

2022 National Strike

Frequently Asked Questions

Question 1: Is it permissible to picket non-railroad locations where we originate and/or terminate trains, such as intermodal facilities? In some cases, crews go on/off duty there, while in others the crews go on duty at a nearby railroad facility and are transported to the non-railroad location. Can we and/or should we put up pickets at the vehicular entrances to these locations?

Answer 1: Because secondary activity, such as picketing, is permissible self-help in a lawful major dispute, it is legal to put up pickets at the vehicular entrances. The question of whether pickets should be put up at those locations is a purely strategic one.

Question 2: A road Engineer who departs the initial terminal prior to the initiation of the strike subsequently times-out en route on the HOS and is transported to the destination terminal, where he encounters the pickets. Is he allowed to retrieve his automobile from the parking lot that is inside the picketed area?

Answer 2: The pickets should allow that employee to retrieve his car, and his doing so should not subject him to internal sanctions because he is not crossing to perform work for the carrier.

Question 3: The BLET strikes a property at 0001. A member of another organization is working as an engineer on a yard assignment at such property. Do they have the right to walk at 0001 or must they finish their shift?

Answer 3: In the past, workers in the craft or class of Locomotive Engineers working as such who were members of another organization were expected to join the strike. Therefore, (1) no engineers in road service involved in the strike will perform any service after the hour set to strike unless he or she has already begun a trip and has actually left the terminal, in which case the engineer will complete the trip and deliver the engine and train at the end of the run, or tie-up point, if tied up under the law, after which he or she will leave the property and perform no other service until the close of the strike, and (2) engineers in other than road service will withdraw from the service at the appointed time in response to the strike call. However, if this individual is working as a locomotive engineer on an assignment that is under the representational authority of another union, he or she should request instructions from the organization to which he or she belongs.

Question 4: Should we be instructed to set up picket lines, will a press release be issued by the National Division so that our members are not in a position to give statements to the local press? If the sun should rise and we have pickets displayed, undoubtedly the press will be there with cameras and will be asking questions.

Answer 4: We plan to provide Local Divisions with a press release that can be provided to local media. Any questions should be referred to John Bentley, in the BLET Public Relations Department, at (216) 241-2630, extension #248.

Question 5: Is the Strike Committee to be composed only of members from the Division's Executive Board, or is any member in the Division allowed to be elected to this Committee? Also, is the Strike Committee elected by the membership or by the Executive Board?

Answer 5: The Strike Committee is to be selected by the Division's Executive Board, and any member may be selected to serve on the Strike Committee. Since the Local Chairman must prosecute and be responsible for the strike, and report on the situation daily to his/her General Chairman, it is expected that the Local Chairman will be named to the Strike Committee. It also is recommended that the mobilization division contact be at least an *ex officio* member of the Strike Committee.

Question 6: The Strike Instructions say that all members are to assemble at the location arranged by the Strike Committee and that a roll call is to be conducted twice daily, in the morning and again in the afternoon. Further, all members are required to be in the hall during the day at all times. How are those members who perform picket duty during the night to comply with this directive?

Answer 6: Those members performing picket duty as assigned are considered to be complying with the requirement to be in the hall during the time they are performing that duty, as well as for any time spent traveling to or from the picket duty location.

Question 7: Is the meeting hall to be maintained 24 hours a day or during daylight hours only?

Answer 7: This is a determination for each Strike Committee to make to address its own needs. That being said, if a strike commences, it will continue around the clock until it is ended. Also, the National Division offices in Independence will be open and staffed 24/7 until the strike is ended, and National Vice Presidents will be available to the General Chairmen to whom they are assigned on a 24/7 basis. Therefore, it is recommended that the division strike hall be maintained around the clock to offer support to the picket lines and for timely notification when the strike is officially ended so members can be promptly returned to service.

Question 8: Can we picket employees of a railroad not being struck — such as Amtrak or a commuter railroad — that operates on our tracks and/or shares facilities with us?

Answer 8: Picket lines intended to prevent employees working for a railroad that is not being struck from reporting for duty may not be established without the express authorization of the National President. It is not the BLET's intention at this time to establish such picket lines.

Question 9: If I am called for service on a road trip and I am at the terminal and on duty, but I have not departed, am I permitted to join the strike? Define the beginning of a road trip.

Answer 9: As indicated on page 3 of the July 7, 2022 Strike Instructions, "[n]o engineers in road service involved in the strike will perform any service after the hour set to strike, *unless he or she has already begun a trip and has left the terminal.*" (emphasis added) Therefore, in the situation posed by the question, the engineer is to secure his/her train, log off-duty electronically / end on-duty time on a paper time slip, and join the strike. For these purposes, the beginning of a trip is having left the terminal. *See also* Question 14.

Question 10: If on a yard job and working on the lead when the strike begins, am I to leave the engine where it sits and walk? Or, do I have to consider the location of the engine?

Answer 10: Page 3 of the July 7, 2022 Strike Instructions states, "Engineers in other than road service *will withdraw from the service at the appointed time* in response to the strike call." (emphasis added) Every reasonable effort should be made to tie the engine down in the clear prior to the onset of the strike.

Question 11: Should I tie up my working ticket when I walk?

Answer 11: Yes, as this document is a federal record of your hours of service.

Question 12: When I walk off the property, how am I to return to the property if the strike concludes, either after an hour or a day?

Answer 12: Your General Chairman will advise you of the specific protocol that is to be followed on your property. To be sure, we expect that pool and extra engineers will need to mark up, but it is possible that engineers holding regular assignments may not have to do so. What will occur on each property will be a function of the collective bargaining agreement in effect on that property, and may very well duplicate the process currently used when someone returns after being marked off duty.

Question 13: A yard Engineer works an interchange transfer job that delivers to a connecting railroad and, at the appointed time for the strike to begin, the job is on the connecting railroad's property. Does the Engineer stay with the move until he returns

to his railroad's property — and tie up and withdraw once he does — or can he tie up at the foreign railroad's yard or property and withdraw? Would the answer be dependent upon whether or not the "connecting railroad" in this scenario is also being struck by the BLET or another Union, or if it was a non-union short line type operation?

Answer 13: The Strike Instructions for Engineers working in other than road service apply a single standard, which is not contingent upon what the Engineer's assignment is at the time the strike begins. Accordingly, all such Engineers should join the strike at the appointed hour, regardless of location.

Question 14: I understand that a road Engineer who has departed the initial terminal has to complete the trip before withdrawing from service. Arbitral opinion and some of our Hub agreements have established that the road trip is initiated when you first move on the track in which the train is made up. Is that the standard we are to use related to the Strike Instructions, or are we referring to actually departing the limits of the terminal? For example, the train has departed the outbound yard track in which it was made but is well within the defined limits of the terminal on another track just trying to get out of town. Can that Engineer secure it and withdraw or does he keep going? We have some rather large terminals in which we routinely take a good while to actually clear.

Answer 14: The term "has actually left the terminal" in the Strike Instructions is intended to mean that the lead locomotive has passed the point that is the limit for initial terminal delay payments (if a particular run is paid a trip rate, then this refers to the point used for calculation of the ITD pay element in the trip rate). Since those locations are established in the collective bargaining agreement, it is under the General Chairman's authority to define those points.

Question 15: How will someone whose train departs the home terminal before the strike begins get home? Should those members go home immediately, or should they wait a short time to see what the government may do? If we are ordered back to work, will those members have to travel back to the AFHT?

Answer 15: Each division's Strike Committee should plan for those members by providing transportation to bring them home or to picket duty. Transportation should be provided as soon as reasonably feasible because these members may not have a place to wait. Whether anyone will have to report to an away-from-home-terminal upon the conclusion of a strike is speculative at this point, although the presumption is that everyone will return to their home terminal, thereby restoring balance in the location of crews. In any event, this is a matter that will be addressed by the General Chairman having jurisdiction when, and if, it arises.

Question 16: I am a conductor; I am a trainman. What am I supposed to do when the strike begins?

Answer 16: The Strike Instructions state, “[t]rain service [*i.e.*, non-promoted] members on properties where the BLET is not the collective bargaining representative for train service employees must complete any tour of duty that began prior to the hour set to strike, regardless of the class of service in which they are engaged.”

Question 17: What do I do if I am called for duty with a reporting time that falls after the strike is scheduled to begin?

Answer 17: If you are a Locomotive Engineer (*i.e.*, you have engineer seniority), tell the crew caller that if the strike begins prior to the on-duty time, you will not work, but that you will report if there is no strike. If you are a conductor/trainman (*i.e.*, you have engineer seniority), accept the call and report to the property; in the absence of a picket line, you should report for duty. Also, keep in mind that Section 55(a) – Local Division Rules of the BLET Bylaws states, it “is the policy of the BLET that it will support and, if necessary, place the full power of the BLET behind the members of the BLET who, because of fear of hazard or injuries to themselves or families or damage to their personal property, decline to cross picket lines; and if such conditions do exist, the management of the railroad so affected will be notified by the local or general chairman of the BLET.”

Question 18: We have an outlying point where one traveling switch engine (“TSE”) is assigned. The office is located on the customer’s property. The TSE crew is the only railroad personnel assigned to work there. There is a vehicle entrance on both sides of the property with a rail entrance near the south entrance. In this instance, should we only picket the area where the rail tracks enter the facility? Should we speak with the customer to inform them of what may occur?

Answer 18: As indicated in the answer to Question 1 above, because secondary activity, such as picketing, is permissible self-help in a lawful major dispute, it is legal to put up pickets at the vehicular entrances. The question of whether pickets should be put up at those locations is a purely strategic one.

Question 19: May the carrier kick the employees out of the lodging facility should a strike occur?

Answer 19: Yes, if the carrier chooses to respond to the strike with a lockout it may kick employees out of lodging facilities.

Question 20: What are the rules regarding the size of lumber used to mount picket signs?

Answer 20: Various states and numerous municipalities have enacted their own limitations or prohibitions on this matter because of the potential for the lumber to be used as a

weapon. Therefore, the first thing Strike Committees should do is investigate whether any state or local law or ordinance addresses the issue and ensure that members comply with applicable laws and ordinances. If there is no more restrictive law or ordinance, it is recommended that the length of any picket not exceed three feet (3'), its width does not exceed two inches (2''), and its depth does not exceed one-quarter of an inch (1/4''). Alternatively, signs can be hung around picketers' necks with string.

Question 21: I know in the past we were told to complete the shift unless we had to leave the property for some reason, e.g., a meal period, then we were instructed that once off the property, do not go back onto the property.

Answer 21: Strike Instructions issued by the National Division have been consistent for at least 40 years. No Engineer in road service involved in the strike will perform any service after the hour set to strike unless he or she has already begun a trip and has actually left the terminal. If the train has left the terminal, the Engineer will complete the trip and deliver the engine and train at the end of the run, or tie-up point, if tied up under the law, after which he or she will leave the property and perform no other service until the close of the strike. Engineers in other than road service will withdraw from the service at the appointed time in response to the strike call. These same instructions govern train service members on properties where the BLET is the collective bargaining representative for train service employees. Train service members (members who do not have locomotive engineer seniority) on properties where the BLET is not the collective bargaining representative for train service employees must complete any tour of duty that began prior to the hour set to strike, regardless of the class of service in which they are engaged.

Question 22: Can BLET trainmen members be scheduled for picket duty?

Answer 22: Yes, trainmen members may be involved in picket duty. Although the trainmen's craft will not be on strike — except on Tex-Mex, where the BLET represents all train service employees — they are expected to honor the picket line and may be assigned to carry pickets by their division.

Question 23: Should Strike Instructions be shared with non-member active Engineers?

Answer 23: Per General Information of the Strike Instructions, the Strike Instruction circular should be read or exhibited to all members and other employees subject to the contract held by the BLET (i.e., those working in the craft of class of Locomotive Engineers but belonging to another union, are bona fide dues objectors, and those not subject to a union shop agreement).

Question 24: Are engineer trainees that are BLET members and not promoted on strike?

Answer 24: No, they are not active Locomotive Engineers. They are in the same position as trainmen members.

Question 25: What happens to my Health and Welfare insurance coverages in the event of a prolonged strike?

Answer 25: If we were to go out on a prolonged strike, this would be treated as if an employee failed to work the Requisite Amount of Compensated Service (RACS). In other words, the normal process by which, the first time that you fail to perform seven (7) days of compensated service, in a month, your insurance is terminated as of the first day of the following month. So, if the employee last rendered the RACS in September, but not the required amount in October, coverage would end on October 31st. Beginning November 1st, the employee would need to look elsewhere for coverage, such as the GA-23111 Plans A, B, or C, offered by United Healthcare (UHC), or COBRA under the GA-23000 Plan, since this would be considered a Qualifying Event.