

Here's The Beef

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It is said, "every problem can and should be converted into an opportunity." It would logically follow, then, the more extreme the problem... the more extreme the opportunity. I believe and work by this motto every day. The latest problem I'm faced with, requiring conversion from a problem into an opportunity, comes from my carrier who is demanding our BLE eliminate the Union lay-off privilege for its Legislative Representatives, me included. Guess what? The Enforcement side (some Local Chairmen and my General Chairman) is actually backing the carrier.

In case you didn't know, only the Local Chairman, President and Sec.-Treas. are able to hold their pool turns first out, Union business, according to existing BNSF agreements. My carrier, in co-laboration with our Union, has interpreted this to mean that since there is no agreement allowing Legis- Reps. to hold their pool turns first out, Union business, they have no technical right to lay off at all This "gray area" of over-interpretation is worthy of a Judicial Determination, to determine which has higher precedence — our Rights under the Railway Labor Act or the mistaken, over-interpretation of our incomplete, so-called agreements?

What makes all of this even more frustrating, particularly in my case, is the fact I've been so thoroughly mishandled. For example, the carrier first approached my Local Chairman (L/C) instead of me, over the fact I lay off one day per week, Union business. Secondly, my L/C allowed the "jerry-mandering" of my lay-off record by picking a period beginning with my first lay-off day and ending with my last lay-off day, thereby making the slice of time in the middle look as damning as possible. Thirdly, instead of my L/C getting my side of the story, he went directly to the General Chairman (G/C) with a lengthy letter, thereby entrenching and committing himself with little or no latitude for compromise- Fourthly, my L/C won't take and/or return my phone calls, which is a common problem amongst many overworked L/C's. Fifthly, I can say the same about our G/C not taking or returning my calls- Sixthly, I'm informed by my L/C that in order to be fair to my Union brothers, I need to maintain the same availability as they. Please allow me to differ. To carry out my journalism and originating where no data is available, in order to accelerate the truth as well as safety, requires I function in a recuperated condition and certainly not at the expense of my must-do family duties. To be grouped in the same availability as my entry-level brothers, who I'm sorry to say, don't care past their next paycheck, is even more unfair to me. Seventhly, I'm informed by my L/C that he needs to show the carrier a spirit of co-operation by "giving in" once in a while. I'm sorry, but I stand in refusal to be used as that sacrificial lamb. Eighthly, my G/C claims if I don't stop laying off this one day per week, Union business, "he may be forced to seek relief under the Constitution." Where I come from, this is called suing.

Ninthly, my L/C and G/C fail to counter-suggest what the appropriate level of lay-off might be, given my level of Union volunteer contribution. So, a tenth point anyone?

In terms of myself, I finally understand why my Carrier wants to shut me down. Afterall, my "cutting edge" articles, which include: What The Belt-Pack Salesman Failed To Mention, What The UTU Failed To Mention About Belt-Pack, The Industry Failed To Mention About

Belt-Pack, What The BLE Failed To Mention About Belt-Pack, What I Will Not Fail To Mention About Chicken-Pack, Failed Chicken-Pack Parts And Pieces and Unmanned Locomotives At City Hall were instrumental in putting together the exacting code of arguments necessary to "crack" the belief system in unmanned locomotives, which is fraught with false economy and safety hypocrisy. Indeed, how short some of our memories are!

In case you didn't know, when I started this writing martyrdom a mere 16 months ago, virtually 100% of us assumed the carriers had it all figured out to the nearest after-tax penny and that the economics of its electronics were inarguable and infallible. A few said, "I would write about it, too, but I can't afford losing my job." Others said, "I would write about it, too, but I can't find any data from the Union, the carrier(s), the internet or the library." Without data either, I had to rely on the next best thing(s) — logicaldeductive reasoning, assessment and appraisal skills, surveys, networking, observation, interviews, industry history and journalism. In short, "cutting edge" research.

"Funny, it was the surprises I didn't expect." Early on, for example, the UTU thought Robert B. Frank was the bogus name of a writing agency the BLE had hired. At one point, the UTU had considered suing the BLE over my material. My material has caused engineers to defect from the UTU to the BLE- My material has been used as footnotes in bachelor, master and doctoral thesis. My material has been rallied at R.R. town hall meetings. My material has appeared in Railway Age. My material has been translated into French and Spanish. My material has been illegally confiscated by U.P. from BLE bulletin cabinets. My material is even distributed to every member of the Board of Directors for both BNSF and U.P. Best of all, Tim Smith, our C.S.L.B. Chairman, has seen fit to publish this material in our Capital to Capital. Again, how short some of our memories are.

My Work is by no means over. I tend to have about three articles in my pipeline at any given time. Please look forward to, The Wailing Wall Of Unmanned Locomotives, which will report the many of its amputations and deaths, simultaneous with a time when there have been no deaths or amputations associated with "conventional", despite the fact that "conventional" still does a large majority of the work. (How relatively telling, yet the carriers incredibly claim how much safer unmanned locomotives are!) Also, look forward to, Why Are Unmanned Locomotives Up To 50% Less Productive? (Selfexplanatory). Also, Safety's Missing Link: non-Ample Blood Pressure. (Selfexplanatory).

In light of all this publishing, my carrier has suggested I should work full time for the BLE. It is felt my publishing is so far above and beyond the scope of what a Div. Legis.

Rep. should do, that the one day per week 1 lay off, Union business, poses a severe abuse of the lay-off privilege, and my G/C agrees. Sorry, I beg to differ! Unlike the GIC, whose services are paid, I prefer the nobility of volunteering at the behest of my Chairman, Tim Smith. This way, I avoid the additional layer of politics of otherwise being paid. Please be reminded the carrier allows the G/C to lay off 7 days per week. Since I do something more than one-seventh the constructive good of my GIC, why should my one day off per week be any more abusive than his seven? On top of which, I volunteer for the safety-site meetings, the garbage pick-up drives, my safety marathon lectures, political lobbying and the write-ups of my co-worker's safety complaints. My e-mail volume is more than I can even read, let alone respond to. My Union meeting reports, as Legis- Rep., rival the length,

breadth and depth of my L/C's, yet I'm treated like a fringe, mascot officer when safety is a more significant issue than ever!

While writing this article, I can see more clearly why the Enforcement side of the BLE has taken on this regressive and selfish position to further mute the Legislative side. Given that the Enforcement side has been castrated by their inability to strike; neutered by their being left out of the investigation process by virtue of alternative handling, and emasculated by being relegated to claim handlers, about the only additional thing left for them to do in their reduced responsibilities is to "spank" their dues paying children — including the Legis. Reps.

During the same time, Legis. Reps. have stolen the "lime light". We have influenced City and County "Fathers" across our Nation to impose bans against unmanned locomotives. Thanks to Tim Smith, we have solidly captured the attention of broadcasters and other mass media. As communicators, Legis. Reps. write and speak on the basis of what should be — not on the obsolete basis of what was. As you can see, the role we carry on for our Union has gone unsung for too long.

In conclusion, I can honestly say I have never in my life spent so much time, trouble, effort, energy and risk, only to be put down by certain BLE Enforcement officers. They have put me in the position of fighting my own carrier and my own Union over the same issue at the same time. Sixteen months ago my wife, Barbara, pleaded that I not involve myself with unionism. She knows me all too well. In her weaker moments, she will now have "I told you so teasing rights". In my heart, however, I have already forgiven those men-responsible for causing me to write this article. Otherwise, it is said the truth will set us free, but first it will hurt. Perhaps it's high time we "re-break the bone," so it will reset and re-heal correctly, thereby enabling us to move forward as a united Union and not as estranged step brothers of one another Thanks Again.