2017 - THIRD QUARTER REPORT

ALL LOCAL UNIONS
SYSTEM COUNCIL NO. 2

Dear Brothers and Sisters:

A U.S. District Judge of the Eastern District of California recently entered an order granting partial victory in the defense of application of the California paid sick leave law to railroad workers. The rail carriers argued that the entire law is preempted by the Railroad Unemployment Insurance Act (RUIA). Judge Mueller held that the state law is preempted by the RUIA only to the extent it provides paid time off for railroad workers who are unable to work due to their own illnesses or injuries, but is not preempted insofar as the state law "allows these employees to use paid sick leave on days they miss work based on their family members' illnesses or based on reasons related to domestic violence, sexual assault and stalking." This means that railroad workers in California may earn up to three days of paid time off per year (with carryover of up to 6 days per year) that they may take in increments as little as two hours in order to take care of family members or to take care for themselves if they are subject to domestic violence or sexual abuse. It is expected that the railroads will appeal, but for now, this decision may help in convincing the district court judge in Massachusetts that the similar parts of that state's law are not preempted. I will continue to keep you advised as this matter continues to develop.

As I reported in the second quarter report, brothers Tom Modica (LU 807), and Bob Norton (LU 1920) were recently appointed as Assistant General Chairmen in order to assist the System Council with discipline investigations and training for local union chairpersons and assistants. We are currently finalizing the training modules for roll out, at which time we will be contacting the various local unions to schedule a training date. We anticipate that the initial training will
be covered in a one day session.

On October 5th, IBEW Railroad Director Bill Bohne’ reported that the Rail Labor CBG consisting of the BLE-T, SMART/UTU, BRS, ATDA and the SEIU/NCFO, making up approximately 60% of the nation's freight railroads workforce, reached a tentative agreement with the railroads. The details of this tentative agreement can be found on the BLE-T website by accessing the following link: https://www.ble-t.org/pr/newsflash.asp?id=6004. On October 11th, the bargaining coalition involving the IAM, IBEW, TCU (Carmen), TCU (Clerks) & TWU (Carmen) were notified that the National Mediation Board scheduled a mediation session for Wednesday November 8, 2017. I will provide you any updates as I receive them.

On September 12th, the System Council attended and presented twenty-two (22) cases with Union Pacific before Public Law Board 7001. We are currently awaiting decision of these cases. As soon as the Awards are issues I will notify the Claimant’s and local unions accordingly. The System Council was subsequently approved to present thirteen (13) additional cases before PLB 7001 scheduled for December 6th, and eighteen (18) cases scheduled for January 25, 2018.

In a letter dated September 8, 2017, IBEW International President Lonnie Stephenson and International Secretary Treasurer Ken Cooper advised of an IBEW Hurricane Disaster Fund to assist and provide urgent relief to those in most need who suffered the effects and devastation of Hurricane’s Harvey and Irma. For those IBEW members wishing to participate, contributions may be made with a credit card at https://secure.ibew.org/unityfund/.

July 2017

- The System Council staff and I attended a Shop-craft Union Coalition meeting with the Union Pacific Railroad.
- VGC Reynoso. AGC Shell and I attended an IBEW Local Chairmen's meeting with Union Pacific Railroad.
- I attended the System Council No. 6 Conference and Convention.
- ASG Starkjohann assisted Salt Lake City Local 650 with a disciplinary investigation.
- AGC Shell attended the monthly meeting of Local Union 1758.
• The System Council staff and I began preparation of submissions for PLB 7001.

August 2017

• VGC Reynoso met with Local Union 889 and Union Pacific Shop Director to assist with PTC issues and an employee transfer.

• The System Council staff and I met for the quarterly staff meeting to discuss various issues of concern as well as the progress at some locations.

• VGC Reynoso and I attended the annual IBEW Membership Development Conference.

• The System Council staff and I met to discuss the Local Chairman and committeemen training modules.

• AGC Shell met and assisted Chicago Local Union 214 President Licastro with several outstanding issues.

September 2017

• I attended the monthly meeting for Local Union 942.

• VGC Reynoso, AGC Shell and I attended arbitration with the UPRR before PLB 7001.

• VGC Reynoso, AGC Shell and I attended the annual meeting of the National Association of Railroad Referees.

• I attended a meeting with the IBEW General Chairmen and Railroad Director Bill Bohne.

Throughout the third quarter, the System Council staff and I have been busy assisting the local unions with day to day issues and concerns. We have seen an increase in the meal reimbursement claims which are being progressed and listed for arbitration. The first meal case is scheduled for arbitration on January 25, 2018. We have also seen an increase in subcontracting cases which we are currently pursuing. Any local who obtains information pertaining to a contractor performing IBEW recognized work, please furnish this information to your local chairman and the System Council as soon as possible so that we may pursue such work and initiate the appropriate claim.
In solidarity, I remain

Fraternally yours,

Jim Wisniski
General Chairman