

**RESOLUTIONS**

**OF THE**

**BROTHERHOOD OF MAINTENANCE**

**OF WAY EMPLOYEES DIVISION**

**OF THE**

**INTERNATIONAL BROTHERHOOD**

**OF**

**TEAMSTERS**

As Adopted and Reaffirmed at the first Regular Convention of the National  
Division held in the city of Las Vegas, NV June 19-21, 2006



**RESOLUTION No. 1**

**RE: BMWED - IBT IN THE FOREFRONT OF RAIL LABOR**

WHEREAS, The ongoing and future contract negotiations are of the utmost importance to the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters; and

WHEREAS, It is important that the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters be the leading participant in rail labor's struggle for full employment, fair wages and dignity on the job; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record to request the National Division President to take all reasonable steps to ensure that the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters will be in the forefront of the rail labor unions on issues of full employment, fair wages and dignity on the job.

**RESOLUTION No. 2**

**RE: ARTICLE XXIII, SECTION 9 - CONTRACT APPROVAL**

WHEREAS, Article XXIII, Section 9 of the National Division Bylaws restricts a system from beginning negotiations with railway officials until the schedule to be negotiated has been presented to and approved by the National Division President or his designated representative; and

WHEREAS, Article XXIII, Section 14 states that it shall be the policy of the Brotherhood to establish uniform basic rules and rates of pay for members performing comparable work; and

WHEREAS, Article III, Section 8 of the National Division Bylaws states that the National Division President shall have the power to suspend from office any National Division or system division or federation officer who, without having obtained the President's permission,

deviates from any uniform wages or rules and working conditions policy that has been or shall be established; and

WHEREAS, The general chairmen, on a day-to-day basis, have contact with carrier officers; and

WHEREAS, Many times the carrier or the Organization wishes to discuss changes in wages, rules and working conditions; and

WHEREAS, Sometimes it would be beneficial to the members we represent if we could initial an agreement at that time if the system division or federation officer only knew what the National Division policy was on wages, rules and working conditions; Therefore, be it

RESOLVED, That National Division continue its policy concerning wages, rules and working conditions; and, be it further

RESOLVED, That such policy and any changes in such policy be distributed to each general chairman; and, be it further

RESOLVED, That a system division or federation can negotiate with carrier officers without first getting National Division approval concerning changes in wages, rules and working conditions so long as those negotiations do not involve changes in wages, rules and working conditions below the standard set by National Division; and, be it further

RESOLVED, That if such negotiations result in a tentative agreement with the carrier, that the general chairman will be authorized to initial such agreement pending the approval of the National Division President or his authorized representative.

### **RESOLUTION No. 3**

#### **RE: HONORING OF UNION PICKET LINES**

WHEREAS, The members of the Brotherhood recognize that only through solidarity with their sister unions can we expect to prevail in our just demands with the railroads; and

WHEREAS, The primary method to show solidarity with other railway unions is to respect and honor their picket lines; and

WHEREAS, The Brotherhood can instruct a member to respect and honor the picket lines of another union subject to prevailing law. The Brotherhood can and must encourage each of its members to respect and honor the picket lines of another union; Therefore, be it

RESOLVED, That it shall be the policy of the Brotherhood to honor the picket lines of unions on strike. For clarification, the Brotherhood considers all locations on the lines of a railroad to be picketed where such lawful strike action has been taken by a union whether or not a picket sign is physically present; and, be it further

RESOLVED, That it shall also be the policy of this Brotherhood to represent, to the best of our ability and means, any member of our Brotherhood who has been subjected to any disciplinary action by a carrier as a direct result of having voluntarily honored a union's picket line; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters reaffirm this policy of honoring picket lines when a sister union is on strike.

#### **RESOLUTION No. 4**

#### **RE: UNEMPLOYMENT BENEFITS**

WHEREAS, Members of our Organization drawing unemployment benefits are faced with the continued rise in the cost of living; and

WHEREAS, The present daily benefits thereof are not sufficient to meet today's high cost of living; and

WHEREAS, The continued rise in inflation has placed extreme hardships on our members; Therefore, be it;

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters go on record requesting that said daily benefits be increased to the amount consistent with the current cost of living; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention urge our National Division President to take this matter into consideration for handling in an expeditious manner.

### **RESOLUTION No. 5**

#### **RE: RAILROAD EMPLOYEES' MEDICAL RECORDS**

WHEREAS, Railroad employees do not pay into state workers' compensation funds; and

WHEREAS, Railroad employees are ineligible for state workers' compensation benefits;  
and

WHEREAS, State workers' compensation acts provide that an employee receiving workers' compensation benefits automatically grants release of confidential medical information concerning his/her injury to his/her employer as a condition of receiving benefits; and

WHEREAS, The Railroad Unemployment Insurance Act does not require such medical disclosure to the railroad employer as a condition of receiving Railroad Sickness Benefits; and

WHEREAS, The Federal Employers' Liability Act provides railroad employers with unlimited liability for job-related injuries to railroad employees; and

WHEREAS, Medical practitioners, clinics and hospitals rarely understand the differences between medical information release requirements of the job-related injury compensation programs for non-railroad and railroad employees; and

WHEREAS, Railroad claims agents frequently illegally obtain confidential medical information about injured railroad employees by knowingly and falsely asserting to the medical care providers that the injured railroad employee is covered by the information release provisions of state Workers' Compensation Acts; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters go on record instructing BMWED - IBT-endorsed State Representatives and Senators to introduce and/or support legislation requiring:

1. All licensed medical practitioners, clinics, hospitals and other medical facilities to carry out a program to educate all of their employees with access to medical records that railroad employees are not covered by the Workers' Compensation Acts and that medical information cannot be released without the written consent of that employee.
2. Automatic suspension or revocation of the operating license(s) of any medical practitioner, clinic, hospital or medical facility which releases any medical records of any railroad employee to his/her employer or that employer's agent without the employee's prior written consent.
3. Immediate notification of the railroad employee affected at his/her last known address of the identity of any individual or corporation to whom his/her medical records, or any portion thereof, are released.
4. Felony penalties including mandatory minimum prison sentence for any railroad employer's officer or agent who attempts to obtain any portion of any other railroad employee's medical records by asserting that he is acting under state workers' compensation statutes and/or that the employee whose records are being requested is covered by state workers' compensation benefits.
5. Any medical practitioner, clinic, hospital or other medical facility to immediately notify the State Attorney General of any request made for any portion of any railroad employee's medical records under the pretense of workers' compensation coverage to allow prompt investigation and prosecution by the appropriate enforcement agency.

**RESOLUTION No. 6**

**RE: INSURANCE - FURLOUGHED EMPLOYEES**

WHEREAS, Furloughed employees lose their health insurance and other benefits after four months of furlough; and

WHEREAS, These employees are least able to afford to pay the premiums to continue coverage through their furlough period; Therefore, be it

RESOLVED, That the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters attempt to negotiate a contract to continue insurance benefits to all furloughed employees holding seniority under a BMWED - IBT Agreement.

**RESOLUTION No. 7**

**RE: CONTRACTORS TO PAY RAILROAD RETIREMENT TAXES**

WHEREAS, The contracting out of work is one of the most important issues facing our membership; and

WHEREAS, Thousands of our members have lost their jobs on account of contractors performing Maintenance of Way duties and are unable to continue to provide a decent standard of living for themselves and their families; and

WHEREAS, The contractor's forces are not required to pay into the Railroad Retirement system; and

WHEREAS, The National Carriers Conference Committee has announced through past Section 6 notices that they have a work exit strategy to eliminate the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters' forces; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters instruct the National Division President and the IBT General President to do

everything possible in order to see that all contractors and their employees are required to pay into the Railroad Retirement system.

**RESOLUTION No. 8**

**RE: SHORT LINES**

WHEREAS, The Staggers Act deregulating the railroad industry was passed with the support of rail labor; and

WHEREAS, The Surface Transportation Board (STB) has chosen to reinterpret the Staggers Act to permit carriers to divest themselves of property to newly formed carriers without paying protective benefits which have historically been required under the Interstate Commerce Act; and

WHEREAS, Carriers across the United States are taking advantage of this new interpretation of the Interstate Commerce Act by divesting themselves of property to newly formed carriers, causing our Brothers and Sisters to lose jobs or be transferred to the new carrier at reduced pay and benefits and without union representation; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters go on record requesting the National Division President and all system division and federation general chairmen to negotiate agreements to provide any active, furloughed or transferred employee with a successorship agreement and a protective agreement which minimizes the adverse affect of such transactions.

**RESOLUTION No. 9**

**RE: JOB STABILIZATION**

WHEREAS, The drastic reduction in Maintenance of Way forces on railroads and relocation of employees is a matter of grave concern to our Brotherhood because of the unsettling effects that they have on our members, as well as the resultant reduction in employment levels; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters reaffirm our desire to secure improved protection for Maintenance of Way employes, not only for the benefit of the individual employee, but also for the well-being of rail transportation in the United States; and, be it further

RESOLVED, That we direct our National Division and system officers to do everything within their power to secure the jobs of the Brotherhood's members through the negotiation of improved agreements and inclusion of proper safeguards in appropriate laws.

### **RESOLUTION No. 10**

#### **RE: FEDERAL EMPLOYERS' LIABILITY ACT**

WHEREAS, The Nation's railroads have initiated a major assault to repeal the Federal Employers' Liability Act (FELA); and

WHEREAS, Through the carriers' efforts, many of our Nation's Senators and Representatives have been led to believe that an inferior state no-fault workers' compensation should replace FELA; and

WHEREAS, With the help of many of our elected friends of labor in both the House and Senate, and the superior efforts of our appointed law firms; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters commend and encourage our elected friends and legal firms for their untiring and continuing efforts to protect and preserve FELA; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters pledge our support to our law firms and elected officials by continuing to contact and write all of the Senators and Representatives who believe that FELA should be repealed; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record empowering our National Division President to join our elected friends and FELA firms in protecting rail labor's FELA rights.

**RESOLUTION No. 11**

**RE: FELA EVALUATION FORM**

WHEREAS, At times our members experience on-the-job injuries and at times even fatalities and, as a result, these members or their survivors have cause to seek out legal counsel for recovery under the auspices of FELA; and

WHEREAS, It is the desire of the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters to provide its membership with a list of designated and approved names of law firms for their use if they so desire; and

WHEREAS, To insure that when any member does utilize a legal firm included on such list for that purpose, they will continue to receive the utmost professional, courteous and responsive legal assistance at the most reasonable fee allowable in a consistent manner coast to coast; Therefore, be it

RESOLVED, That each BMWED - IBT-designated and approved law firm provide, to each and every Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters member or their survivors retaining same, an approved form on the date the retainer agreement is signed for the purpose of personally evaluating that firm's legal assistance and service to such member or their survivors during the handling of that member's legal case; and, be it further

RESOLVED, That such approved form shall be completed at the conclusion of such member's legal case by such member or their survivors and mailed to National Division, with a copy to the respective general chairman, and that National Division shall retain and file such evaluations by corresponding approved law firms. Such file to be reviewed annually by the National Division Executive Board to determine if the members' or their survivors' evaluations

deem that legal firm's assistance and representation as acceptable, and if any emerging pattern to the contrary exists, appropriate action will be undertaken; and, be it further

RESOLVED, Such form shall be clearly and explicitly spelled out that such member or their survivors do not, if at all possible, refer to such monetary settlement award, as such evaluation does not concern itself with that matter.

### **RESOLUTION No. 12**

#### **RE: NON-DESIGNATED LAW FIRMS**

WHEREAS, It has long been the policy of this Brotherhood to select reputable law firms of high standards to represent this Organization and its members; and

WHEREAS, These law firms have always been welcome to attend Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters' meetings such as National Division Conventions, National Association meetings, Regional Association meetings and other National Division-sponsored functions; and

WHEREAS, In recent times, representatives of other law firms who are not recognized as appointed legal counsel and who were not invited by National Division Officers of this Brotherhood are showing up at some of the scheduled aforementioned functions, sponsoring hospitality rooms and attending Brotherhood receptions; Therefore, be it

RESOLVED, That any uninvited firms or representatives of non-designated firms who willfully attend said functions without invitation from the National Division President or his designated representatives will cause their firms to not be considered now or in any future time for appointment to represent this Brotherhood and its members.

### **RESOLUTION No. 13**

#### **RE: DESIGNATED (FELA) COUNSEL**

WHEREAS, The United States Supreme Court has recognized the compelling need and constitutional right of the Brotherhood of Maintenance of Way Employes Division of the

International Brotherhood of Teamsters to protect our members' rights under the Federal Employers' Liability Act and related statutes by, among other things, establishing legal aid programs to advise workers who are injured to obtain legal advice and to recommend specific lawyers; and

WHEREAS, The membership relies on its elected officers to administer this constitutionally protected legal aid program and to advise members how to seek and retain competent and fair legal counsel having demonstrated expertise in these matters; and

WHEREAS, The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters has exercised its constitutional right to provide its injured members such advice and specific recommendations by creating a system of designated legal counsel committed to our members' best interest and who faithfully maintain and carry out the Brotherhood's legal aid program by:

(a) Explicitly agreeing to participate in this constitutionally protected professional relationship pursuant to Brotherhood standards of fairness and accountability;

(b) Demonstrating continuing proven expertise in the complex statutory protection embodied in FELA;

© Agreeing to charge reasonable fees, keep necessary expenses to a minimum, and to provide free advice to any member regarding his or her injury;

(d) Actively supporting and participating in Brotherhood conferences, legislative activities, education/training programs and other lodge meetings or activities as requested by Brotherhood Officers; and

WHEREAS, The United States Supreme Court has also declared that lawyers accepting employment within our designated counsel system also share the Brotherhood's constitutional right and protection in carrying out the Brotherhood's plan for contacting and advising injured workers to obtain legal advice and to recommend specific Brotherhood-approved lawyers; and

WHEREAS, The Brotherhood has a compelling need and interest in strengthening the protective benefits of the designated counsel system and eliminating the possibility of mistaken impressions harmful to our legal aid program; and

WHEREAS, Allowing non-designated legal counsel to be present or participate before, during or after any sanctioned union activity, meeting, or function would breach the constitutionally protected professional relationship established between the Brotherhood, its members, and designated legal counsel; and would also mislead members who may mistakenly believe that non-designated legal counsel are approved by the Brotherhood and share the same relationship and commitment to the Brotherhood as designated legal counsel as outlined above; Therefore, be it

RESOLVED, That it shall be the policy of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters that only properly designated legal counsel and their authorized representatives be invited to participate in or otherwise be present before, during or after meetings, social activities or other functions of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters National Division, system divisions/federations, or subordinate lodges; and, be it further

RESOLVED, That it shall also be the policy of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters that, along with Brotherhood Officers themselves, only designated legal counsel, or their staff, be authorized by the Brotherhood to initiate contact with any member who may require information concerning the advisability of obtaining legal advice, or advice recommending specific lawyers employed within this constitutionally protected legal aid program.

#### **RESOLUTION No. 14**

#### **RE: SOLIDARITY: LEGISLATIVE AND PROTECTIVE DEPARTMENTS**

WHEREAS, The legislative arena has a tremendous impact on issues which traditionally have fallen under the jurisdiction of the Protective Department of the Brotherhood, and likewise, the activities of the Protective Department seriously impact the issues facing the Legislative Department; and

WHEREAS, The collective efforts and consensus building between the Legislative and Protective Departments are required to advance all issues which impact on our ability to represent our members; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters call for a greater unity to advance the issues which face our members in general to a successful conclusion.

**RESOLUTION No. 15**

**RE: ANNUAL SICK LEAVE**

WHEREAS, There are Maintenance of Way employees who do not have annual sick leave agreements; Therefore, be it

RESOLVED, That the National Division President exert his best efforts to obtain agreements providing an adequate number of paid sick leave days for all Maintenance of Way employees which would not interfere with the present Supplemental Sickness benefits.

**RESOLUTION No. 16**

**RE: WORK SEASON**

WHEREAS, Many of our members are employed seasonally; and

WHEREAS, Much of their seasonal work could be performed over a longer work season; and

WHEREAS, A longer work season would help our members accumulate more months of service for step rate increases, and extended employment benefits; and

WHEREAS, A shorter standard work week would allow our members more time off while serving to extend the work season; Therefore, be it

RESOLVED, That the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters attempt to negotiate a shorter standard work week with no reduction in pay.

**RESOLUTION No. 17**

**RE: OPERATION LIFESAVER**

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters is concerned with the improvements and maintenance of railroad grade crossings; and

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters' efforts in the engineering of grade crossings and their assurance of proper visibility is essential in prevention of many train/vehicle accidents; and

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters' members recognize the potential dangers to trespassers, fishing off railroad bridges, crossing through railroad cars in yards, and children playing around and on railroad tracks as well as throwing objects at passing trains; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters endorse and support the grade crossing safety program known as "Operation Lifesaver;" and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters encourage our membership to become "Operation Lifesaver" presenters, in hopes of eliminating deaths to young children around railroad tracks, and at countless train/vehicle collisions each year. If just one life is saved in making "Operation Lifesaver" presentations, then the time spent is well worth it.

**RESOLUTION No. 18**

**RE: NEW POSITIONS AND VACANCIES - NATIONAL DIVISION**

WHEREAS, It is the wishes of the delegates assembled at this First Regular National Division Convention to reaffirm Resolution No. 23 of the 43<sup>rd</sup> Grand Lodge Convention regarding the advertising of jobs at National Division; Therefore, be it

RESOLVED, By the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters, that all new positions and vacancies, except those subject to reappointment of the current employee and those not covered by the election process of our Constitution, be advertised in the *BMWED Journal* so that our membership who wish to apply for these jobs may do so.

## **RESOLUTION No. 19**

### **RE: MEMORIAL PLAQUE**

WHEREAS, Railroad and industrial management has adopted oppressive cost-cutting measures in the industry that has brutalized working conditions for BMWED members and has resulted in tremendous profits for the owners and the overpaid managers; and

WHEREAS, This downsizing has resulted in management creating working conditions and work procedures with the cooperation of their allies in the government regulatory agencies, particularly with the FRA which have left scores of hard-working BMWED members dead since 1988 in the United States and Canada, and many more mutilated; and

WHEREAS, The sweat and blood which our members have spilled on the railroad tracks to create a life for themselves and their families is directly related to the corporate greed of the owners and the bonus-hungry railroad managers; and

WHEREAS, This slaughter is responded to by railroad management with a callous disregard to the truth of this situation, which results in railroad management defrauding and insulting our dead and mutilated Brothers and Sisters and responding to the situation; and

WHEREAS, Our Union will not permit the further insults of management to continue; Therefore, be it

RESOLVED, That the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters institute a system of honoring and recognizing those members of our Union who lost their lives in the line of duty; and, be it further

RESOLVED, That their contributions to our Brotherhood be acknowledged and that their families are made aware of our appreciation with a permanent reminder for them in the form of a plaque to be presented to them; and, be it further

RESOLVED, That the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters present to the families of all Brothers and Sisters who were members and lost their lives on the job from January 1, 1993, a plaque in their honor; and, be it further

RESOLVED, That the National Division President request from all general chairmen the names of all Brothers and Sisters who were members and lost their lives on the job beginning January 1, 1980, and that their names and all that may follow be placed on a permanent memorial at National Division headquarters honoring their memory; and, be it further

RESOLVED, In the event any member of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters is killed while on duty for their respective employer, at least one system officer from the deceased's respective system federation should make every effort possible to attend the funeral. In the event any member of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters is killed while on duty for their respective employer, the President of the National Division, or one of his or her agents, should make every effort possible to attend the funeral of the deceased member.

## **RESOLUTION No. 20**

### **RE: THE VETERANS' PLEDGE**

WHEREAS, A fundamental principle in representative democracy holds that the people elected representatives must be permitted to advance the legislative preferences of their constituents; and

WHEREAS, The House Rules Committee, which serves the House by framing debate on legislation when bills are taken up on the House floor, is always bypassed in Veterans' Affairs; and

WHEREAS, All bills emerging from the House Veterans' Affairs Committee are exempt from floor amendment because they are treated as non-controversial and placed on the Suspension of the Rules Calendar; and

WHEREAS, There are very few members of the House who sit on the Veterans' Affairs Committee, leaving the majority of House members with virtually no opportunity to advance the legislative interests of their veteran constituents on the House floor; and

WHEREAS, The cost of each veteran bill is very expensive, and the VA budget is in the billions; and

WHEREAS, Important legislation offering judicial review is often sidetracked, and only modest legislation to provide compensation for those affected by Agent Orange was passed; and

WHEREAS, Many other important health care issues are being sidetracked such as Post Traumatic Stress; Therefore, be it

RESOLVED, That the National Legislative Department distribute this resolution to all candidates for elective office of the United States House of Representatives and seek their pledge that, if elected, they will do whatever is necessary to represent the issues of the veterans.

## **RESOLUTION No. 21**

### **RE: ORGAN DONORS**

WHEREAS, There are members whose families are in dire need of an organ donation; and

WHEREAS, Unless there are more who will step forward and donate organs people will surely perish; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters be encouraged and encourage our Brothers and Sisters to be organ donors.

**RESOLUTION No. 22**

**RE: PROPOSED RESOLUTION ON RETIREES**

WHEREAS, At the present time, IBT has an established retiree program; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters encourage all BMWED retirees to participate in the IBT Retiree Affairs Program.

**RESOLUTION No. 23**

**RE: RUIA - MILITARY SERVICE**

WHEREAS, Numerous railroad employees have served their country honorably and well in various branches of the armed forces for periods in excess of twenty (20) years; and

WHEREAS, These military veterans receive military retirement pay as partial compensation for their long military service; and

WHEREAS, If these veterans work for non-military employers, they can become eligible for state unemployment benefits in case of layoff and for workers' compensation in case of injury; and

WHEREAS, The Railroad Unemployment Insurance Act (RUIA, Section 4, A-1, ii) prohibits payment of railroad unemployment benefits or railroad sickness benefits to otherwise eligible railroad employees who are now receiving military retirement pay for twenty (20) years or more of military service; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters solicit all BMWED-IBT endorsed U.S. Representatives and Senators to introduce and/or support legislation amending the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and insurance benefits if they otherwise meet the qualifications of these benefit programs; and, be it further

RESOLVED, That a report will be made to each Brotherhood of Maintenance of Way Employes Division National Association meeting concerning the Brotherhood's progress in implementing this resolution.

#### **RESOLUTION No. 24**

##### **RE: PROVIDING BENEFITS FOR SURVIVING SPOUSE(S) AND DEPENDENT(S)**

WHEREAS, With current rules and regulations governing Railroad Retirement benefits for a surviving spouse(s) and dependent(s), there is and has been a void in concern with the interim between the death of the member and qualifying retirement age of the surviving spouse(s) and dependent(s); and

WHEREAS, A surviving spouse(s) of a Maintenance of Way railroad worker who is less than 60 years of age, who does not care for dependent children under the age of 18 or disabled children, and who is not disabled, is not entitled to any annuity under current law of the U.S. Railroad Retirement Act; and

WHEREAS, The surviving spouse(s) and dependent(s) of a Maintenance of Way railroad worker that are not covered by continuation of the negotiated medical coverage; and

WHEREAS, The surviving spouse(s) and dependent(s) who fall under such circumstances are placed in a financial situation whereby they may very well become destitute; and

WHEREAS, This Organization has a history of protecting surviving family members of our Brothers and Sisters; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters encourage the National Division President to do whatever is within his power to obtain benefits for surviving spouse(s) and dependent(s).

## **RESOLUTION No. 25**

### **RE: NATIONAL VACATION AGREEMENT**

WHEREAS, The stress and pressure on Maintenance of Way employes in the workplace has been increasing in recent years; and

WHEREAS, Paid time off for the Maintenance of Way employes has become increasingly important to the membership; and

WHEREAS, The National Vacation Agreement for non-operating employes has not been substantially changed since 1971; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record directing the National Division President and negotiating committee to seek improvements in the National Non-operating Vacation Agreement providing for a decrease in the number of qualifying years for vacation and an increase in the number of vacation days allowed; and, be it further

RESOLVED, That the National Vacation Agreement be amended to provide that an employee working less than his qualifying period will receive vacation on a pro-rated formula based on actual number of days of compensated service in the calendar year.

## **RESOLUTION No. 26**

### **RE: STB AUTHORIZATION: REFORMS TO PROTECT WORKERS AND THE PUBLIC INTEREST**

WHEREAS, With Surface Transportation Board (STB) reauthorization legislation possible this year, Congress has the opportunity to reign in the power that mega-rail carriers exercise over workers, shippers and communities. Workers' rights and job security must be enhanced, safety must take on added importance, and Congress must end the outrageous practice of discarding private union contracts at the mere request of merging railroads. Unfortunately, the STB has typically adopted and implemented policies that ignore these concerns and the effect they have on railroad employees and the overall public interest; and

WHEREAS, Since the passage of the Staggers Act in 1980, the nation has witnessed an unprecedented consolidation in the rail industry that has left thousands of workers out of jobs and has vested unprecedented market power with a few mammoth rail carriers. While the STB has a statutory obligation to consider “the interests of rail carrier employees” affected by proposed mergers, not a single proposed transaction has been rejected or significantly altered because of employee concerns. Workers are promised generous *New York Dock* benefits, but in reality the railroads fight making these protective payments every step of the way by using long, drawn out legal proceedings to delay or escape fulfilling their obligations to employees; and

WHEREAS, Not only has the STB refused to protect employees, but it has used a tortured interpretation of law to cancel out collective bargaining agreements made between employees and railroads who later argue that the agreement interferes with a pending merger or acquisition. The STB has extended its authority to justify almost any change that the carriers request even if it is far removed from what is required to complete a transaction. If the nation’s rail carriers want to make changes to private collective bargaining agreements, then they should do what every other company with a collective bargaining relationship must, sit down with the employees and negotiate an agreement. Transportation labor calls on the Congress to finally put a stop to the practice of a federal agency trampling on the private contract rights of thousands of taxpayers who work on America’s railroads; and

WHEREAS, We are also concerned about the lack of attention that has been paid to ensuring that rail transactions are completed in a manner that will not jeopardize the safety of workers and the public at large. We need only look at the problems that Union Pacific experienced as it attempted to complete its merger with Southern Pacific to understand the terrible impact a merger can have on safety. The STB has recently entered into rule making designed to ensure that the safety concerns of rail transactions can be fully evaluated before approval is granted. While we support imposing new safety requirements on merging railroads, we suspect that there will be attempts to weaken this rule by excluding certain transactions or limiting the amount of information that rail carriers must provide. It must be recognized that the STB has an obligation to ensure that the transactions it approves, regardless of the size or type of applicant involved, will not put workers or the general public at further risk; and

WHEREAS, Shippers and their employees who are dependent on rail transportation also find themselves at the mercy of virtual rail monopolies. Transportation labor has long maintained that the reduction of competition in the rail industry causes devastating job cuts, harms the economy and communities, and is contrary to sound transportation policy. The massive consolidation also threatens the motor carrier sector where hundreds of thousands of our Brother

and Sister Teamsters are employed. While operators in competing transportation modes fight over market share, the gains on one side always come at the expense of workers on both sides as carriers play the cut throat game of downsizing and squeezing more out of fewer employees; and

WHEREAS, As rail mergers and other transactions continue to reduce transportation options and market power is further concentrated, it is increasingly important that the role of the STB be reexamined. While transportation labor continues to evaluate proposals to increase competition or address shipper-carrier issues, we know from first-hand experience that massive and unrestrained consolidation in the railroad industry without regard to the needs of shippers, communities and employees, and to the transportation system itself, has been disastrous. We will continue to be mindful of this fact as Congress considers rail competition proposals; and

WHEREAS, Some have suggested that the STB, as currently structured, is simply incapable of fulfilling its public interest obligations and should be disbanded with its responsibilities parceled out to other government agencies. While this is not a new proposal, it has surfaced again because many believe the STB may have outlived its purpose or is too close to the industry that it is charged with overseeing. Transportation labor is seriously examining such a proposal. Meanwhile, to help guard against potential conflicts of interest, we propose that STB members be subjected to a “revolving door” policy curtailing their participation in the industry once their service terminates; and

WHEREAS, It is clear that Congress must take every opportunity to force the STB to perform its statutory responsibility to protect the public interest and ensure that protections embodied in statute are carried out in practice, and that voices other than railroad executives are heard. Workers, shippers, communities, and state and local governments deserve nothing less; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters direct the National Division President to urge all U. S. Representatives and Senators to introduce and/or support legislation that will put a stop to the Surface Transportation Board’s practice of granting the carriers the authority to make wholesale changes to privately negotiated labor agreements; and, be it further

RESOLVED, That this legislation include provisions that would require the Surface Transportation Board to use the same standards for reviewing mergers as the Justice Department uses when reviewing mergers in other sectors of private industry; and, be it further

RESOLVED, That Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters will work with the rest of rail labor to promote any non-violent means necessary to promote legislation that would reign in the power of large railroads; and, be it further

RESOLVED, That Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters will advance the views expressed in this statement to the current Administration and to the House and Senate authorizing committees.

### **RESOLUTION No. 27**

#### **RE: ORGANIZING**

WHEREAS, There are millions of workers in the U.S., Canada and Mexico who suffer abuses by their employers because they are unrepresented; and

WHEREAS, It is the obligation of all good trade unionists to bring the benefits and protections of unionism to the unrepresented workers; and

WHEREAS, The strength of a labor union, thus its ability to deliver improvements in working conditions and standards of living to its members is directly linked to its size and growth potential; and

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters membership's future is directly linked to the long term viability of their Union; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters direct the Organizing Department to put a plan together in accordance with the current National Division Constitution and Bylaws that will result in bringing Union benefits to our unrepresented Brothers and Sisters and result in real growth of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters; and, be it further

RESOLVED, That the National Division President and the Executive Board review and modify said plan and authorize expenditures to meet the goal of bringing the benefits of union

representation to the unrepresented and of sustaining real growth of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters.

## **RESOLUTION No. 28**

### **RE: RAILROAD RETIREMENT PENSION AND MEDICAL BENEFITS**

WHEREAS, The physically and mentally strenuous nature of a lifetime of railroad work causes many railroad employees to die shortly after retirement; and

WHEREAS, A significant portion of the Brotherhood's current membership will reach 30 years (360 months) of service prior to reaching 60 years of age; and

WHEREAS, Current Railroad Retirement Board projections indicate the Railroad Retirement system is fully funded and able to meet its obligations in the short term (20 years) barring any large decrease in railroad employment; and

WHEREAS, Current Railroad Retirement Board projections indicate the Railroad Retirement system is fully funded in the long term; and

WHEREAS, The Railroad Retirement Board's Chief Actuary projects that additional funding would be required to fund lowering the retirement age to 55 years of age with 30 years (360 months) of service; and

WHEREAS, The carriers have the financial resources to fund the Railroad Retirement system with the above-referenced lowered retirement qualifications; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters direct the National Division President to urge all U.S. Representatives and Senators to introduce and/or support federal legislation to base qualification for full Railroad Retirement pension benefits which would permit an employee with 30 years (360 months) of service to retire at age 55; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of

Teamsters direct the National Division President to negotiate into the next national agreement and similar agreements with individual railroads a provision requiring all railroad employers to pay full medical benefits to any employee with 30 years (360 months) of service who retires before age 65; and, be it further

RESOLVED, That the National Division President make an annual report to the National Association on the progress of securing this legislation and contract provisions; and, be it further

RESOLVED, That the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters will lead efforts to reach out to Congress and the current Administration and will support other necessary concerted actions taken by rail labor to repel any future assaults on the Railroad Retirement system.

#### **RESOLUTION No. 29**

#### **RE: NATIONAL TRANSPORTATION STRIKE FOR COLLECTIVE BARGAINING RIGHTS AND JUSTICE FOR TRANSPORTATION WORKERS**

WHEREAS, The right of American transportation workers to organize unions, bargain collectively and to engage in concerted action is severely restricted, and at times forbidden by the laws of government of the United States and the various judicial and legislative bodies, and that the current imbalance in labor laws which favors organized management needs to be corrected and reversed; and

WHEREAS, This imbalance in labor laws serves to deny workers the right to join unions and further serves to restrict the ability of unions to bargain for our fair share of the tremendous value which we produce; and

WHEREAS, There is a willingness among our elected politicians and judges at all levels of government to function as the servants of organized management and to insure that the laws function in a manner to preserve and enlarge the wealth of our employers at the expense of our jobs, working conditions and standard of living to the extent that if the present laws are not sufficient to protect the money of organized management, these same political servants will pass new legislation or issue new injunctions to insure that strikes are broken and that the transfer of

the value produced by our labor is continued without interruption into the accounts of our employers; Therefore, be it

RESOLVED, That the Legislative Department draft legislation that will insure the right of workers to organize and be represented by a union and that this right includes, but is not limited to, card check recognition and the right to submit first contracts to binding arbitration when so requested by the union, the banning of all scabbing and the use of replacement workers, that no worker may be discharged without just cause, repeal of the Taft-Hartley law, criminal sanctions for employers who engage in unfair labor practices and mandatory imprisonment for those individuals who implement such illegal policies, an unrestricted right to strike and other such protections that emerge from our discussions on these topics with our sister organizations; and, be it further

RESOLVED, That this strike be maintained despite any order of any agency or department of the government or the judiciary to the contrary until such time as it is resolved with satisfactory legislation; and, be it further

RESOLVED, That in the event that any court and/or executive agency interprets the law in a manner that conflicts with the clear language of the proposed legislation as interpreted by organized labor or Congress in any way amends or repeals the law without the specific approval of organized labor, that the national transportation strike will resume until the conflict is resolved.

### **RESOLUTION No. 30**

#### **RE: ORGAN DONOR COVERAGE**

WHEREAS, Organ, tissue and bone marrow donation is an unselfish act, done in the spirit of true union compassion and solidarity; and

WHEREAS, Our members and families should not have to make material sacrifices when they take this action; and

WHEREAS, Our current health benefit coverage does not include payment for medical care for organ, tissue and bone marrow donation; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record and request the National Division President to take all reasonable steps to make health coverage available to all donors who choose to make organ, tissue and bone marrow donations part of our health coverage.

### **RESOLUTION No. 31**

#### **RE: SUPPORT FOR RAIL LABOR COALITIONS**

WHEREAS, The need for greater numbers of union railroad members to unite for a common cause; and

WHEREAS, It is important to make other unions aware of our struggles and the ever present possibility of government intervention when forced to use self help; and

WHEREAS, It has become increasingly important to support labor-friendly candidates for every office from school boards to the United States Presidency; and

WHEREAS, The number of union railroad members has dramatically decreased over the past two decades and this has created a need for more solidarity, cooperation and coordination between crafts at the local level; and

WHEREAS, The need exists to create and display unity for the good of all working people; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record as supporting and encouraging rail labor coalitions so long as they are formed for the good of all rail labor.

**RESOLUTION No. 32**

**RE: ATTENDANCE OF LODGE MEETINGS**

WHEREAS, The grassroots members have a strong desire to have an opportunity to communicate directly with our National Division; Therefore, be it

RESOLVED, That the National Division President, Secretary-Treasurer and Vice Presidents attend as many lodge meetings as their schedules permit.

**RESOLUTION No. 33**

**RE: DISTRIBUTION TO DELEGATES OF PROPOSED RESOLUTIONS**

WHEREAS, It may be beneficial for the delegates to review the resolutions the committee did not adopt; Therefore, be it

RESOLVED, That all future National Division Convention resolutions submitted to the Resolutions Committee 45 days prior to the convention will be distributed to the delegates with the Committee's recommendation upon registration at the convention.

**RESOLUTION No. 34**

**RE: IMPACT OF HEALTH AND WELFARE PLANS FOR CANADIAN MEMBERS COVERED UNDER U.S. NATIONAL AGREEMENTS**

WHEREAS, Canadian members working in Canada for American carriers are covered by U.S. National Agreements including Health and Welfare plans; and

WHEREAS, Many of these same plan benefits and agreements can not or do not work effectively for the Canadian members, and sometimes to their detriment; Therefore, be it

RESOLVED, That the National Division, in its mandate to negotiate contracts for benefits and agreements, keep in mind the impact and outcome they have on our Canadian members working for American carriers.

## **RESOLUTION No. 35**

### **RE: FIGHT DISCRIMINATION ON RAILROAD AND INDUSTRIAL PROPERTIES**

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters has an obligation to represent all its members equally; and

WHEREAS, Railroad and industrial properties across the United States and Canada have practiced and continue to practice discrimination; and

WHEREAS, Discrimination by the railroads and industries has caused hardship and mental anguish to our members and is designed to divide our members against each other; and

WHEREAS, Several lawsuits against discrimination have been filed on behalf of our Brotherhood members; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record to fight discrimination on railroad and industrial properties across the United States and Canada with all of the commitment of which we are capable, within the context of financially prudent allocation of resources.

## **RESOLUTION No. 36**

### **RE: ROLL OF HONOR MERIT AWARDS**

WHEREAS, The *BMWED Journal* publishes a Roll of Honor indicating merit awards for years of membership in the Brotherhood in 10-year increments; and

WHEREAS, Our Brothers and Sisters take pride in their Union membership; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record that the Roll of Honor Merit Awards continue to be awarded upon request in 10-year increments as follows: At 10 years, a certificate, and thereafter the appropriate Merit Award.

**RESOLUTION No. 37**

**RE: DUES DEDUCTIONS**

WHEREAS, The carriers have furloughed many members causing the Brotherhood to raise dues locally, nationally, and on the system level to keep our services to our members; and

WHEREAS, Dues and assessments have increased over the years along with donations to the IBT DRIVE (Democratic Republican Independent Voter Education); and

WHEREAS, Dues, assessments, and donations all being taken out of one check a month can be a financial strain on some members' personal finances; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record requesting that the Brotherhood attempt to negotiate a system that would allow all dues deductions, assessments, and donations be taken out in equal installments each pay period in a month.

**RESOLUTION No. 38**

**RE: OFFSETS FOR THOSE LACKING MANAGED MEDICAL CARE BENEFITS**

WHEREAS, National and local agreements contain offsets in the bargained general wage increases for affected Maintenance of Way employes for the purpose of reducing the carriers' payment for health insurance coverage; and

WHEREAS, Many members are employed by carriers in areas lacking access to the medical plan's Managed Medical Care Program, and thus are deprived the benefits derived thereof; and

WHEREAS, Expansion of the Managed Medical Care Program to cover all concerned members has not been implemented, which continues to deprive members of the benefits in the plan; and

WHEREAS, the lack of availability to the Managed Medical Care Program for some members results in a disparate payment to medical benefits received ratio; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters go on record requesting the National Division President and all system division and federation general chairmen to negotiate agreements for Brotherhood members residing in areas lacking coverage of the Managed Medical Care Program, to receive all of the general wage increases until such time that the Managed Medical Care Program is expanded to those areas, or such member, covered only by Comprehensive Health Care Benefit, receive medical benefit coverage equal to that which is available under the Managed Medical Care Program.

### **RESOLUTION No. 39**

#### **RE: ELIMINATION OF CAMP CAR/TRAILER LODGING**

WHEREAS, There are railroads which persist in the archaic and repugnant practice of lodging Maintenance of Way employees in camp cars/trailer facilities; and

WHEREAS, Carriers often choose to locate these lodging facilities in close proximity of live, heavily used main tracks and/or railroad yards and/or highway or street road crossings, thereby greatly inhibiting our members' ability to receive a complete night's rest; and

WHEREAS, These lodging facilities do not provide our members with proper privacy or individual space; and

WHEREAS, These lodging facilities often require our members to stand in line to utilize an insufficient number of shower and washing facilities; and

WHEREAS, These lodging facilities are often not equipped with operating toilets, forcing our members to continually relieve themselves in rented outdoor facilities often in adverse weather conditions; and

WHEREAS, The members of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters who are required to reside in these lodging facilities have often brought to our attention the inequities in being lodged in such a subhuman and obnoxious fashion; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record as requesting the National Division President, National Division Officers, and all parties involved in negotiating with any railroad company, which still utilizes camp car/trailer facilities, to actively pursue agreements which would permanently eliminate the use of camp cars/trailers for lodging our members.

#### **RESOLUTION No. 40**

#### **RE: LAWS AND REGULATIONS GOVERNING COMPANY-PROVIDED LODGING FACILITIES**

WHEREAS, The Norfolk and Southern Railway Company and Union Pacific Railroad Company persists in the archaic and repugnant practice of lodging Maintenance of Way employees in camp car/trailer facilities; and

WHEREAS, There are currently federal, state and local laws, regulations and ordinances which can be applied to these type of lodging facilities; and

WHEREAS, These facilities often are located in areas which, because of the high noise levels, greatly affects our members' ability to sleep at night; and

WHEREAS, These facilities are often maintained in an unhealthy, unsanitary and unsafe fashion; and

WHEREAS, The carrier provides meals to our members prepared on site which are reported to be of poor quality, unhealthy, and unappetizing; and

WHEREAS, These facilities normally fail to provide indoor restroom facilities or sufficient sanitation facilities for members required to live in these lodgings; Therefore, be it

RESOLVED, That we now request that the National Division President use all resources at his disposal to insure that all laws, regulations, and ordinances pertaining to these types of facilities are closely monitored by the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters, and all necessary steps are taken to insure enforcement thereof; and, be it further

RESOLVED, That the National Division President instruct the Director of Government Affairs and all state legislative directors to actively support and work to establish legislation which would serve to relieve the intolerable living conditions members of the Brotherhood are currently subjected to until such time as the practice of housing our members in these types of facilities has been eliminated; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record as requesting the National Division President, National Division Officers, and all parties involved in negotiating with any railroad company, which still utilizes camp car/trailer facilities, to actively pursue agreements which would permanently eliminate the use of camp cars/trailers for lodging our members.

#### **RESOLUTION No. 41**

#### **RE: ENJOIN THE RAILROAD RETIREMENT BOARD TO COLLECT RAILROAD RETIREMENT TAXES FROM CONTRACTORS**

WHEREAS, Maintenance of Way workers and their respective carriers are compelled to pay Railroad Retirement taxes; and

WHEREAS, Contractors performing Maintenance of Way work are not paying Railroad Retirement taxes; and

WHEREAS, The carriers are saving millions of dollars by not contributing to the Railroad Retirement system when they contract out Maintenance of Way work; and

WHEREAS, This unacceptable practice has caused the Railroad Retirement system to be shorted of untold millions of dollars; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters encourage the National Division President and the IBT General President to do whatever is within their power to seek legislation to allow the United States Railroad Retirement Board to require Railroad Retirement taxes from the carriers and contractors when Maintenance of Way work is contracted out.

### **RESOLUTION No. 42**

#### **RE: CONTRACTING OUT**

WHEREAS, The unacceptable practice of contracting out has been utilized by many carriers for buildings and rehabilitation projects, which properly should be performed by Maintenance of Way forces, has been one of the most offensive elements in the drastic reduction of our membership; and

WHEREAS, The practice of contracting out has been utilized by many carriers even when they had regular employees available or were in the position to hire additional employees in the Maintenance of Way departments; and

WHEREAS, This unacceptable practice has not only resulted in the decimation of our membership, causing this Brotherhood undue financial strain, but also in the serious deterioration of the railroad right-of-ways, facilities and equipment in both the United States and Canada, because no attention is paid to tracks, bridges, buildings and work equipment until they are almost unable to be used due to the lack of regular Maintenance of Way forces; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters reaffirm our outraged opposition to this practice which deprives our members of work; and, be it further

RESOLVED, That we empower the National Division President and the IBT General President to explore every conceivable method, including negotiated rules, legal means, legislative bans and all other conceivable means to end this unacceptable practice; and, be it further

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters implore the IBT General President, National Division President, National Division Officers, systems, federations, local lodges and every member to be diligent in our ongoing struggle fighting contracting out of Maintenance of Way work.

### **RESOLUTION No. 43**

#### **RE: BMWED - IBT ANNUAL SCHOLARSHIP AWARD**

WHEREAS, The Brotherhood of Maintenance of Way Employes Division needs to educate members and their dependents to advance its agenda of protecting and preserving the rights of workers; and

WHEREAS, The Brotherhood of Maintenance of Way Employes Division is an aggressive leader in rail labor that is steadfast in its beliefs; and

WHEREAS, The leadership of the Brotherhood of Maintenance of Way Employes Division understands the need for quality education to promote trade unionism; Therefore, be it

RESOLVED, That the Brotherhood of Maintenance of Way Employes Division will maintain a committee that will award annually two (2) scholarships to a member or their dependent, with preference given to those furthering their education in the study of labor-related subjects; and, be it further

RESOLVED, That the committee will establish and revise as necessary the criteria for the awarding of an annual BMWED scholarship; and, be it further

RESOLVED, That the delegates to the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division approve the funding necessary to award such annual BMWED scholarship; and, be it further

RESOLVED, That the delegates to the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division direct the National Division Executive Board to approve the funding necessary to continue the BMWED Scholarship program, and each scholarship shall be awarded annually in November to a BMWED member or dependent, with preference given to those applicants furthering their education in the study of labor-related subjects. Each annual scholarship shall be in the amount of \$2,000.00.

#### **RESOLUTION No. 44**

#### **RE: BMWED - IBT SUPPORT OF LONG-TERM VIABILITY OF AMTRAK**

WHEREAS, The future of Amtrak is uncertain and to a great extent many influences within the federal government, railroad and private industry have initiated policy that is detrimental to all of the workers in the many unions represented at Amtrak; and

WHEREAS, The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters is a substantial part of the workforce affected and has worked diligently to oppose any policy that adversely affects its members; and

WHEREAS, The effects of drastic changes in the structure of the company, train routes or congressional mandates pertaining to labor could further devastate Amtrak and its workers, adversely affect other workers in the railroad industry, and jeopardize the stability of the Railroad Retirement system; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters call on the leadership to commit the resources necessary to remain diligent and prevail in the struggle with those whose purpose is to destroy the quality of life and standard of living of the workers on Amtrak.

**RESOLUTION No. 45**

**RE: CONGRESS MUST RESTORE TRANSPORTATION CUTS AND REJECT SHORTSIGHTED POLICY DIRECTION IN BUSH 2007 BUDGET**

WHEREAS, President Bush's FY 2007 proposed budget fails to respond to the basic needs of the Nation's transportation needs and fails miserably to provide laid off workers with extended unemployment benefits and serious health care assistance; and

WHEREAS, President Bush and the Republican leadership call for corporate tax giveaways and have allowed for such giveaways in the recent past; and

WHEREAS, President Bush's FY 2007 budget calls for the privatization or franchising of the Nation's air traffic control system, Amtrak and public transportation services; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters go on record to request the National Division President provide assistance and support to the Change To Win Coalition in its efforts to persuade Congress to reject the shortsighted transportation budget proposal.

**RESOLUTION No. 46**

**RE: ARTICLE XXI, SECTION 6**

WHEREAS, A few of the important objectives of this Brotherhood as prescribed in the preamble of our Bylaws are "to exalt the character and increase the ability of its members," and "to use all honorable means to secure the passage of laws beneficial to our membership ..."; and

WHEREAS, There have been resolutions submitted which make personal attacks against fellow Brothers; and

WHEREAS, Article XXI, Section 6 states, in part, that it shall be the duty of every member to "... recognize any member in good standing as a Brother and never speak falsely against or vilify the character of a member."; Therefore, be it

RESOLVED, That the Resolutions Committee will not entertain and therefore will not distribute any resolution that is in contradiction with the above.

**RESOLUTION No. 47**

**RE: RETIREMENT INSURANCE**

WHEREAS, The type of work performed by BMWED - IBT members is very physical and has led to physical disability and disabling occupational illness; and

WHEREAS, The cost of medical and prescription insurance is so expensive that it is almost unobtainable for our retired or disabled members and their spouses and dependents; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters encourage the National Division President to do whatever is within his power to obtain improved benefits for our retired and disabled members and their spouses and dependents.

**RESOLUTION No. 48**

**RE: RAILROAD RETIREMENT TIER 2 COLA INCREASES**

WHEREAS, The railroad retirement system is solvent in the foreseeable future; and

WHEREAS, Railroad workers pay extra for their Tier 2 benefits; and

WHEREAS, Railroad retirees are losing buying power every day; Therefore, be it

RESOLVED, That BMWED Local 2825 hereby directs the Burlington Northern System Federation and the National Division to expend every effort to ensure that the Tier 2 benefits of railroad retirees are increased every year by at least the rate of inflation.

## **RESOLUTION No. 49**

### **RE: CONSOLIDATION OF SERVICES IN THE RAIL CONFERENCE**

WHEREAS, The BMWWE has merged with the International Brotherhood of Teamsters into the Teamsters Rail Conference; and

WHEREAS, The BLE has merged with the International Brotherhood of Teamsters, into the Teamsters Rail Conference; and

WHEREAS, The membership and officers of the BMWED are reaching maturity in age to the point a large portion of members and officers will be retiring in the next 5 to 10 years and the National Division Officers are on record that a long range plan for BMWED, BLET and the Teamsters Rail Conference needs to be adopted with this in mind; and

WHEREAS, The delegates to the First BMWED National Division Convention desire unity in the rail industry among all Rail Unions; and

WHEREAS, The delegates at this inaugural Quadrennial Convention foresee additional benefits to be derived from negotiating with the BLET for the purpose of identifying and reducing duplicate services provided by the individual Divisions; Therefore, be it

RESOLVED, The delegates to this Convention go on record stating unequivocally that we believe many services to our members can be enhanced and accomplished by building the Teamsters Rail Conference into a streamlined efficient conference; and, be it further

RESOLVED, The delegates assembled here at the First BMWED Convention go on record to instruct the National Division, through its duly elected officers, to make every effort to form a long range plan with BLET that takes into account the attrition rate of both Divisions, merges and/or coordinates departments or services for the purpose of promoting Rail Conference unity and providing better services more efficiently; and, finally be it

RESOLVED, That this resolution be made part of the record of this Convention and a copy forwarded to IBT General President Hoffa, IBT Secretary-Treasurer Keegel, Rail Conference Director John Murphy, the principal officers of BLET and to the Teamsters Rail Conference Convention scheduled for June 23, 2006.

**RESOLUTION No. 50**

**RE: OCCUPATIONAL DISABILITY EARNINGS**

WHEREAS, Our injured Brother's and Sister's who have been forced by railway injury to "Occupational Disability" under the Railroad Retirement Act are limited in earnings to \$400.00 per month to offset medical costs; and

WHEREAS, Medical cost have went through the roof, and \$400. Per month which has not been adjusted since 1988 covers only a fraction of their medical insurance costs; therefore, be it

RESOLVED, That the National Division Legislative Department use all means to change the law to raise the \$400 per month to \$1,200 per month which sum will be adjusted annually by the National Consumer Price Index.

**RESOLUTION No. 51**

**RE: "SUCCESSORSHIP RIGHTS"**

WHEREAS, The railway carriers disregard of their employees well-being and quality of life when they are considering a line sale or lease; and

WHEREAS, The stress on our members and their families when they see others doing their former jobs in the community where they live, while they have to travel many miles to continue to work under their agreement; and

WHEREAS, "Successorship Rights" legislation would prevent these disastrous consequences from happening; Therefore, be it

RESOLVED, That the National Division through its' Legislative Department make "Successorship Rights" a priority over the next four years, or until successfully implemented; and, be it further

RESOLVED, That the National Division solicit the support of our fellow IBT in making this an issue; and, be it further

RESOLVED, that the National Division solicit the support of our IBT Rail Conference associates.

**RESOLUTION No. 52**

**RE: OSHA STANDARDS**

WHEREAS, The 7-29-91 Imposed Agreement requires the Carriers to provide washroom facilities sufficiently proportionate for the crew size including tepid water, sanitary soaps [and/or solvents] and toweling adequate for the number of employees; and

WHEREAS, There are no reasonably enforceable provisions to provide for adequate washrooms (toilets) on away from headquarter work; and

WHEREAS, Despite the many efforts made to work with the Carriers to resolve these fundamental humanitarian needs, and where it falls mostly on deaf ears; and

WHEREAS, In an industry worth over \$60 billion per year; and

WHEREAS, We can put an astronaut on the moon, we should be able to have provided to our members these simplest of human needs; Therefore, be it

RESOLVED, That the National Division make it a priority of our Legislative Department to seek implementation of laws or regulations, and/or amendments to laws or regulations, and to provide for extraordinary fines against Carriers who fail to provide these human needs of our traveling members.

**RESOLUTION No. 53**

**RE: SUPPORT OUR TROOPS, VETERANS AND THEIR FAMILIES**

WHEREAS, As we currently have troops in harms way in Afghanistan, Iraq and other locations throughout the world; and

WHEREAS, As many of our members have family members and friends currently serving in harms way or have already served; and

WHEREAS, As our troops currently serving and those who served before them deserve the support of all Americans; Therefore, be it

RESOLVED, That the delegates of the First Regular National Division Convention of the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters go on record supporting those men and women currently serving in the military and those who have served in the past.

### **RESOLUTION No. 54**

#### **RE: GOOD STANDING FOR SEASONAL MEMBERS**

WHEREAS, many of our members in the BMWED are subject to annual periods of seasonal unemployment; and

WHEREAS, this body has in the past enacted Bylaws to grant a means to continue good standing status to seasonally unemployed members through timely issuance of unemployment cards; Therefore, Be It

RESOLVED, that this body go on endorsing and seeking necessary changes in the IBT Constitution and Bylaws that would restore the BMWED's former method of allowing unemployed members to remain in good standing for all purposes, including but not limited to, attending meetings, voting during local lodge meetings, voting for officers and holding office.

###