

## Obama Appoints Freight Rail Emergency Board NCFO's Thacker Makes Strong Appeal for Fairness

After more than 20 months of employer stonewalling, President Barack Obama has answered the call of NCFO and 10 other freight railroad unions to appoint a Presidential Emergency Board (PEB) to hold hearings and hammer out a suggested settlement of the contract dispute.

Obama appointed the five-member PEB #243 on October 7, naming veteran arbitrator Ira Jaffe as the chair. The next day, the PEB announced that it would hold hearings in Washington, DC, October 13-20.

Soon thereafter, NCFO President John Thacker announced his intention to present NCFO testimony to the PEB, documenting why action has to be taken to address the widening wage gap between the other shop-crafts and NCFO rail members. "The wage gap just keeps growing and that's just not right," he explains.

This gap, he points out, has been made even wider by increases in employee contributions to health insurance in recent contracts, the burden falling more heavily on those earning lower hourly wages.

"It is time to take a stand for equity and fairness," Thacker stresses.

"The Big Four freight railroads alone made over \$8.5 billion in profits last year and they've been thriving at the expense of our members, who often do higher-rated work without the higher pay," he argues.

Thacker's bold decision to raise the issue of fairness and the growing wage gap comes with words of caution.

"I can't guarantee that we will make progress on this, with 10 other unions having issues to raise and the employers seeking even more profits at our expense," the NCFO leader points out. "But I guarantee we will make no progress unless we stand up and make our case."

**"The Big Four freight railroads have been thriving at the expense of our members. It's time to take a stand for equity and fairness."**

— NCFO President John Thacker

At *Journal* deadline, the hearings had just concluded. The PEB then has until November 7 to issue its report to the President. Under railway labor law, a 30-day cooling off period—intended as a time to get the parties to reach agreement—is to follow.

You can follow future developments at the NCFO website, [www.ncfo.org](http://www.ncfo.org). ✨

### Inside

- Will They Derail Amtrak?.....3
- Preparing for Battle.....4
- Message from Indiana.....6
- College Scholarships.....7

### NCFO Leaders Rally with NY Verizon Strikers



After a packed day of union training, NCFO chapter officers and stewards joined striking Communications Workers at an August rally in Dunkirk, New York. Shown (from left) are Chapter 22 President Jim Longley, NCFO President John Thacker, Chapter 266 President Tom Dickerson and two unidentified Verizon strikers. For more on the Political and Training Conferences, see pages 4-5.

# Ask President Thacker

**Q** I found the whole fight in Washington about raising the debt ceiling this past summer pretty disgusting. What do you think about it and what can we do to change things?

—Pam Furman, Chapter 266 Dunkirk, NY

**A** I was disgusted and outraged, too, for several reasons. First, it was a totally contrived “crisis.” Congress raised the debt ceiling 18 times while Ronald Reagan was President, a total of 199 percent. Under President Clinton it was done four times, for a total increase of 44 percent. Under the most recent President Bush, it was raised seven times for a combined 90 percent hike.

There were no threats to force a shutdown of government or willingness to undermine the economic stability of the country until this Republican House of Representatives, dominated by extremists, took shape.

The second reason is that all of this was done without any concern for what the American people thought about it.

**“I was pretty frustrated with President Obama for continuing to try to reach a rational compromise with folks playing a game that amounts to nothing short of political terrorism.”**

A whopping 77 percent of Americans believe that elected officials acted like “spoiled children.”

Americans believe that raising taxes on wealthy Americans earning over \$250,000 per year has to be part of any debt reduction: 72 percent overall; 73 percent of Independents; and even 54 percent of Republicans. About the same percentage of Republicans want taxes raised on oil and gas companies.

Third, I was pretty frustrated with President Obama for continuing to try to reach a rational compromise with folks playing a game that amounts to nothing short of political terrorism. You simply can’t negotiate with terrorists who were ready to wreak havoc on the country and expand the widespread hurt among the poor and middle class Americans.



I’m glad President Obama has come out swinging since then, demanding passage of his package of proposals to create jobs, restore reasonable taxes on the rich and protect Social Security. He expressed confidence that the American people are with him

and that they’d rather put teachers back to work and create jobs through small-business tax credits than continue tax loopholes for oil companies and tax breaks for billionaires.

Over the summer there were over 600 rallies held around the country urging President Obama to come out swinging. We have to keep pushing—and supporting—the President while reminding everyone that what the Republicans are offering is the same cor-

*The Journal, National Conference of Firemen & Oilers’ Newsletter, is the quarterly publication of and for the membership of the National Conference of Firemen & Oilers (NCFO) District, Local 32BJ, SEIU.*

**NCFO PRESIDENT**  
John R. Thacker

**NCFO SECRETARY-TREASURER**  
Dean Devita

**EXECUTIVE BOARD MEMBERS**  
Jim Larreau  
Michael A. Moses

*The Journal, National Conference of Firemen & Oilers’ Newsletter, is published quarterly by the National Conference of Firemen & Oilers District, Local 32BJ, SEIU, 1023 15TH ST NW, 10TH FL, WASHINGTON, DC 20005. Tel: (202) 962-0981, Fax: (202) 872-1222. Periodicals Postage Paid at Washington, D.C. and additional offices USPS 017-471.*

**Postmaster: Send address changes to The Journal, NCFO, 1023 15TH ST NW, 10TH FL, WASHINGTON DC 20005**



porate, anti-union, anti-government, anti-Social Security, anti-unemployment insurance and anti-regulation of Wall Street and giant corporations that got us into the economic crisis in the first place.

In responding to President Obama’s proposals, House Budget Committee Chair Paul Ryan (R-WI) said that “class warfare...makes for rotten economics.”

For once I agree with Ryan, except that he has the fantasy that it’s President Obama who is calling for class warfare. Corporate America and the Republicans have been waging a relentless war against the American middle class for a generation, and too many Democrats have been missing in action against them.

The President is simply calling on us to fight back before all is lost. ✨



# Amtrak Contract Ratified

## SURVIVAL BATTLE HEATS UP

**N**CFO members working for Amtrak have overwhelmingly ratified a new five-year contract, while the union works to block Republican efforts in Congress to dismantle and privatize America's passenger rail system.

The agreement raises wages 14 percent and continues all current health coverage.

It also maintains the previous percentage employees must contribute for that coverage—while capping the dollar amount—and promises NCFO participation in future high-speed rail projects.

But such projects—and Amtrak itself—are in grave danger, as Republicans in Congress are trying to break up and sell off Amtrak, wiping out thousands of good union jobs and many passenger rail routes. It also would greatly weaken the railroad retirement system for NCFO's freight rail members.

“At a time when investing in high-speed rail projects and expanding Amtrak would be great for the American economy and for creating good jobs, extremists in Congress

would rather just destroy Amtrak, make America less competitive and send the country into a deep depression,” fumes NCFO General Chairman Jim Farrigan.

“2012 is going to be decisive both in terms of the budget battles in Congress and what happens in the November election,” continues Farrigan, who notes that NCFO Amtrak members “have been signing up in large numbers to fight back by contributing to the Firemen and Oilers Political League.”

Under President George W. Bush, Amtrak was often starved for funding and it took *eight years* to settle the previous contract. With the supportive President Obama in office, it took only one year this time.

## Long Fight Wins Disability Pensions

### AT KENTUCKY CANDLE FACTORY

**C**hapter 77 members are used to fighting long and hard to win justice on the job at the candle factory where they work in Berea, Kentucky, and the three-year battle to win disability pension payments for Carol Rowland and Helen Whitaker was no exception.

The disability pensions were part of a benefits package negotiated long ago with the original owner, Gibson Greetings. That company tried to break the union, forcing a long strike in 1989 and replacing all of its striking employees.

This was part of an *eleven year* battle full of twists and turns that culminated in ratification of a good contract with the new owner of the plant, American Greetings, in 2000. It was agreed that the previous retirement and disability retirement benefits would remain in place for former Gibson employees.

During the seven years American Greetings owned the company, the union had to keep fighting to maintain the disability insurance benefit, recalls Chapter 77 President Daryl Johnson. “We had to win a grievance to get it for one member and had to stand firm to keep the benefit when the company decided to sell in 2007 to Lighthouse,” says Johnson.

“During ‘effects’ bargaining, American tried every way it could to avoid maintaining that benefit, but we would not give in and we got it in writing,” adds Johnson, who has

worked at the factory for over 40 years.

In July 2008, Carol Rowland's doctor told her she had to stop working because of multiple debilitating diseases. Her Social Security Disability came through in January 2009, but American Greetings refused to honor its commitment, dragging out the process well into 2011 by denying responsibility and claiming that neither Rowland nor Whitaker was disabled.

“We weren't going to let them just throw these women away when they couldn't work,” explains Chapter 77 Secretary Jean Robinson.

Finally, early this past summer, both women got their disability pensions and hefty back-payment checks.

“We're not dishonest people and I'd still be working in that plant if I could,” says Rowland, who began work at Gibson in 1973. “I'm proud that my union stood up for me and got us what we were owed.” ✨



**Chapter 77 retiree Helen Whitaker holds up her long-overdue disability retirement check.**

## Fighting for Our Future



▲ Chapter 22 Vice President Matt Husted (fourth from left on left side of table) speaks for “management” during an exercise in interest-based problem solving, as the skeptical union team on the other side of the table—mostly composed of Chapter 266 members—listens. They worked out a compromise in the mock case that returned a member to work.



▲ Minnesota Chapter 939 Secretary John Fryc (right) practices his pitch for contributing to the Firemen and Oilers Political League (F&OPL) on Chapter 970 President Scott Johnson. “I’m a pro-life Democrat who often has voted for Republicans in the past,” Fryc explains, “but all the attacks on unions and the middle class have changed my approach to voting.” Johnson signed up to contribute that day.



◀ AFL-CIO trainer Lorenzo Scott helps Kentucky NCFO leaders and activists learn the best ways to involve members in the November gubernatorial election. “We have to reelect Governor Steve Beshear (D) to stop the attacks on public employees and union rights from spreading here from places like Wisconsin and Ohio,” says Chapter 320 Business Manager Mike Moses.

# Chapter Leader for Future

## Focus Is on Both Contracts

They gathered in Minnesota during an almost total shutdown of the state government caused by right-wing Republicans preferring to cut vital public services rather than require the rich to pay their fair share of taxes.

In New York they met during—and showed support for—one of the largest strikes in recent years, caused by a very profitable corporation wanting to put the squeeze on its workers.

In Kentucky, their eyes were on the upcoming election for Governor, where the right to

have strong unions—and, for public employees, any unions at all—was on the line.

NCFO President John Thacker (right) consoles the widows of deceased Louisville Chapter 320 members Jorge “Louie” Medina and Steve Nichols. The men perished in an explosion at Carbide Industries in March. At a dinner held during the Kentucky conference, the union presented each widow with a check for \$5,000, contributed by members—and other unions—from around the country. Shown (from left) are Chapter 320 Carbide Steward Tommy Lee, Miriam Medina, Treasure Nichols and Chief Steward J.C. Miller. ▼



# s Prepare e Battles and the American Dream



▲ Sam Tomes (right), a Chapter 320 steward at Zoeller Pump, tries to pump a political contribution out of a reluctant member, played by NCFO President John Thacker. “The training on the rights and powers of stewards was really enlightening and the numbers up on the screen about what’s been happening in our country were eye-opening,” Tomes says. He was one of many stewards who began contributing to the F&OPL because of what they learned at the conferences.

The three NCFO Political and Training Conferences for public employee and non-railroad private sector stewards and chapter officers were held over the summer. They followed two conferences for rail chapter leaders held earlier in the year (and reported on in the *Summer Journal*).

All told, more than 125 participated.

“Our union emerges from these conferences stronger and better prepared to defend not only our contracts and our members on the job, but the American Dream itself, which has been so relentlessly under attack,” says NCFO President John Thacker.

Check out the action in the photos and captions. ✨



After each participant in Minnesota easily broke a single popsicle stick, Chapter 939 Steward Mark Bodin demonstrates the impossibility of breaking 25 of them at once, illustrating the greater strength that working people have when they stick together in their unions. ▶

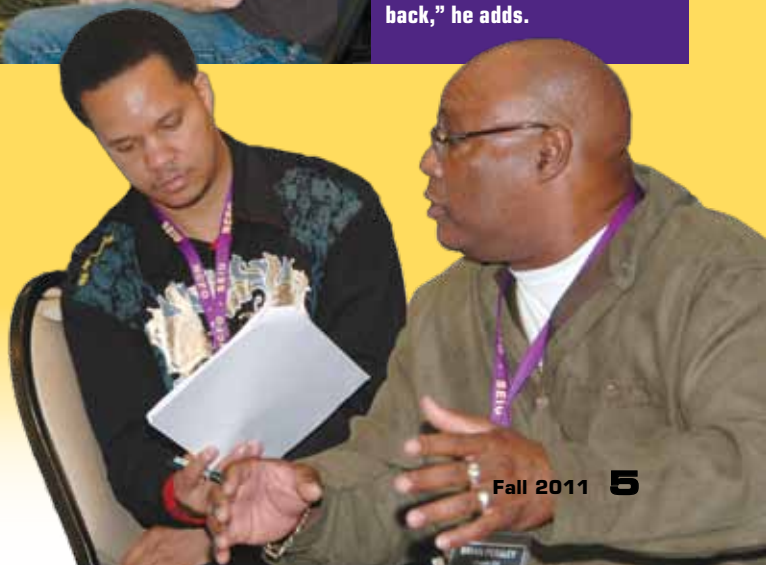


▲ Chapter 266 Steward April Kaiser (right) shows her solidarity with friend and CWA striker Sara Dorogi at a rally outside the Dunkirk City Hall in August. Everyone attending the New York NCFO political and training conference marched together to join the rally, where NCFO President John Thacker spoke. “We’re proud of CWA drawing a line in the sand,” he said. “Corporate attacks on the middle class must be met with complete solidarity.”



◀ Chapter 266 Steward Doug Rylowicz (right) tries his hand at signing up NCFO Secretary-Treasurer Dean Devita to make monthly political contributions during a training exercise. “Thanks in no small part to these political and training conferences, we’ve signed up some 200 new contributors this year,” says Devita. “Corporate America has declared war on unions and the middle class and this is one important way to fight back,” he adds.

Chapter 320 Steward Brian Peasley (right) makes a point during a discussion of the role of stewards as fellow steward Lemar Berger looks on. “Both Lemar and I are new stewards at AAK (formerly Golden Foods) and the conference was a really big thing for both of us. I can’t stress how much we learned about representing our members,” he says. “And we haven’t stopped talking about the political presentations.” ▶



# A Fight to the Finish in Indiana

By Andy Gravelie,  
FORMER CHAPTER 131  
RECORDING SECRETARY

The Fall 2009 and Winter 2010 issues of *The Journal* carried stories about the uphill battle of Chapter 131 members at Indianapolis Water to save our jobs, the benefits and protections in our contract and our union itself.

longer and Indianapolis Water is now part of Citizens Gas.

What I want every NCFO member to know is that even after it was completely clear that we would no longer be dues-paying members, NCFO Organizing Director Robert Smith—with

vacation, employees will be eligible for company 401(k) contributions immediately (instead of having to wait *five* years), retiree health benefits are to be maintained for those with 80 “points” (combination of age and years of service), and our seniority within the new water division continues. The existing pension for veteran employees remains in place, as does the age/years-of-service retirement requirements.


Throughout the long battle, NCFO gave us the ability to make our own choices and decisions democratically and that perhaps was the most important thing of all.

We learned—perhaps too late—of the critical importance of being involved politically. *I hope that every chapter and every member who reads this will get involved in the Firemen and Oilers Political League.*

Former Chapter 131 members in some classifications such as customer service and meter reading are not in the bargaining unit at Citizens Gas. Many of us are determined to help them win back a union voice at work.

I’ve been a NCFO member now for over 35 years, during which I held just about every office there is in my local at one time or another. I cut my eyeteeth as a union member and activist in this union and it has made an enormous difference in my life and in the life of my family.

I know I am not alone among the departing Chapter 131 members when I say that in my heart, I’ll always be a Firemen and Oiler. ✨



“Even after it was **completely clear** that we would **no longer** be dues-paying **members**, the **union fought** for us. It felt great that **NCFO’s solidarity** remained so **strong with us** until the end.”

— Andy Gravelie

Despite facing a deck stacked by the Indianapolis establishment in favor of selling off Indianapolis Water to the local gas company, NCFO pulled out all the stops in involving us in an impressive campaign. What was going to be done behind the scenes was given great public attention because of our efforts: questions were asked by politicians and the press, and both the city and the gas company had to deal with us.

But as of August 26 of this year, none of us are NCFO members any

the strong backing of President John Thacker—kept fighting on our behalf to make sure we got the best possible deal as we became employees of Citizens Gas and members of the IBEW.

They didn’t have to do it and I suspect that many unions would have just cut us loose. It felt great that NCFO’s solidarity remained so strong with us until the end.

As a result of the union’s efforts, an initial “promise” was kept and no Chapter 131 members lost their jobs. We were able to keep our accrued

# NCFO Journal Wins Five Awards

The NCFO Journal has been recognized with five awards—including two prestigious Saul Miller Awards—by the International Labor Communications Association (ILCA) for articles appearing in 2010.

Our story “Half-Dozen Workers Mount Full Protest Over Hospital’s Insurance Discrimination” (Fall 2010, page 3) about Chapter 939 members at Community Memorial Hospital in Cloquet, Minnesota, won the Saul Miller Award for Best Collective Bargaining Story.

An article that appeared in the same issue (pages 4–5), “Building Blue Grassroots Political Organizing, Kentucky Chapter Holds Groundbreaking Event,” won the Saul Miller Award for Best Political Action Story. It focused on Chapter 320’s increasing political involvement in Louisville and Kentucky politics.



The Journal was also honored for General Excellence and in two Special Performance categories: Best Photo Essay (“Bargaining 2010,” Winter 2010, pages 4–5); and Best Analysis (“Is Social Security Really Bankrupting America?”) It appeared in the Summer issue, pages 6–7. ✨



## SEIU and Union Plus Scholarships

Available for NCFO Families

More than 50 SEIU college scholarships will be awarded to SEIU members and their children for the 2012–13 academic year. Applications will be available online at [www.SEIU.org/members](http://www.SEIU.org/members) (then click on *Scholarships*) beginning November 15, 2011. All applications must be filed by March 1, 2012.



Most of the scholarships will be awarded through a lottery selection from those applicants who answer all the questions in the online application quiz correctly. These grants include 33 one-time \$1,500 scholarships and 15 \$1,000 scholarships that can be renewed for up to four years.

Scholarships totaling \$150,000 are also available from the Union Plus discount and benefit program for union members and their families. Scholarship amounts vary from \$500 to \$4,000 and applications are available at [www.unionplus.org/scholarships](http://www.unionplus.org/scholarships)



The deadline for filing Union Plus applications is January 31, 2012. Union Plus also offers scholarships to union members and staff to study through the National Labor College. For more information, go to [www.nlc.edu](http://www.nlc.edu) (then click on *Scholarships*) or call 1-888-427-8500.

### NCFO PROCEDURE REGARDING DUES AND FEE OBJECTORS

The following procedure shall apply for maintenance of union membership and dues obligations under the union security agreements between the NCFO District and the employers for whom its members work, in order to comply with interpretations of the U.S. Constitution, the National Labor Relations Act, and the Railway Labor Act by the United States Supreme Court:

- 1) Any employee whom the NCFO (and its Chapters) 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 union an amount equal to the periodic dues, fees and assessments (not including fines and penalties) uniformly required of all members of the union (“the agency fee”) within the time limits provided for in the union shop agreement. Such employee shall be known as an “agency fee payer.” Agency 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 NCFO District has the legal right, through timely written objection, to limit his/her agency 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 agency 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; 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 becomes covered by the union shop agreement or resigns from the union and receives notice of this procedure and thereafter annually in writing to the NCFO District 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 work phone numbers. The agency fees of new employees who file such objections shall be reduced retroactively to the date he/she first begins paying an agency fee; the agency 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 agency 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 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 NCFO District 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 agency fee payers who register objections. The NCFO District Secretary-Treasurer is authorized to determine the amount of the reduced fee each year and to provide proper notice of this procedure to agency fee payers.
- 7) This procedure shall be published by the union in its newsletter or magazine, and sent to each agency fee payer, annually. It shall also be provided to each new employee when he/she first becomes subject to a union shop agreement.

# We've Got Your Back

## **NCFO members who contribute**

to the Firemen and Oilers Political League (F&OPL) aren't just fighting to protect their rights and strong union contracts.

They're also fighting to defend programs like Social Security and Medicare that you and the rest of the American middle class are counting on.

They know that backing candidates in the 2012 elections who will stand up against the billionaire right-wing extremists behind the Tea Party is the only way to prevent a total corporate take-over.

They also know that the union is prohibited from using dues money to make contributions to candidates for U.S. Senator, Representative or President. Only voluntary member contributions to F&OPL are allowed.

**See your steward or chapter officer to sign up to be a F&OPL contributor through payroll deduction or, if that option is not yet available, by writing a check.**



Show your family, friends, co-workers and neighbors that you've got *their* backs.

Sign up to contribute at least \$5 per month and you'll receive the new black F&OPL T-Shirt with the bold emblem you can display on *your* back.



National Conference of  
Firemen & Oilers District,  
Local 32BJ, SEIU  
1023 15TH ST NW 10TH FL  
WASHINGTON DC 20005



Periodicals  
Postage Paid at  
Washington, DC  
USPS 017-471