



# united transportation union

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NEW HAVEN, IN

Circular No. 11-B

All Local Chairpersons  
NKP, WAB and portions of Former Conrail  
C-T-E

Dear Sirs and Brothers:

On June 7, 2012 a START Focus Group met in Fort Wayne, Indiana to discuss changes and variations to the present START policy.

Three Local Chairmen from this territory were chosen to participate – Brian Sharkey (1566), Alan Thompson (792) and Dan Calhoun (768). As I was not asked to participate, I requested they each provide a synopsis of the events that transpired at the meeting. I have enclosed their synopses for your information and review. Please note, none of these changes have been formally accepted and meetings continue to take place concerning revising the policy. I have been informed that when changes are accepted by Carrier management that town hall meetings will be scheduled to outline the new policy and ensure comprehension of the changes.

Also, last week while in Norfolk for a public law board, I was informed that the Carrier submitted their Conductor Certification plan to the FRA, and it has been tentatively approved. As of now, July 1 will be the implementation of Conductor Certification on Norfolk Southern. Along with the 2011 National Agreement provided 3% General Wage Increase, the \$5 certification pay per tour of duty for certified positions will become effective July 1.

I have a meeting with the Carrier while attending the Norfolk Southern General Chairman's Association meeting to discuss Conductor Certification, NS's plan, and its implementation. I will keep you advised.

Fraternally yours,

Jason T. Boswell  
General Chairperson  
United Transportation Union

Cc: All Local Secretaries

## General Committee of Adjustment NORFOLK SOUTHERN RAILWAY

(Nickel Plate, Wabash, and portions of former Conrail)

817 Kilbourne Street  
Bellevue, Ohio 44811-9407



June 25, 2012

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## START Focus Meeting Agenda

**Mission:** Modify existing START policy so that rule violations that put people and/or equipment in danger are handled timely, and less severe ("nit picking") violations are handled verbally, rather than formally.

Modify START while remaining within the START framework

- Realign existing rules
  - Better align severe life-threatening rules into GR-13/GR-14
    - Life-threatening rules, such as riding close clearance in a track, leaving cars out to foul, failure to obtain bowl protection/violating bowl protection, walking on the heads of ties, and riding equipment into intermodal ramps would be included in GR-13.
  - Non life-threatening rules moved out of GR-13/GR-14
    - Less severe/serious rules, such as GR-13(b), (f), (k), (m), and (n) would come out of GR-13.
  - GR-13/GR-14 violations continue to be handled as Serious
  - Other rule changes
    - Consider modification of some existing rules: Inspection of passing trains - this is currently the most violated rule - may be done from the locomotive cab and no longer requiring safety glasses being worn in any enclosed locomotive cab (currently safety glasses must be worn in any locomotive cab other than wide body locomotives).
- Reduction of disciplinary suspensions for START Serious offenses:
  - 1<sup>st</sup> Serious in 24 months – 10 day deferred suspension
  - 2<sup>nd</sup> Serious in 24 months – 10 day suspension
  - 3<sup>rd</sup> Serious in 24 months – subject to dismissal
- Self-Reporting
  - Run through switch (no derailment)
    - 1<sup>st</sup> run through switch
    - Employee reports immediately
    - Caution (written/verbal) versus formal handling
    - Employee with previous violation (same type of violation) would not be eligible
- Streamline handling of START conferences
  - Timely handling of START conferences
  - Retain involvement from Local Chairman (or other representative)
- Rules Tracking
  - Code I violations
  - Code II violations

### Certification

- Discipline assessed is less than the period of de-certification

**From:** Alan Thompson (bigal836@yahoo.com)  
**To:** jtboswell@sbcglobal.net;  
**Date:** Tue, June 12, 2012 12:55:46 PM  
**Cc:**  
**Subject:** Re: START Focus Group

Jason,

I faxed a copy of the "START Foccus Meeting Agenda" this morning to your office. The Carrier is claiming that it wants to ease off on less severe violations that involve getting a START Minor and have it done verbally/Letter (E-Mail, not sent to your house) instead of it being done formally.

There were some positive changes talked about.

1. The 30 days defferal and Suspension will be dropped from 30 days to 10.
2. Self Reporting. if it is a first offence (Run through switch was used as an example) and you report it immediately, the employee(s) will be given a caution instead of formal handling.
3. Some GR13 rules will be taken out of the Serious catagory that is not considered "Life Threatening". They were GR 13 B, F, K, M, N.

There was also discussion on easing of of the rule on wearing Safety Glasses on any locomotive with the windows closed. The safety glasses are made for impact, and there is very much on a locomotive (except maybe your conductors/engineers fist) that is gonna hit you in the eye. Most of the safety glasses are not made to protect from dust. Also there is discussion on easing off on rule GR-9 on inspecting passing trains. The carrier claims it is the most violated rule. We stated because people were getting in trouble for not getting on the ground where it doesn't say you have too.

Other thing were brought up in basic conversation.

START Handling- we brought up the fact that it seem that people are getting serious' for something that could of happened instead of what actually happened.

Attendance- A lot of discussion with run around answers. We didn't get anywhere with that.

Work History- I stated that every employee should be able to access their own work history.

Union Rep option 20 for vice local chairman with the option to mark of union bussiness.

This is the basic break down of the meeting. It seems like the carrier has already made its mind up on the changes while looking for other options. Mr. Sheppard said he had to do 1 other meeting before he sat with the START Oversight Committee.

Alan Thompson  
LC UTU 792  
Cleveland

Print  
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**From:** Jason Boswell (jtboswell@sbcglobal.net)  
**To:** gsxr1000mxz800@yahoo.com;  
**Date:** Fri, June 8, 2012 1:56:41 PM  
**Cc:**  
**Subject:** Re: START Focus Group

Ok, thanks.

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**From:** dan calhoun <gsxr1000mxz800@yahoo.com>  
**To:** Jason Boswell <jtboswell@sbcglobal.net>  
**Sent:** Fri, June 8, 2012 1:39:39 PM  
**Subject:** Re: START Focus Group

Jason

Yesterdays meeting was interesting. Basically boils down to the carrier following thru with their committment to reduce the discipline policy. 5 things identified to remove from gr 13/14 reduction of deferred days assesed from 30 to 10 and actual days from 30 to 10 (up to) Of course they approached it as they were seeking our input on "potential" changes they planned on taking to the start oversight committee however it was abundantly clear their intent is to change it. I will retype and post the sheet we got on yardlimits and on our 768 facebook so you can see first hand. I cant really see where them taking a softer approach on discipline will hurt our membership. Maybe long term if they get lax in their rule compliance and the carrier comes down hard.

Dan Calhoun 768

--- On Fri, 6/8/12, Jason Boswell <jtboswell@sbcglobal.net> wrote:

From: Jason Boswell <jtboswell@sbcglobal.net>  
Subject: START Focus Group  
To: "Alan Thompson" <bigal836@yahoo.com>, "Brian Sharkey" <utu1566@aol.com>, "Dan Calhoun" <gsxr1000mxz800@yahoo.com>  
Date: Friday, June 8, 2012, 10:13 AM

Brothers,

Hopefully the meeting yesterday was informative and productive. I ask that you send me a short report of the discussion that took place and the actions that were decided upon at this meeting. Basically, just a synopsis of the meeting from your perspective that I will forward to all of our Committee's Local Chairmen. Thanks.

Jason

**Re: START Focus Group**

Mon, June 18, 2012 12:53:07 PM

From: dan calhoun <gsxr1000mzx800@yahoo.com> [View Contact](#)  
 To: Jason Boswell <jtboswell@sbcglobal.net>

I will now share a page of potential changes proposed by labor relations and not yet approved by the START oversight committee. Anything in ( ) is added comments and not from labor relations. So far the southern and the nkp/wabash focus groups of local chairmen have met and given their input and the NW focus group is to meet next week followed by around a week before the proposed changes are given to the START oversight group.

**START FOCUS MEETING AGENDA**

Mission: modify existing START policy so that rule violations that put people and/or equipment in danger are handled timely, and less severe "nit picking" violations are handled verbally, rather than formally (less start minor handlings)

Modify START while remaining within the START framework

Realign existing rules

Better align severe life threatening rules into GR-13/GR-14

life threatening rules such as riding close clearance in a track, leaving cars out to foul, failure to obtain bowl protection/violating bowl protection, walking on the heads of ties, and riding equipment into intermodal ramps would be included in GR-13

Non life threatening rules moved out of GR-13/GR-14

Less severe/serious rules such as GR-13 b,f, k, m and n would come out of GR-13 (moved elsewhere still rules but not serious offenses)

GR-13/GR-14 violations continue to be handled as a SERIOUS offense under START

Other rule changes

Consider modification of some existing rules: Inspection of passing trains-this is currently the most violated rule-may be done from locomotive cab and no longer requiring safety glasses being worn in any enclosed locomotive cab

Reduction of disciplinary suspensions for START Serious offenses

1st serious 24 month -(MAXIMUM)10 DAY DEFERRED SUSPENSION

2nd serious 24 month-(MAXIMUM)10 DAY SUSPENSION

3rd serious 24 month-subject to dismissal

(the above time is greatly reduced from the current max of 30 on the first 2)

Self reporting

Run through switch-no derailment

1st run through switch

employee reports immediately

Caution -written/verbal versus formal handling

Employee with previous violation of same type would not be eligible and would be handled with START (looking at adding a rolling time frame for previous violations)

Streamline handling of START conferences

Timely handling of START conferences

Retain involvement of Local chairmen-

Rules tracking

Code 1 violations-no longer tracked or on an employees 1 on 1 report

Code 2 violations-(letters sent confirming conversation) no longer on employees 1 on 1 sit downs.

Certification-discipline assessed is less than the period of de-certification

PLEASE REMEMBER THESE ARE PROPOSALS AND ARE DONE YET OR SET IN STONE. THEY ARE LOOKING FOR INPUT FROM LCS AND THIS INFO IS BEING SHARED FOR YOU TO COMMENT AS THEY CAN STILL EMAIL INPUT TO THE LABOR RELATIONS REP.

**From:** brian sharkey (utu1566@aol.com)

**To:** jtboswell@sbcglobal.net;

**Date:** Wed, June 13, 2012 1:20:04 AM

**Cc:** workofart32@aol.com; salsasymes@gmail.com; Joey14036@yahoo.com; shcar@rocketmail.com;

**Subject:** UTU REPORT

Jason, The START Focus meeting on June 7th 2012 was very productive. The carrier discussed their intention to exclude items b,f,k,m, and n from rule GR-13 as they feel that a START serious for these infractions is too harsh. The carrier noted that the exclusions would still be rules but not under GR-13. The representatives were asked to provide input and all agreed that the change would benefit members of both organizations. A reduction to deferred and actual time will be as follows 1st serious in 24 months 10 days deferred (previously 30) 2nd serious in 24 months 10 days actual ( previously 30) and 3rd serious in 24 months would be subject to dismissal ( no change ). All the representatives supported this change. Most of the local chairman, including myself ,spoke out that the intent by the carrier was to reduce the time to have more manpower and to have a new process in place when conductor certification goes into effect. We had an in depth discussion about rule GR-9 (watching train by). I expressed my safety concerns on this issue and Mr. Shepard stated that a change on the rule was likely to happen. He said that the change would be that the employee would still have to observe the passing train but would be allowed to due so from the cab of the locomotive. I strongly supported this change and stated that the times in my career that I've felt the most unsafe was when watching a train by from the ground. There was talk of "self reporting" for a run through switch. The guidelines are as follows- No derailment-only for the 1st run through switch ( discussed restart time period)- employee reports immediately- Caution (written/verbal) versus formal handling-Employee with previous violation(same type of violation) would not be eligible ( crew would still be drug/alcohol tested). Allowing employees to not wear safety glasses on all locomotives was discussed. All the representatives supported this change. I brought up the issue of the actual START waiver. I feel that there should be a standard waiver that clearly states whether the employee is getting a minor-serious or major. I expressed my dissatisfaction with some of the waivers that are used on different divisions that a vague at best. There was a lot of talk about education over discipline. I spoke about the need for education for local managers as many of them lack knowledge of the rules and often make their own interpretation of the rules. I also noted that managers who wrongly handle an employee or submit false violations on an employee's career service record should be held accountable and handled for discipline. Mr. Shepard noted that managers are now held responsible for such instances. Rules tracking was discussed for Code I and Code II violations. An example of Code I would be not wearing safety glasses and no "paper trail"/ documentation would occur. An example of a Code II violation would be a letter of caution ( attendance is the exception) which goes in the employee's file but not his CSR. My overview is that the carrier intends to reduce the "knot picky" violations and handle more of those incidents verbally. The "serious" infractions such as GR-13 GR-14 will be continue to be the main focus of carrier officials. Thank you again for the opportunity to represent our committee. Brian Sharkey LC UTU 1566 BUFFALO, NY