the Executive Board is mailed to each new member upon acceptance of their application 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. Any 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 ATDD 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. Any employee subject to a union shop agreement who is not a member of the ATDA 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 and thereafter annually in writing to the International Secretary-Treasurer postmarked during the month of November each year. 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 he/she first begins paying a service fee; the service fees of all other employees who file such objections shall be reduced for the twelve-month period beginning January 1 next after the objection is received and ending December 31 of that 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 International 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 International 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. 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 union shop agreement after the adoption of this procedure.

# PRESIDENTS REPORT TO THE 31st GENERAL ASSEMBLY

Article IV, Section 1, of the Association's Constitution and By-laws, requires the President to submit a written report of the preceding four years' work, together with a message setting forth what legislative and general policies are necessary, in his opinion, for the best interests of the Organization. This report is also required to include a statement of the work and official acts of the Executive Board. It is my privilege to submit this report and to tell you that the state of our union is sound. At the last General Assembly we were once again known as the American Train Dispatchers Association. As I stand before you today, we remain an autonomous, free-standing union, representing not only train dispatchers at most of the nation's largest rail carriers, but also yardmasters, train & engine service employees and maintenance of way employees at some other smaller carriers too. Since our last convention in 2007, we acquired a building in Cleveland and relocated our headquarters there in December 2009. We modernized the facility to better serve our members' needs and interests as well to provide a convenient, inexpensive and comfortable place to hold meetings, negotiations and arbitration.

One thing that has not stayed the same since 2007 is the cost of doing business. Every mode of travel has risen dramatically since 9/11. In remaining faithful to the desires of the delegates of previous General Assemblies and preserving our autonomy, we continue to deliver the premier representation our members expect with the resources available to meet these responsibilities. We have been able to provide a high level of service in the areas of negotiations, arbitration, both Section 3 and party pay, litigation, legislative and regulatory matters. We were able to conduct organizing drives on several properties, including UP, and provided two (2) training classes to our system committee officers only because of the funding levels that are now in place. We have striven to make the Vice Presidents available to attend on-property hearings, claims conferences, and meetings with the Carriers; this ongoing service to our members is only possible because of the current revenue structure of our organization. We should continue to provide these services and expand our communications with our members in the next four (4) years based on the financial policies adopted and budgets established and approved by our previous and current Joint Boards and Finance Committees. We enjoy our current stable economic position because they had the wisdom and foresight to understand how to properly project and fund the ever-increasing expenses necessary to meet our representational obligations.

## **Membership**

Despite a decline in the unionized workforce across all industries, the number of employees ATDA represents has remained stable. Our membership count in 1999 was 2,425. When we left our General Assembly in 2003 we had 2,479 members; in 2007 we had 2,555. Today we have 2573. That number breaks down into 2013 Active, 5 Active Extra, plus 554 employees on Seniority Retention and 1 Dues Objectors. This news continues to be positive in the rail industry despite the slow pace of the overall economy. We have had some setbacks – notably, falling short in the election on UP, and losing the mechanical department and dispatching work on Kiamichi – our membership remains strong. We continue to see the effects of the lowering of the Railroad Retirement eligibility age to 60 with 30 years of service resulting in the loss of qualified train dispatchers that the Carriers have never adequately addressed through reaching proper training agreements with our union. Without experienced railroad employees to promote to the train dispatcher craft, the Carriers have failed to adequately address the new hire “off the street” with no knowledge of railroad operations. This “pot-luck” mentality of the Carriers has created disillusionment and insecurity for those entering our craft and has compromised safety overall in the industry. The Carriers' answer is to discipline and discard rather than instruct and educate.

On March 27, 2008, the ATDA filed for representation of the Union Pacific train dispatchers. Despite a strong campaign, our efforts fell short as a result of archaic voting rules that counted non-participants as votes against the union. On March 12, 2008, we filed for representation of the Wisconsin Central (WC) train dispatchers and on May 20, 2008 we won the election and were certified. With our WC dispatchers working alongside the Illinois Central (IC) train dispatchers in Homewood, IL we would like to see the IC train dispatchers become part of the ATDA. They are currently represented by a company union and do not enjoy the benefits found in many of our collective bargaining agreements, including overtime pay and discipline rules.

More good news came in 2008 when we won representation of the Maintenance of Way employees (MoW) on the DQ&E. Since then, Patriot Rail has taken over the operation and is trying to frustrate our representation. We do not intend to give in.

In September, 2010, we successfully won the representation of the Pan Am train dispatchers despite the Carrier attempt to claim their work should be classified as management, not subject to union representation. We are in the process of negotiating a first agreement.

On July 1, 2010, a defining moment took place for the

rail union movement. The National Mediation Board issued a new representation rule making it possible to gain representation through a simple majority of those voting. This, of course, is the standard in most elections, including for those holding office in Congress. The new rule was sustained in court but now it is facing stiff opposition from the Republicans in Congress. The Republican-controlled House of Representatives is trying to overturn it, most recently holding the FAA Reauthorization Bill hostage.

Hopefully this new rule will survive these challenges and we will continue to mount organizing campaigns to grow our membership and meet the expectations of the past delegates who have seen the importance of organizing by providing adequate funding in the budget.

### **Consolidations, Takeovers, Transfers & Decentralization**

Consolidations in the late 80's and 90's gave way to decentralization on one of the major class one railroads we represent, CSXT. Upon reaching a finalized implementing agreement on February 21, 2008 under NYD Protective Conditions, the Jacksonville centralized office would become one of seven separate divisional offices, along with Atlanta, Baltimore, Fort Wright, KY, Florence, Huntington, and Nashville. Work was also transferred from the CSXT-East Albany office to a newly created Baltimore office.

In late 2008, KCS filed notice under NYD to move the train dispatching office from Shreveport, LA to Kansas City, MO with the actual move taking place in early 2009. Contentious bargaining over an implementing agreement, unwarranted dismissals and a lawsuit filed against the ATDA by KCS made this a difficult transaction.

In February, 2009, CN filed a New York Dock Section 4 notice to move our GTW dispatchers from Troy, MI to Homewood (Chicago), IL. CN's intent was not only to move the dispatching work, but to eliminate the ATDA representation and bring the dispatchers under the ICTDA representation and agreements in the process. This made meetings to reach an implementing agreement unfruitful on all points. The Carrier filed for arbitration and on February 4, 2010, Arbitrator Don Hampton issued a decision very favorable to the dispatchers, preserving their ATDA representation and imposed an implementing agreement that included moving benefits superior to what the Carrier put on the table during negotiations. In disbelief at the outcome, CN filed a petition with the Surface Transportation Board to overturn the Hampton decision. The STB held an oral hearing on May 12, 2011, and we are presently awaiting a decision. On September 8, 2010, ATDA signed an agreement with CSXT transferring territory from the CSXT-East Selkirk office to the state of Massachusetts. This is the first time in our history that a Carrier sold lines to a state for which no protective conditions apply. ATDA, along with BMW and BRS, instituted legal action seeking

to set aside the denial of protections, but we were not successful and the sale went through as approved.

### **Healthcare**

The Obama Administration passed historic health care legislation, though how it will impact most employees covered by collective bargaining agreements remains uncertain. As explained in the next section, whether and/or how to change the existing national rail plan is the single biggest obstacle in the current national bargaining round. The National Health & Welfare Plan is currently capped at \$200 per month. In the current round, the ATDA is in a Coalition with the TCU, IBEW, IAM and TWU to fight off the Carriers' attempt at shifting greater costs to our members despite the huge profits they are making. There is a fundamental problem with shifting insurance costs to those members who need it most by upping user fees. We think that is what insurance is for- to protect you when you are sick. How is it fair that the sickest employees will be hit with the highest bills?

GA-23000 remains an excellent plan for our members, but the costs continue to rise. The amount the Carriers are paying per employee per month well exceeds the monthly cost-sharing contribution has been capped at \$200. However, they cannot convince us there is a proper justification for a higher employee contribution in the face of their lack of any real need, considering their profitability.

### **Section 6 Negotiations**

The current round of national bargaining began in November 2009. The ATDA joined forces with four other rail unions, the TCU, TWU, IAM, and IBEW to form a coalition to bargain over national issues with the National Carriers' Conference Committee (NCCC) representing The Belt Railway of Chicago, BNSF Railway Company, Consolidated Rail Corporation, CSXT Transportation, Inc., Indiana Harbor Belt Railroad Company, The Kansas City Southern Railway Company, Norfolk Southern Railway Company (H&W), Northeast Illinois Regional Commuter Railroad Corporation (METRA)(H&W), Soo Line Railroad Company and Terminal Railroad Association of St. Louis (H&W). One of our goals is to eliminate the "pattern" the Class I rail industry thinks they set with the agreement reached with the UTU. Our Coalition stands united with the other rail coalition representing BLET, BMW, BRS, IBB, NCFO, and SMWIA in maintaining that the Carriers' proposed health care changes are unacceptable and that wages are not fair in light of the enormous profits the Carriers have been making. The NMB has determined that we are at an impasse and released us from mediation. Only through a fair Presidential Emergency Board (PEB) will we be able to make our case that there is no justification for the concessions management is requesting and the inadequate wage package it proposes. Apparently the Carriers will not be convinced that their low ball approach is unac-

ceptable until they are told by a PEB.

Outside the national arena, the past four years have given us many bargaining successes. Our members on Amtrak suffered for almost eight years without an agreement only to see a Presidential Emergency Board in 2007 recommend increases that Amtrak refused to accept at the bargaining table. That led to a ratified agreement on March 13, 2008. This historic ten (10) year deal gave us good wage increases, back pay, and no work rule concessions. An employee health and welfare monthly contribution similar to the freight railroad agreements was also part of this package. With a friendlier Congress and a new Amtrak President, a new five (5) year agreement was ratified on Amtrak on June 17, 2010 providing for annual general wage increases totaling 15 percent over five (5) years on a compounded basis, limiting increases in employee health insurance contributions by putting in fixed-dollar caps. An increase in emergency room visits to \$75 unless admitted, a change in the discipline rule eliminated formal investigations for alcohol and drug waiver investigations and a new rule for repayment of costs associated with training was also established. Following the signing of this agreement, other significant gains were negotiated with the Carrier including entry rates of pay not applying when an employee is qualified and working. A parity agreement between the Power Directors and Train Dispatchers and between the Load Dispatchers and Assistant Chief Train Dispatchers was ratified along with the establishment of a guaranteed extra board for the Power Director/Load Dispatchers. Another Agreement allowed the Carrier to develop a program to provide for the training of Power Directors and Load Dispatchers.

Since our last convention, many of our other properties reached agreements that were subsequently ratified. From October 2007 through May, 2011, agreements were ratified on Terminal Railroad of St. Louis (TRRA) (10/07), New Jersey Transit (9/07), IHB (5/08), METRA (4/09), CSXT-East (11/09), Norfolk Southern (12/09), SIRT (5/10), and MRL yardmasters (5/11). We remain in mediation on WC and DQ&E and we have been released from mediation on MBCR, but have been unsuccessful in obtaining a settlement on any of these properties.

### **Training**

Preserving and protecting our existing collective bargaining agreements through coordination with the National office and the System Committees continues to be one of the most important responsibilities in providing service to our membership. One of the ways the ATDA strives to meet these needs is through the in-house training program provided to all of our System Committee officers. In the spring of 2009 and 2011, the National Officers provided training in Las Vegas, NV. The topics covered were the Railway Labor Act, Major and Minor Disputes, claim handling, discipline, National and System Committee responsibilities

and financial reporting requirements, with question and answer sessions providing valuable tools to represent our membership. We will continue to provide this on-hands training to all of our officers in the future as well as seeking better ways of communicating and educating through the use of technology.

### **Contract Claims and Grievance Adjustment**

The Railway Labor Act requires the Federal government to cover the cost of Section 3 arbitration and is a key element of the deal made with Rail Labor in 1934 and 1966 that arbitration would maintain peace in the industry and would provide the sole basis for the prohibition against strikes over such disputes.

In the past four years, caseloads remain heavy in both rules and discipline with inadequate funding for arbitrators to hear cases and render timely decisions always the norm and not the exception. Coming into the 30th General Assembly, we had about 149 outstanding cases; 39 (or 26%) involved rules and 110 (or 74%) involved discipline with 22 (or 20%) of these being dismissals. Today, we have about 61 outstanding cases. Of these 18, (30%) involve rules and 43 (70%) involve discipline. We continue to favor the Public Law Board format for arguing our cases where we have an input in carefully selecting arbitrators whom we believe will rule fairly on cases presented to them. Also, because of the tremendous number of claims being handled at the National level, we added a full time employee, Ken Bennett, to our arbitration department as Assistant Director of Research. He has proven to be a valuable resource in keeping up with the ever-increasing workload.

Also, our union continues to be in the forefront in working together with other unions in leading a coalition that reviews arbitration awards to determine which arbitrators are open-minded and not afraid to rule against the company. This committee, known as ROAR, is embraced by rail labor as an important forum to exchange and gather information on arbitrators and the decisions they render affecting all our members.

### **National Mediation Board**

The single most important accomplishment of the NMB in the last four years has been its new rule on representation elections which became effective July 1, 2010. The new procedure added a "No" option and provides that the majority of votes cast will determine the outcome of an election. Incredibly, the House of Representatives recently voted – as part of the Federal Aviation Administration (FAA) authorization act – to go back to the old unfair rules for union elections.

The old rule required that a majority of workers vote just to validate a union election. Any worker who didn't participate in an election was tallied as a vote against the union. This was a procedure found nowhere else in American de-

mocracy and rewarded management for encouraging workers to simply sit out the election. The new rule advanced a simple democratic proposition: the opinion of the majority of workers who vote decides the election.

The NMB continues to offer parties technology and alternative dispute resolution programs outside the traditional approaches to mediation, representation and arbitration to curb expenses and expedite timely decisions. In February, 2011 I accepted an award from the NMB for ATDA's participation and support of the NMB's Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR) programs, which were instituted by the Board to offer innovative approaches for resolving both collective bargaining and grievance disputes under the Act.

### **Union Mergers**

As I stand before you today, the ATDA has remained a strong, autonomous organization. That was reinforced by our purchase of a new headquarters building that symbolizes our independence to continue to directly serve all of our members' interests in every facet of representation.

Regarding the other rail unions, there has been little merger activity with one exception. UTU and the Sheet Metal Workers (SMWIA) agreed to form a new union known as SMART (International Association of Sheet Metal, Air, Rail and Transportation Workers), but as I write this that merger has yet to be consummated. New leadership of UTU has challenged the legality of the merger from the day they were elected. For the last four years, they have been fighting for UTU independence. It would appear that this dispute will likely end very shortly as an arbitrator's decision is forthcoming that should determine the fate of this merger.

The ATDA has maintained an excellent relationship with all rail labor in fighting for the rights of the rail employees on the legislative, regulatory, and bargaining fronts. Since 1959, the Union has been part of the AFL-CIO. As part of that affiliation, we are a member of the Transportation Trades Department (TTD) and the Rail Division of TTD, which I chaired through July, 2011. The TTD represents 32 unions whose members work in aviation, rail, transit, highway, trucking, and long shore, maritime and related industries. The TTD has a full-time staff protecting the interests of the transportation industry in general and the specific needs of rail workers through its Rail Division. These two (2) departments were founded on the principle that transportation workers and their unions are stronger and more effective when they speak with a single voice. Their presence in Washington provides the services of a satellite office monitoring and taking immediate action on the political issues that impact our members.

### **Legal Matters**

The union has been involved in a number of significant legal disputes not previously mentioned since our last Gen-

eral Assembly. This is a summary of the more important cases.

**BNSF v. ATDA** - In March 2005, the union called a strike against BNSF in Fort Worth when the carrier refused to rescind changes to its well-established personal leave and comp time practices. BNSF sued to get a permanent injunction against the union, but the Court rejected its position. While it held that the dispute was a minor dispute, the Court found that no continuing injunction was necessary because the strike lasted only a short time and no resumption was threatened. During the lawsuit, BNSF filed a contract claim for about \$300,000 in damages that it says was caused by the strike and for which it says it is entitled to recover under the CBA.

On September 24, 2009, Arbitrator Carol Zamperini issued an award favorable to the ATDA, denying BNSF's right to claim damages under the collective bargaining agreement for the strike. BNSF filed suit in federal court in Fort Worth to set aside the Zamperini award. On July 7, 2010, U.S. District Judge John McBryde overturned the Award and remanded the case back to the Public Law Board with rigid guidelines to follow in reconsidering the case. ATDA appealed the Judge's decision but the Court of Appeals held that the remand part of the decision made the appeal premature. Arbitrator Zamperini now has to issue a new award. We are confident that she will continue to hold the Carrier's claim deficient even under the additional guidelines the Judge imposed.

### **ATDA Files With STB to Halt Wisconsin Central Move From Stevens Point to Homewood, IL**

On May 29, 2008, the ATDA filed an emergency petition with the STB to stay the transfer of WC dispatching work from Stevens Point, WI to Homewood, IL without a valid New York Dock implementing agreement in place. On June 6, 2008, the STB denied our petition stating that the union has not shown that the WC dispatchers would suffer irreparable harm absent injunctive relief. That move has since occurred.

**ATDA Files Legal Action against New Jersey Transit's Requirement that force Rail Employees to Comply with State Ethics Code** In July 2008, ATDA filed a complaint for injunctive relief in the U.S. District Court for New Jersey to stop on New Jersey Transit Rail Operations' unilateral imposition of the requirements of New Jersey's Conflict of Interest Law and Code of Ethics upon NJTRO rail employees. Unfortunately, the Court did not accept our argument that the RLA pre-empted the carrier's right to require our members to comply with the state ethics requirements, which include reporting all outside activities to the carrier and requesting carrier permission to attend broadly defined "events."

### **Arbitration Over Forced Use of Paid Leave for FMLA**

In December, 2008, the ATDA and all of rail labor received an extremely favorable award in a long fight with BNSF, CSXT, NS and UP over whether the Carriers could

force employees to use paid leave for FMLA purposes. A panel of three arbitrators held that “(t)he carriers’ policies requiring employees to substitute paid vacation and/or paid personal leave for unpaid FMLA leave do violate the requirements of the national vacation and/or national personal leave agreements.”

### **ATDA Files Appeal in DC Opposing STB Approval of State of Mass Purchasing Lines from CSXT**

In January, 2010, ATDA opposed CSXT’s selling of real estate, track and materials to the state of Massachusetts. CSXT would retain permanent freight easement over the lines. Rail labor has consistently taken the position that schemes where states purchase lines from freight carriers while freight carriers retain operating easements must receive STB approval. In March, 2011, the Court of Appeals denied the appeal of ATDA (along with BMW and BRS) of the STB’s decision in the CSXT-Mass-DOT transaction. Essentially, the Court deferred to the STB’s interpretation that the statute did not require STB approval of the transaction because Mass-DOT did not take on rail carrier obligations. In the process, the Court sustained the Board’s continued adherence to a doctrine that protection is not provided in most cases when states acquire rail lines for commuter use. While the on-going litigation was taking place, ATDA entered into an implementing agreement with CSXT allowing for New York Dock employee protective benefits as a result of the Mass Line Transaction. As of today, none of this work has been transferred to the State of Massachusetts.

### **PATH Arbitration Dispute over Leave of Absence for Union Officer**

When a Vice President vacancy occurred on the Executive Board in the fall of 2010, PATH General Chairman Gary Wasserman was selected to fill it. However, PATH refused to give him leave to perform this union function. ATDA took the claim to arbitration and won, enabling PATH employees who desire to perform ATDA service as contemplated by the CBA with the Carrier.

### **Alaska Railroad bargaining dispute**

When the bargaining agent appointed by Alaska Railroad to meet with ATDA to negotiate a CBA engaged in obstructive, delaying tactics, including receding from previously agreed-upon items and refusing to schedule meetings, the union responded by filing an Unfair Labor Practice (ULP) charge with the Alaska state labor relations agency. Shortly thereafter, the carrier relieved that individual of bargaining authority. Bargaining is ongoing and hopefully an agreement will be reached before a trial occurs on the ULP.

### **Legislative Matters**

In November 2008 Barack Obama was elected President. Unfortunately, the change in control of the House of Representatives from Democrat to Republican and the shrinking of the Democrats’ majority in the Senate have signifi-

cantly frustrated him from helping organized labor achieve important goals of its legislative agenda. The blame game, and not the needs of working people, is now apparently the only thing the Republicans and their Tea Party supporters are interested in. The ATDA remains optimistic by promoting the interests of the working middle class through legislation to provide for job stability, affordable health-care, and protection of pension systems now and in the future. Getting our members to understand how devastating the election of a Republican majority in the Senate and a Republican President would be to them and all middle class Americans must be our primary goal in the coming months.

### **AMTRAK**

In every General Assembly since Amtrak’s creation, funding for this vital commuter service has been at the top of our Legislative agenda. This convention is no different. Once again, Amtrak is fighting for its very survival with the Republican-controlled House attempting to privatize this vital commuter service. This plan would eliminate passenger rail service from coast to coast. The Auto Train, Capitol Limited, California Zephyr, Cardinal, Coast Starlight, Empire Builder, Palmetto and Silver Service would cease to exist in providing vital links to economic growth and lifelines to major cities. By auctioning off Amtrak to Wall Street, 20,000 thousand good union jobs could be lost with a huge hit in railroad retirement taxes jeopardizing our retirement system where 547,000 retirees, spouses and survivors today enjoy these benefits. In November 2008, Joe Boardman became Amtrak’s new CEO and President and since taking over the helm ridership has increased along with service. He has worked well with the unions and a new five year contract was ratified by the ATDA last year with no rule concessions and fair general wage increases and reasonable health and welfare employee contributions.

### **RAIL SAFETY**

The Rail Safety Improvement Act of 2008 (RSIA) addressed many of the train and engine (T&E) employees’ issues of undisturbed rest in providing predictable and defined work and rest periods. More importantly for the ATDA, Congress ordered a railroad risk reduction program whose purpose is to reduce the consequences and rates of railroad accidents, incidents, injuries and fatalities. The ATDA, along with six (6) other rail unions, provided written comments in early 2011 that the FRA must solicit rail labor input and participation in technology implementation, fatigue management, risks posed by joint operations, including passenger and commuter trains, security risks, National Transportation Safety Board (NTSB) recommendations, disclosure of all carrier bonus, incentive and compensation systems that reward management employees for meeting or exceeding safety related goals, targets, benchmarks or milestones, disclosure of policies and data related to waiver and discipline practices that in any way discour-

age accurate reporting of accidents, incidents, injuries or close calls. The labor organizations also asked the FRA to develop historical data on the following:

- \* the number of disciplinary charges for rule violations,
- \* the number of whistleblower cases filed by employees,
- \* the number of employee dismissals,
- \* the number of FRA reportable injuries,
- \* the number of meet and confer sessions related to safety,
- \* the safety records of regional and shortline railroads,
- \* Retaliation, intimidation and overall culture, attitude and policy toward safety reporting by employees,
- \* A carrier's past response to risk, hazards, defects, near misses and safety complaints reported by employees,
- \* The effectiveness of operating rules and practices in risk reduction,
- \* The effectiveness of safety and training programs

ATDA strongly believes that the FRA must "pay particular attention to railroads that regularly intimidate employees to cut corners and hold formal hearings and discipline employees whenever accidents and injuries are reported." We also strongly support the implementation of a fatigue management program. "A human cannot possibly be rested to work safely unless that that human being knows when they must report for service. Often, safety critical employees are forced to report for service even when fatigued, or they face disciplinary hearings and loss of employment."

### Conclusion

Our union is honored to have a group of extremely competent and experienced officers and staff. Our Vice-Presidents have filled the responsibilities that have been assigned in a professional manner and have gone beyond the call of duty in filling assignments outside of their jurisdictional territories. One example of this involved the disability of Vice President Gregory Pardlo because of a serious illness. Key members of the Executive Board stepped up in filling the void left by Greg's untimely vacancy. I would especially like to thank those members of the Executive Board who unselfishly fulfilled every responsibility asked of them with unquestioning courage and fortitude.

Our staff has performed admirably as well. In Research Director Bob Sermak, we have a seasoned veteran who has worked hard at keeping our arbitration services a top-notch product that our members can rely on day in and day out. Ken Bennett has been a valuable addition and also keeps our arbitration department humming day in and day out. Our accounts receivable clerk, Debbie Hall, and our bookkeeper, Dan Lanigan, have assisted the Secretary Treasurer and me in keeping the financial and administrative operations in Cleveland running efficiently and smoothly. I particularly want to thank my assistant, Amber Woolson, for all of her assistance and perennial good cheer. She truly embodies the spirit and loyalty of our great

organization. In the field, our General Chairmen and System Committee Officers continue to take these thankless positions and fight to enforce our agreements every day against the hostile work environment established by the Carriers. The railroads may be making money and hiring employees, but these remain difficult times. We cannot become complacent. Our members expect that we keep our union on solid financial ground and spend our money wisely. We must remain in a position where we can sustain the principles upon which we were founded and show every member needing assistance the solidarity he or she rightly deserves. Serving as your President is the highest honor and greatest privilege that can be bestowed upon any train dispatcher. No ATDA President accepts this position with a complete idea of the magnitude of the responsibility it entails. I have met many fine individuals in the railroad industry throughout my career, in all crafts and even in management. But I can say without hesitation that ATDA represents the finest employees in the railroad industry by far. You deserve the best and I hope that this Report proves to you beyond doubt that you have received the best during the period since the last General Assembly. The best times for this union are ahead. Let us all work together to make our workplace safer, our families more secure, and our wages and benefits equivalent to the important contributions we make every day to keep the industry on track.

F. L. McCann

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## REPORT FO THE SECRETARY/TREASURER

Article V, Section 1 (i) of the Constitution and By-laws requires the Secretary/Treasurer of the Association to render a report to the Delegates of the General Assembly. This report is respectfully submitted to the delegates for review. I am proud to report that our union is financially prepared to serve the needs of our members.

The Secretary/Treasurer has the supervisory responsibility of all receipts and expenditures of the Association's resources and management of the everyday business transactions. This includes recording and properly disbursing the money received through dues collections, both by payroll deduction and direct payment and through other means such as royalties, interest and subscriptions. Other duties of the Secretary Treasurer include the enrollment of new members, issuing delinquency letters when members fail to meet their dues obligations, progressing charges under the union shop agreements when the delinquencies are not resolved, maintenance of current membership records, building and maintaining the computer and telephone networks, editing, publishing and printing the newsletter, maintaining our web page and system treasurer training page on the internet. All regular and special elections of all Local Officers and Delegates are conducted by the Secretary/treasurer as well a most referendum elections. The Secretary/Treasurer also manages the ATDA death insurance program and the ATDA scholarship program.

This term was unique in that we purchased a new headquarters building. Ownership of a building created a number of new duties that were not previously the responsibility of the Secretary/Treasurer. Management and maintenance of the building and grounds are now included in the Secretary/Treasurer's duties.

The duties of the Secretary/Treasurer and financial outlook of the Organization are greatly affected by the number of members. In 2003 we had 2479 dues and fee payers. In 2007 we had 2554 and in 2011 we have 2573.

The Finance Committee has projected the income over the next four years to yield an excess of \$952,371.00 or \$7.71 per dues or fee payer per month under the current dues structure. They have proposed a new dues structure that will freeze National dues over the next four years while the expenditures catch up to dues income. This action would result in an excess of \$367,969 or \$2.98 per dues or fee payer per month. The excess funds we collect are deposited into the trust fund periodically.

The expenditures of the ATDA are shown below for each of the four years since the last General Assembly. The amounts shown are derived from our annual audit reports and comparative statements.

	2007-2008	2008-2009	2009-2010	2010-2011
Officer Salary	\$617,433.00	\$662,639.00	\$682,115.00	\$648,021.00
Officer Expenses	\$136,946.00	\$112,693.00	\$97,487.00	\$110,752.00
Office Salary	\$81,820.00	\$102,161.00	\$102,535.00	\$106,982.00
Organizing Salary	\$105,503.00	\$3,232.00	\$10,492.00	\$2,427.00
Organizing expenses	\$105,991.00	\$4,145.00	\$2,520.00	\$2,591.00
Int. Rep Sal	\$127,728.00	\$177,514.00	\$184,366.00	\$189,270.00
Int. Rep Exp	\$3,197.00	\$10,132.00	\$9,118.00	\$7,141.00
Annuity payments	\$18,779.00	\$18,896.00	\$17,919.00	\$18,395.00
Medical Ins	\$260,255.00	\$287,532.00	\$304,015.00	\$334,922.00
Officer Moving Exp	\$ 0	\$11,660.00	\$ 0	\$ 0
Trustee Salary	\$8,590.00	\$3,246.00	\$2,501.00	\$4,825.00
Trustee Exp	\$2,165.00	\$3,286.00	\$2,889.00	\$3,080.00
Spcl Svc Salary	\$51,798.00	\$9,676.00	\$3,440.00	\$11,809.00
Spcl Svc Exp	\$5,147.00	\$3,555.00	\$2,384.00	\$9,174.00
Telephone Fax	\$4,707.00	\$5,573.00	\$6,255.00	\$6,059.00
Postage	\$19,946.00	\$5,960.00	\$5,971.00	\$9,279.00
Other Ins	\$15,048.00	\$15,862.00	\$19,235.00	\$24,406.00
Legal	\$118,883.00	\$116,755.00	\$129,508.00	\$121,843.00
Accounting Fees	\$12,000.00	\$10,000.00	\$7,200.00	\$7,200.00

*(Continued on page 19)*

(Continued from page 18)

Office Expense	\$23,507.00	\$29,656.00	\$29,760.00	\$30,767.00
Stationary-Printing	\$6,461.00	\$748.00	\$2,403.00	\$5,671.00
Payroll Taxes	\$178,123.00	\$189,443.00	\$170,885.00	\$188,270.00
Rent	\$35,474.00	\$35,474.00	\$29,737.00	\$30,000.00
Conference Fees	\$1,200.00	\$967.00	\$3,762.00	\$3,246.00
Maintenance Contracts	\$1,937.00	\$1,489.00	\$1,053.00	\$5,951.00
Investment costs	\$26,613.00	\$21,449.00	\$23,255.00	\$28,356.00
Advertising	\$3,943.00	\$3,122.00	\$7,366.00	\$3,097.00
Bank Charges	\$851.00	\$1,354.00	\$690.00	\$597.00
Training Salaries	\$0	\$101,390.00	\$490.00	\$116,797.00
Training Exp	\$0	\$114,892.00	\$770.00	\$166,218.00
Professional Services	\$12,028.00	\$8,752.00	\$9,054.00	\$5,951.00
Maintenance & Repairs	\$1,937.00	\$1,489.00	\$1,053.00	\$1,802.00
Publications	\$2,699.00	\$2,230.00	\$1,815.00	\$1,726.00
Contributions	\$-	\$7,743.00	\$391.00	\$815.00
TTD assessments	\$2,172.00	\$351.00	\$2,806.00	\$275.00
AFL-CIO Per Capita	\$29,694.00	\$27,762.00	\$27,825.00	\$27,993.00
Gen Assembly	\$334,262.00	\$0	\$0	\$0
Scholarship	\$4,500.00	\$10,000.00	\$10,000.00	\$10,000.00
Death insurance	\$4,000.00	\$6,000.00	\$4,000.00	\$5,000.00
TOTAL EXPENSES	\$2,365,337.	\$2,117,168	\$1,928,725	\$2,250,708

The American Train Dispatchers Improvement Association is a separate entity of the American Train Dispatchers Association with its own set of books. The purpose of the Improvement Association is to manage the Organization's real estate. The total assets of the Improvement Association are \$956,685 as of June 30, 2011 which includes the building, land and contents.

Acting as office manager for the Association, the Secretary/Treasurer is responsible for the supervision of the clerical staff. We have a stable workforce capable of meeting the needs of the Organization.

Our income is derived mainly from collection of monthly dues from the members we serve. Other sources of income are from subscriptions to the Train Dispatcher and royalties from the union privilege credit card program. We also receive interest and dividends from our investment package, which has been reinvested during the last four years. Wages, insurance, legal fees, taxes, training and organizing new members make up the greatest percentage of our re-occurring expenses. In 2007 we distributed \$766,937.31 from the Trust Fund investments to the System Committees under Article 12 Section 2(e). In 2008, we purchased the new headquarters building which was the largest single expenditure of the term. The total cost of purchase and renovations was \$855,731. The cost of health care insurance has increased substantially over the last four years, and is expected to continue in this trend. Despite these increases in operating costs, the last four years have been kind to the financial security of this union. The 28th General Assembly provided for diversification of our investment package. Currently, up to 30% of our portfolio may be invested in equities. Our investment portfolio has performed well. The portfolio showed a 4.98% return for the five year period ending on June 30, 2011. As of September 29, 2011 the trust fund balance was \$5,845,820. As of June 30, 2011, the total assets of the ATDA were \$6,514,791.00 which includes liabilities of \$177,273.00. As of June 30, 2011, the total assets of the ATDIA were \$956,685 which includes liabilities of \$12,456.00. Combined assets of the ATDA and the ATDIA as of June 30, 2011 were \$7,471,476 which includes combined liabilities of \$189,729.00.

In conclusion, our workforce and revenues have increased over the last four years along with the total value of our assets. The American Train Dispatchers Association is in a sound financial position to represent the best interests of the brothers and sisters we serve.

Respectfully Submitted,

G. L. Melton, Secretary/Treasurer

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## **AMERICAN TRAIN DISPATCHERS ASSOCIATION**

**ANNUAL REPORT OF THE BOARD OF TRUSTEES  
FOR FISCAL YEAR ENDING JUNE 30, 2011**

The Board of Trustees convened on September 27, 2011 at the National Headquarters in Cleveland, Ohio for the purpose of inquiring into the regularity, economy and efficiency of the expenditures of funds, expense of Officers, soundness of investments and bonding of Officers as required by Article VIII, Sections 2 and 3 of the Constitution and By-Laws of this Organization.

This Board examined the accounts of the Secretary-Treasurer, the auditor's reports for fiscal year ending June 30, 2011, Officer's expenses, insurance coverage, and the soundness of the Organization's investments.

This Board finds all records to be in order and complete with no exceptions.

This Board finds all insurance coverage to be adequate with the exception of a recommendation to the Executive Board to consider the purchase of cyber liability insurance.

Mike Greenwell  
Irma Bernal  
Mike Spencer