



SYSTEM COUNCIL NO. 6

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Tom Owens
General Chairman

Shannon Spotswood
Vice Chairman

Mike Stacks
Secretary-Treasurer

General Chairman's Report – April, 2019

Brothers and Sisters:

Furloughs: On April 13 & 21, 2020, additional furloughs took place. The following locations (with member affected numbers) were impacted – Williamson, WV (2); Debutts (3); Conway (3); Moorman (5); Enola (5); and Decatur (2). These cases will be subject to the PLB 5332 arbitrator's decision when the lead case listed to the board is heard.

Covid-19: The Carrier has reported that overall mark offs by employees have been at a very low level. At the time of this report, we have not suffered any shut downs due to a hotspot of this coronavirus. I have posted on Facebook and notified officers of our locals as to the Carrier's policies in this matter. Additionally, notifications have included our attorney's advice along with Department of Labor guidelines. Based on numbers, shops have staggered stop and start times, split one shift only to be first and second shift, and allowed employees the option to call into meetings/briefings.

Attorney: In May, 2020, our IBEW Railroad Attorney – Mike Wolly, will be retiring after approximately 40 years of service to our organization. I have been part of the search committee on behalf of the System Council's in the country. The field of participating attorneys to handle issues under the Railway Labor Act is very narrow. Many of the practitioners are already retained as legal counsel for other organizations. Sherman Dunn, a labor and employment law firm out of Washington, D. C., has been retained as our new legal counsel.

Regulatory Relief Waiver (FRA response to Unions): Although FRA understands the Labor Organizations' concern with railroads' maintaining adequate staffing levels for the duration of the COVID-19 public health emergency, FRA has no legal authority to require railroads to recall personnel from furlough to fill workforce shortages caused by COVID-19. FRA expects railroads to ensure the safety of railroad operations and maintenance during this national emergency. In the event localized workforce shortages resulting from COVID-19 occur, FRA believes the limited, temporary relief provided to the industry in the ERD will allow railroads to operate safely and ensure the safety of railroad employees at the same time. However, as noted by the Labor Organizations, FRA generally conditioned its relief to the Associations on the existence of workforce shortages as a direct result of the COVID-19 public health emergency. FRA explained in Safety Advisory 2020-01 (Safety Precautions Related to Coronavirus Disease 2019 (COVID-19)) that workforce shortages involve situations where "employees are out sick or quarantined." Any railroad that utilizes the waiver relief must document the basis on which it concluded that availing themselves of the relief was necessary and report weekly a list of manpower shortages or other conditions necessitating the use of the waiver.

National Negotiations: For the present time, no information has been received as to when the negotiation process will resume.

International Office Inquiry: International Representative Al Russo contacted my office regarding a complaint sent to the IO regarding job requirements and representation. A member, on the bottom of the roster, was forced to a WGL position (with 2 shifts being at the desk in the tower for power distribution). The position had formally been an SGL position but was converted at the local's request to allow more positions to be available for their member's exercise of seniority. The member contended he was being forced to perform supervisor's work and I was allowing the Carrier to take advantage of the membership. I produced my phone records and notes of conversations with the member explaining the specific Rule 18 language, seniority, and Railway Labor Act information. Additionally, the member presently has a case listed to PLB 5332 where he was denied displacement of a SGL with all 5 shifts being supervisory work. With all the information submitted, IR Russo concluded "As stated by Brother Owens, the WGL language was established by Agreement on January 01, 2005 and SGL language established by agreement on February 1, 2013... past practice... helped the... electrical workers have the ability to maintain and perform this... Accordingly, after a thorough review of the information provided me by Brother Owens, my conversation... and the limited information provided by complainant, I hereby move to close this file."

Communications Workers: Presently, the efforts of PSR management have seemingly focused on the Engineering Department. Restructuring seems to be occurring randomly in the department with no warning. At the time of this report, no maintainers have been furloughed. Displacements have occurred which are very difficult considering the nature of the territories assigned. The July 01, 2018 Communication agreement has proven to be useful in allowing the membership to have better options in difficult circumstances.

In Your Service,

Tom Owens
General Chairman