

# **Amtrak Workforce and Labor Union Primer for State Partners- January 2012**



as of 1/26/2012

# Presentation Overview

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- I. Amtrak Background
- II. Railway Labor Act
- III. Labor Unions on Amtrak
- IV. Standard Rail Labor Contract Provisions
- V. Current Labor Negotiations Status 2010 Round – Amtrak
- VI. Current Labor Negotiations Status 2010 Round – Freight



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# I. Amtrak Background



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# I. Amtrak Background

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## ➤ Amtrak, The Company - Background

- Product: Intercity rail passenger service (May 1971)
- 20,200+ employees
- Over 500 stations, 46 states
- 22,000 route miles – most over freights
- Of route miles:
  - 750 track miles owned/maintained by Amtrak – primarily in Northeast, Michigan
  - Perform maintenance of way and dispatching, primarily along Northeast Corridor (except Metro North) and Michigan
- Perform train operation and maintenance of equipment nationwide
- Multiple equipment service and inspection facilities; three (3) heavy locomotive and car overhaul facilities
- Perform operating and/or maintenance services for various commuter systems and states:



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# I. Amtrak Background (Cont.)

## ➤ Commuter Service – Variety of services

Commuter Service	Principal Amtrak Provided Services
Caltrain (San Francisco – San. Jose)	Train crews/operations and maintenance.
DeIDOT (Wilmington)	Train access, electric propulsion, capital improvement agreement, shared stations.
LIRR (Long Island)	Capital improvement agreement; train access, electric propulsion, NY Penn Station shared use.
MARC (Maryland- DC)	Train crews/operations (Penn Line service), equipment maintenance. Train access, electric propulsion; capital improvement agreement, shared stations.
MBTA (Boston area)	Train access and track maintenance; train dispatching of Attleboro Line and South Station.
Metra (Chicago area)	Train access, shared station.
Metrolink (Los Angeles area)	Train crews/operations.
NJ TRANSIT (NY-Trenton)	Train access, electric propulsion, shared stations, mechanical services, capital improvement agreement.
RIDOT (Providence Area)	Train access, capital improvement agreement, shared station.
SEPTA (Philadelphia area)	Train access, electric propulsion, capital improvement agreement, shared stations.
Shore Line East (New Haven east)	Train crews/operations; equipment maintenance. Train access, shared stations.
Souder (Seattle)	Equipment maintenance (at Amtrak maintenance facility).
Tri-Rail (Miami-West Palm)	Train dispatching.
Virginia Railway Express (Northern Virginia- DC)	Train access and track maintenance within the terminal to storage yard; capital improvement agreement, shared station .



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## I. Amtrak Background (Cont.)

- **Current State Trains** – primarily operation & maintenance of equipment with increased support related to Section 209 of PRIIA

State/Agency	Service/Corridor
California	San Joaquin, Pacific Surfliners
CCJPA	Capitol Corridor
Illinois	Lincoln Service, Illini/Saluki, and Illinois Zephyr/ Carl Sandburg
Illinois	Hiawatha Service
Michigan	Pere Marquette, Blue Water; Wolverine (post 2013)
Missouri	Missouri River Runner
New York	Adirondack; Empire Service (post 2013)
NNEPRA	Downeaster
North Carolina	Piedmont, Carolinian
Oklahoma	Heartland Flyer
Oregon	Cascades
Pennsylvania	Keystone Service; Pennsylvanian (post 2013)
Texas	Heartland Flyer
Vermont	Vermont, Ethan Allen Express
Virginia	NE Regional - Extension to Lynchburg; Richmond
Washington	Cascades
Wisconsin	Hiawatha



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## II. Railway Labor Act



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## II. Railway Labor Act (RLA)

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**The Railway Labor Act (RLA)** governs labor relations in the Airline and Railroad industries – carriers involved in interstate activities.

**Act** dates from 1926.

Purposes:

- Avoid interruptions to interstate commerce or to the operation of any carrier (limit strikes and lockouts)
- Provide for settlement of **major disputes** (negotiation process - formation of new contract terms: wages, rules and working conditions)
- Provide for settlement of **minor disputes** (claim and grievance handling, binding arbitration)
- Assure employee **representation** rights (union elections)
- **National Mediation Board (NMB)** administers the RLA's key provisions: representation, arbitration and mediation





## II. Railway Labor Act (RLA) (Cont.)

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### ➤ Union Representation – Key Points

- Craft and Class Determination
  - Historical perspective
  - System-wide emphasis
  - Election process overseen by National Mediation Board
- Stability

### ➤ Arbitration – Key Points

- Claim and Grievance disputes subject to binding arbitration – not a strikeable issue
- Arbitration can create precedent, especially when interpreting contract language

### ➤ Negotiations - Key Points

- Contracts never expire - Remain in effect until changed.
- Can be lengthy; Designed to prevent strikes; No time limits.
- Generally a contract term; voluntary agreements anytime.



## II. Railway Labor Act (RLA) (Cont.)

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### ➤ Negotiations Process (Cont.)

- Party seeking to change contract serves bargaining demands (“Section 6 Notice”)
  - Preceded by review of operational and financial needs
  - Wages, work rules and benefit plans
  - Company officers and/or collaboration with customers, such as states and commuters.
- Direct negotiations begin within 30 days and continue until agreement or mediation requested.
- Mediation continues until the NMB issues a “proffer of arbitration” or, if rejected, the NMB releases the parties.
- If released, 30-day “cooling off” period begins.
- Thereafter, if dispute threatens a substantial disruption to interstate commerce, the NMB may recommend appointment of a Presidential Emergency Board (PEB)



## II. Railway Labor Act (RLA) (Cont.)

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### ➤ Negotiations Process (Cont.)

- President usually appoints a PEB; 30-day period to investigate and issue report follows
- PEB makes non-binding recommendations to guide parties in further talks; final 30-day “cooling off” period begins
- If no agreement after the 30-day cooling-off period, parties may exercise self-help.
- Congressional intervention and options:
  - Imposition of recommendations
  - “Baseball-style” final and binding arbitration
  - Other?

Note: Commuter Railroads are covered under amendment to provide for a second PEB if deadlock after the first PEB. (Section 9A)



# III. Labor Unions on Amtrak



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### III. Labor Unions on Amtrak

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#### ➤ Amtrak Labor Environment

- 13 unions
- 2 councils
- 24 labor agreements
- 17,200 union represented employees
- Of these unions:
  - Rail oriented (BMWWE, BRS)
  - Craft oriented (IBEW, IAM)
  - Other (TCU, UTU, Councils)



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## III. Labor Unions on Amtrak (Cont.)

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### ➤ Amtrak Unions

- Fraternal Order of Police (FOP)
- International Brotherhood of Teamsters
  - Brotherhood of Locomotive Engineers and Trainmen (BLET)
  - Brotherhood of Maintenance of Way Employees Division (BMWED)
- American Train Dispatchers Association (ATDA)
- Brotherhood of Railroad Signalmen (BRS)
- International Brotherhood of Boilermakers and Blacksmiths (IBB)
- International Association of Machinist and Aerospace Workers (IAM)
- International Brotherhood of Electrical Workers (IBEW)
- National Conference of Firemen and Oilers Division of Service Employees International Union (NCFO-SEIU)
- Sheet Metal Workers International Association (SMWIA)
- Transportation Communications International Union (TCU)
- United Transportation Union (UTU)
- UNITE-HERE
- Transport Workers Union (TWU)

### ➤ Amtrak Councils

- Amtrak Service Workers Council (ASWC) (TWU, UNITE-HERE and TCU unions)
- Joint Council of Carmen, Coach Cleaners and Helpers (JCC) (TWU and TCU unions)

Note: Mix of unions on Amtrak evolved primarily historically from assumptions of functions and employees from freights.



### III. Labor Unions on Amtrak (Cont.)

#### ➤ Amtrak Unions with Illustrative Job Titles/Occupations

UNION	JOB TITLE EXAMPLE
Fraternal Order of Police	Sergeants, Detectives, Police Officers, Special Agents
International Brotherhood of Teamsters - Brotherhood of Locomotive Engineers and Trainmen - Brotherhood of Maintenance of Way Employees Division	Passenger Locomotive Engineers  Maintenance of Way Forces: Track, Electric Traction & Structures/Facility , Foreman, Trackmen, Equipment Operators, Welders, B&B Mechanics and Linemen
Brotherhood of Railroad Signalmen	Signalmen, Maintainers, Inspectors, Foremen
International Brotherhood of Boilermakers and Blacksmiths	Boilermakers and Blacksmiths
International Association of Machinist and Aerospace Workers	Machinists
International Brotherhood of Electrical Workers	Electricians and Technicians
National Conference of Firemen and Oilers Division of Service Employees International Union	Utility Workers, Equipment Operators, Stationary Engineers
Sheet Metal Workers International Association	Pipefitters and Sheetmetal Workers
<b>COUNCILS</b>	
Amtrak Service Workers Council	Chefs, Service Attendants, Food Specialists, Train/Sleeping Car Attendants
Joint Council of Carmen, Coach Cleaners and Helpers	Carmen and Coach Cleaners



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### III. Labor Unions on Amtrak (Cont.)

#### ➤ Amtrak Unions with Illustrative Job Titles/Occupations (Cont.)

UNION	JOB TITLE EXAMPLE
Transportation Communications International Union	
Clerical	Ticket Clerks/Agents, Baggage-men, Secretaries, Data Entry Clerks, Reservation Sales Agents, Material Control Clerks
TC Division (Tower)	Block Operators
American Railway & Airway Supervisors Association (ARASA) Mechanical Foremen	Foremen I, II, III
American Railway & Airway Supervisors Association (ARASA) MW Supervisors	Supervisors, Asst. Supervisors, General Foremen of C&S, ET, B&B, Track
American Railway & Airway Supervisors Association (ARASA) OBS Supervisors	Cus. Service Qual. Supervisors, Admin. Chiefs, Crew Base Supervisors
American Train Dispatchers Association	Power Directors, Train and Load Dispatchers
United Transportation Union	
Conductors	Passenger Conductors & Asst. Passenger Conductors
Stewards	Dining Car Stewards
Yardmasters	Yardmasters



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# IV. Typical Rail Labor Contract Provisions



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## IV. Standard Rail Labor Contract Provisions

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- Pay
- Benefits – Medical, Dental, etc.
- Scope/Work Classification – Work Accrues to What Craft and/or Who
- Hours of Assignment-Work Week
- Seniority
- Job Assignment, Qualifications and Selection
- Overtime
- Claims and Grievance Procedures, including Arbitration
- Discipline Procedures, including Arbitration
- Other:
  - Contracting Out
  - Employee Protection (Appendix C-2)



## IV. Standard Rail Labor Contract Provisions (Cont.)

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### ➤ Contracting Out

- Amtrak generally has rights to contract, but cannot if it results in furlough
- Typical reasons: skills, manpower, time frame to complete, etc.
- Examples of types of work contracted:
  - Commissary and provisioning of trains
  - Station cleaning
  - Moveable bridge replacement
  - Station rehabilitation, particularly off corridor



## IV. Standard Rail Labor Contract Provisions (Cont.)

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### ➤ Employee Protection (Appendix C-2)

- Provides employees affected by “train discontinuance” below tri-weekly wage and benefits protection
- Not unique to Amtrak-rooted in history. “Modern Day” – 1933 onward: Continues on freights today covering a variety of transactions or events: Mergers, Consolidations, Closings, Transfer of Work, Contracting-Out and Technological Change.
- Examples:
  - Washington Job Protection – 1936 (coordination, consolidation, merger)
  - Penn Central Merger – 1968
  - Title V of Regional Rail Reorganization Act (3R) 1973 – Northeast bankrupts=Conrail
  - Railroad Revitalization and Regulatory Act (4R Act) – 1976



## IV. Standard Rail Labor Contract Provisions (Cont.)

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- **Employee Protection (Appendix C-2) Examples (Cont.)**
  - New York Dock (mergers, consolidations and acquisitions)
  - Oregon Short Line (abandonment)
  - Mendocino Coast (Lease transactions)
  - Norfolk and Western (Trackage rights)
- Other
  - September 1964 (contracting, closing of facilities – shop crafts)
  - February 1965 Agreement (technological change – BRS, TCU, BMWWE)
- Some protection in other transportation industries
  - Urban mass transit – Urban Mass Transit Act 1964 (protecting interests of employees because of Federal assistance) (“13C”)



## IV. Standard Rail Labor Contract Provisions (Cont.)

➤ **Wage and Benefit protection amounts up to 5-year pay maximum based on a sliding scale of service:**

<u>Years of Amtrak Service</u>		<u>Duration</u>	
0	to	2	0 mos.
2+	to	3	6 mos.
3+	to	5	12 mos.
5+	to	10	18 mos.
10+	to	15	24 mos.
15+	to	20	36 mos.
20+	to	25	48 mos.
25+			60 mos.

-Does not apply to new train service or new employees for the first 2 years.

-Does not apply to commuter services.

-Does not apply to any new Federally mandated trains.

-Does not apply to any private/insourced work.

-Applies to State Supported trains as follows:

- Amtrak discontinuance action – above levels
- State discontinuance action – 1/3 of above levels



# V. Current Labor Negotiations Status 2010 Round- Amtrak



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# V. Current Labor Negotiation Status 2010 Round – Amtrak

## ➤ Settled or in direct negotiations with all

	<b>Employee Count</b>	<b>Percent of Total</b>
<b>RATIFIED</b> (Ratified contracts run through January 1, 2015)	<b>12,481</b>	<b>72.6%</b>
•American Train Dispatchers Association	180	
•Amtrak Service Workers Council	1,850	
•Fraternal Order of Police	409	
•International Association of Machinist and Aerospace Workers	514	
•International Brotherhood of Electrical Workers	1,184	
•International Brotherhood of Boilermakers and Blacksmiths	60	
•Joint Council of Carmen, Coach Cleaners and Helpers	1,879	
•National Conference of Firemen and Oilers	266	
•Sheet Metal Workers International Association	440	
•Transportation Communications International Union – Clerical	3,605	
•Transportation Communications International Union – ARASA	799	
•Brotherhood of Locomotive Engineers	1,295	
<b>OPEN</b>	<b>4,722</b>	<b>27.4%</b>
•Brotherhood of Maintenance of Way Employees – (PRLBC)	1,974	
•Brotherhood of Railroad Signalmen (PRLBC)	629	
•United Transportation Union – Conductors, Stewards, Yardmasters	2,119	



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PRLBC – Passenger Rail Labor Bargaining Coalition  
December Headcount 17,203 (January 5, 2012)



## V. Current Labor Negotiation Status – Amtrak (Cont.)

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### ➤ Summary Terms of Amtrak Pattern

#### – Term

- 5 years, January 1, 2010 through January 1, 2015

#### – Wage Increases

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|----------------------|-------------------------|
| • July 1, 2010: 1.5% | • January 1, 2011: 1.5% |
| • July 1, 2011: 1.5% | • January 1, 2012: 1.0% |
| • July 1, 2012: 1.5% | • January 1, 2013: 1.5% |
| • July 1, 2013: 1.5% | • January 1, 2014: 1.0% |
| • July 1, 2014: 1.5% | • January 1, 2015: 1.5% |

#### – Medical Plan

- Medical Monthly Cost Sharing Formula:  
Lesser of 15% or rising caps up to \$230

NOTE: Currently at \$181.62 or \$177.54

- Emergency Room co-pay to \$75



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## V. Current Labor Negotiation Status – Amtrak (Cont.)

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### ➤ Themes Across Unions

- Payroll Processing Reform
  - Direct Deposit
  - Bi-weekly Pay
- Discipline Reform
- Allowance for Incentive Plan Pay

### ➤ Craft Specific Issues



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# VI. Labor Negotiations Status 2010 Round - Freights



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## VI. Labor Negotiation Status 2010 Round – Freights

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- Initial Agreement - UTU (September 2011) (~27% of freight employees)
- All other unions went thru NMB mediation, release and PEB process (PEB appointed by President)
- PEB 243 Report issued November 5, 2011.
- Issuance of report triggered a final 30 day “cooling off” period which ended 12:01 AM, December 6, 2011.
- All unions, except BMWWE settled along PEB 243 recommendations. Of the settled unions, all ratified agreements but the BRS and ATDA which are in ratification phase.
- BMWWE reached agreement with freights extending self-help period until 12:01 AM, February 8, 2012. Negotiations with individual freights continuing over meal and travel allowance increases, an issue PEB 243 declined to address.
- If no agreement reached within timeframe, parties free to exercise self help – strike, lock-out, etc.

