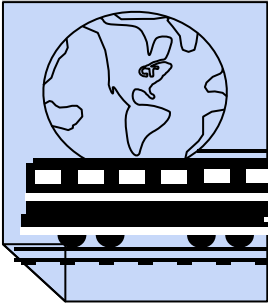


“Moving the People who Move the World”



ACRE

FALL 2011

A Publication for the Members of ACRE

Collective Bargaining

As everyone should be well aware the MTA is demanding a concessionary Contract which would include two years of 0% wage increases as well as premium contributions for Health and Welfare. With the recent ratification of concessionary agreements by State Employees in both New York and Connecticut their entrenchment has only hardened. The Association of Commuter Rail Employees has agreed to participate in the Metro-North Labor Council in order to secure the best possible outcome during this round of collective bargaining for all of our members. All Organizations in the Metro-North Labor Council maintain their autonomy and are free to withdraw from the Council at any time. At the last meeting of the Metro-North Labor Council we discussed at length the strategy of requesting Mediation under the Railway Labor Act at this time. Although credible arguments were presented on the wisdom of requesting mediation at this time the Council Members tabled this motion until our next scheduled monthly meeting.

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Please be advised that many, if not all locals will be holding Tri-annual elections this year. Please check with your Local's secretary for all details.



Collective Bargaining

Continued.....

Whether it will be in the immediate future or not, mediation services will most certainly be required to resolve the issues presenting themselves in this round of bargaining. Mediation services under the Railway Labor Act (RLA) are provided through the National Mediation Board at no costs to the parties. During mediation the parties may reach resolution or request to be released from Mediation which would start the clock to eventual self-help (the right to strike) under the RLA. Before either party can invoke self-help under Section 9(a) of the RLA two Emergency Boards would be impaneled to study the dispute and recommend non-binding resolutions to avoid a strike. During the entire 9(a) process the status quo would remain in effect regarding any changes to the collective bargaining agreement. Once self-help has been declared by either party the agreement can be unilaterally changed without consent. We should all be prepared for the

eventual prospect that a strike will be necessary to secure a resolution that is acceptable to the majority of our members.

We have consistently expressed to the MTA negotiators that the current local 100 TWU contract eclipsed the length of our agreement and we are entitled to the wages negotiated during the period of time between the end of our last agreements (July of 2010 to February of 2012). We base our position on the historic pattern settlements negotiated throughout the MTA constituent agencies. The MTA themselves argued in the last Presidential Emergency Board at Metro-North that me-too agreements were not necessary because prior negotiated entitlements were always honored. We will do everything in our power to hold them to that commitment. We thank all of our members for their patience during this round of collective bargaining and we will keep you informed as negotiations progress.

NYS Legislators Pass “Lockbox” Bill

At the end of the NYS legislative session in June one of the last bills passed in both chambers of the legislature was the Lockbox Act of 2011 (A6766/S4257). This bill was designed to halt the siphoning of dedicated revenue sources clearly marked for the MTA. Since 2009, NYS Governors Patterson and Cuomo have cut \$260 million from the budget of the MTA and used those same dedicated revenue sources as “loose change” to defray the cost of the total NYS budget. We are thankful to both the NYS Senate and Assembly for realizing that this practice must cease.

ACRE has signed on to this bill along with the coalition of unions on Metro-North. As it stands to date, two months after the close of the last legislative session, the bill still rests on the Governors desk. We certainly hope that the Governor does not mistakenly believe that his silence and lack of comments concerning this bill will result in labor unions and transit advocates refraining from making their voices heard. What we do hope is that the Governor realizes that our transit system is a lifeline to the states economy and the budget to operate the system is not a tool to solve the states debt.

We urge everyone to call or write the Governors office and urge him to sign the bill and make it Law. His contact information is as follows: phone **(518) 474-8390** or mail:

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

CALL



The Importance of Supporting ACRE's Political Action Committee

Protect Yourself and Your Family

First the Bankers and moneyed elites blew up the economy which has resulted in the deepest recession since the Great Depression. Then the government was forced to use our tax dollars to bail them out in order to stopgap the economy from falling into another Great Depression. Now that these bills have become due they want the middle class to pay again through wage and benefit concessions. They have beaten down the private sector workforce by shrinking the percentage of their union membership and managed to turn these workers against the unionized public sector workforce. We saw one memorable sign in Wisconsin yielded by a Tea Party supporter; Welcome to the Recession! In Wisconsin, Ohio, and Florida collective bargaining rights are under attack from republican controlled state houses. Democratic Governors are attempting to balance their budgets on the backs of working people. We are in the fight of our lives to hang on to our hard won gains and protect our standard of living. Mitch Romney recently criticized President Obama for "being under the control of Union Bosses." The Democratic Leadership wants our money and support but fails to back our issues in fear that they will turn off independent voters. These are certainly not the best of times, but unfortunately, they can get a lot worse. If the republicans gain control of the Senate and White House we will see Railroad Retirement and the Railway Labor Act come under attack.

We live in a political system which requires that you pay to play. Elections, as we have often repeated, have consequences. Wealthy anti-union donors can now write checks of unlimited amounts to Super-Pacs without revealing their involvement. Individually we can never hope to counter their influence on electoral politics. Yet collectively we can have a dramatic impact. Our Political Action Committee (PAC) funds allow us to have an important voice at the table. Many of our membership recognize the importance of that voice yet still the vast majority of our members have so far failed to make even a small contribution to help elect representatives who will protect their economic interests. We distribute our PAC funds on the basis of one criteria; will this candidate protect our members economic interests. A modest contribution of \$5-\$10 per month per member would dramatically increase our ability to influence the political landscape. We will help to elect politicians who believe in funding infrastructure in general and mass transit in particular. Politicians who don't believe that Unions are the problem and unfettered free market capitalism is the solution. Politicians who recognize that the burden of our economic crisis cannot be borne on the backs of the middle class alone and those who have benefitted the most, the rich or as the spin doctors like to say the job creators should pay their fair share. If you don't stand up now in the face of the worse attack on our quality of life in a generation when will you? It is often said that the next election will be the most important election of our lifetime. Is there any doubt in anyone's mind how monumentally important next year's election will be for you and your family? You can have an impact on that outcome by joining with your Brothers and Sisters by contributing now to the ACRE PAC. You rightfully ask a lot of your Union Officers and now we are asking of you. Help us protect your families future by contributing today.

PAC form page 18

IMPORTANT NOTICE TO FUTURE RETIREES

By Pension Officer Chris Faherty

Pension Dates are Carved in Stone

What you should know if you intend to retire; pension paperwork dates are carved in stone. You must keep in mind that you can submit your pension application 90 days before your retirement date. Your pension application is required to be submitted at least 30 days in advance of your retirement date. You've worked with a schedule your entire career on the railroad. So when it's time to pull the pin (retire) you need to have 100% on time paperwork submission.

IF YOU SUBMIT YOUR PAPER WORK LESS THAN 30 DAYS BEFORE YOUR RETIREMENT DATE YOU WILL LOSE A MONTH OF YOUR PENSION ANNUITY. PLEASE DON'T PROCRASTANATE WITH YOUR PENSION PAPERWORK. IF YOU DO, THE ONLY ONE HURT WILL BE YOU.

For example: If you wish to retire on September 30 and receive your first pension check on October 1, 2011 you must have your application in no later than August 31,2011.

Never ever submit your pension application through the BSC your pension documents are time sensitive. Please go through the union office to ensure your application is correct and is submitted in a timely manner. I will personally hand deliver and have it time and date stamped into the MTA Pension Office.

The following is a list of important documents that you need to provide to Railroad Retirement and the MTA Pension Plan before you retire; your birth certificate, Your spouse's birth certificate, your marriage certificate, and a void check.

Railroad Retirement Annuity

We recommend filing all the necessary paperwork with the Railroad Retirement Board at least 60 days in advance. We will set up the initial phone interview with the RRB for you, at which time they will advise you of everything they will need from you to expedite your retirement. While you can visit your local RR office, it is not necessary.

If you wish to get an estimate or to check any of your RR records concerning service credits, you can visit them online by going to RRB.GOV. Request a pin number if you don't already have one. You should receive it in the mail within seven days. Once you have your pin number you can get all the information you need, including current retirement estimates, service credit records and employee and employer contributions. We encourage everyone to establish a pin number and to use the RRB site. The RRB site is very educational and helpful in understanding the RR system. The site explains all your benefits, including retirement annuities, sickness benefits, unemployment benefits and disability retirement.

SPECIAL NOTE: Railroad Retirement Annuities are always paid 30 day in arrears. So if you retire on September 30, 2011 your first RR Annuity payment will be deposited into your checking on November 1,2011. The MTA\DB Plan will make the first payment on October 1, 2011.

As always, if you have any questions please don't hesitate to call Chris Faherty at the union office 212 599-2028 or on his cell at 203 435-1036.

NO ELECTRONIC DEVICES

U.S Transportation Secretary Ray LaHood today continued his campaign to stop distracted driving by announcing a proposed rule to prohibit the improper use of distracting electronic devices by on-duty railroad operating employees. The adopted rule explicitly prohibits the use of cell phones and other hand held devices such as personal digital assistants (PDAs) by safety critical employees, including locomotive engineers, conductors, switchmen, and other train employees.



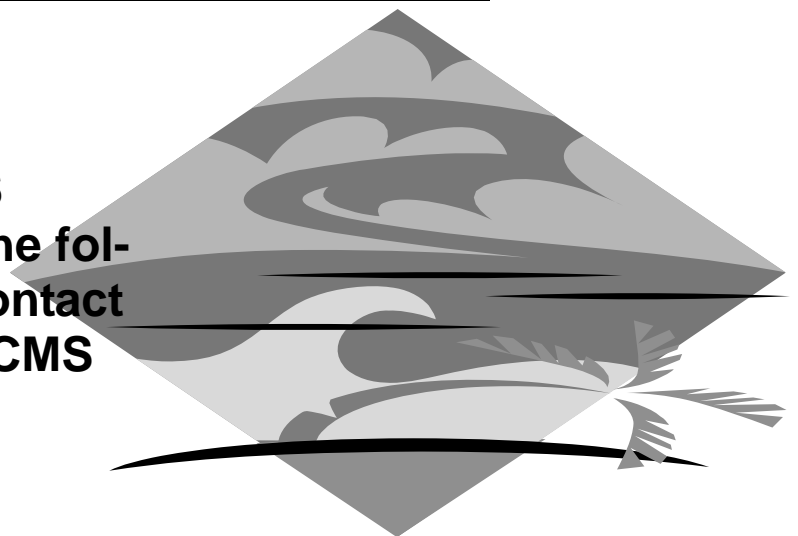
“Operating a passenger or freight train demands the full and undivided attention of crewmembers at all times. Lives depend on it,” said Secretary LaHood. *“We want to make sure that railroad employees know not to use hand held devices on the job because doing so jeopardizes safety.”*

The rule prohibits the use of an electronic device--whether personal or railroad-supplied-- if it interferes with that employee’s or another employee’s performance of safety-related duties. Railroad operating employees would be permitted to use cell phones or similar electronic devices under highly limited circumstances.

In addition, FRA has empowered rail carriers to make standards greater than what the FRA has imposed in terms of discipline for violating EO 26. Even turning on your device to check your time, which may seem to be an innocuous event, constitutes a punishable violation. These violations not only carry disciplinary punishment (removal from service, dismissal) but **civil penalties up to \$100,000**. In summary, if you are on equipment your device must be off!

Due to the potential for CMS phone outages please use the following phone numbers to contact the crew office in the event CMS phone service is out.

**New Haven (212) 681-6313
Harlem & Hudson (212) 681– 6312
Engine Desk (212) 681– 6311**



SIGNALMEN NEWS

Signalmen Pre-Arbitration/Arbitration Hearing

General Chairman Darren Berger and all the Local Chairpersons are pleased to announce the resolution of many outstanding arbitration cases with Metro-North Labor Relations. Listed below are the four major cases that were resolved in Pre-Arbitration meetings:

Case # 1 North White Plains Shop Agreement

Metro-North will now be obligated to pay and provide the training to the four (4) senior employees making application to work in the NWP shop. Management was forcing our members to pay for the training themselves by going to BOCES or some other technical school. In addition, they can longer ignore seniority in the selection process of NWP shop forces.

Case # 2 Meal Periods Rule 4

We have been successful in eliminating the current thirty (30) minute unpaid lunch. Instead, all tours\shifts will be scheduled from 7:00 am to 3:00 pm or 7:30 am to 3:30 pm. In addition, the company has to provide a twenty (20) minute window to eat within the eight (8) hour tour. This is a major win and change for Signalmen.

Case # 3

Alternative Holiday\Monday Observance

It was agreed that employees with bulletined hours of 11:00 pm to 7:00 am, may observe a holiday that falls on Monday , on the day preceding the holiday (Sunday). This will allow employees to have three consecutive days off.

Case # 4 West of Hudson Agreement\Overtime

Metro-North agreed to the same overtime procedures for West of Hudson overtime as our current calling rules. The current Electronic Technician position will no longer be "Technician/Maintainer" but limited to an Electronic Technician only.

The Signalmen Committee will continue to use the grievance mediation process combined with Arbitration to resolve any outstanding issues. We appreciate everyone's support and thank you for your patience as we worked our way through these very contentious issues.

HOURS OF SERVICE REGULATIONS

In 2010, the FRA presented a proposal to amend the Code of Federal Regulations pertaining to the Hours of Service for train and engine employees in commuter or intercity rail passenger transportation. These proposals seek to address the issue of fatigue for railroad employees. The new rules will go into effect on April 1st, 2012. There will be detailed news releases on this subject as we draw closer to implementation. Should anyone not have read the last edition, you can obtain an electronic copy by calling or emailing Local 1 Treasurer, Mark Amorello. He can be reached at the office at 212 599-2029, or email him at acregst@gmail.com

Local 1 Notice of Nominations & Election



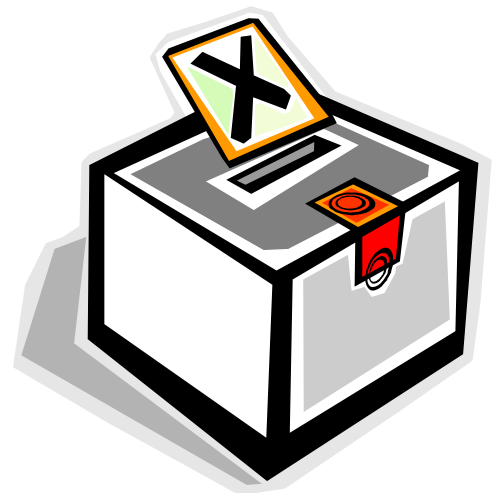
Local Secretary Paul Holland reports that nominations will be accepted from the floor or by petition at our October union meeting for the following elected offices. Petitions must be filed with the local secretary prior to the close of nominations at our October meeting. Nominating petitions must include the signatures and employee numbers of at least five members eligible to vote for that office.

General Chairman
Arbitration & Appeals Officer
Local Chairman/GCT
Local Chairman/Harlem
Local Chairman/Hudson
Local Chairman/New Haven
Local Chairman/Stamford
Local Chairman/Yardmasters

Local President
Vice-President
Local Secretary
Treasurer
Executive Trustee (2)
Local Trustee (3)
Board of Appeals (3)

Connecticut Legislative Representative
New York Legislative Representative

Please be advised that many, if not all locals will be holding tri-annual elections this year. Please check with your local's secretary for all details.



ACRE SCHOLARSHIP UPDATE

The deadline for ACRE scholarship applications for students enrolling in the 2012-2013 school year is June 1, 2012. The application must be hand delivered or postmarked no later than the above date. ACRE will not be responsible for applications lost in the mail. We suggest you contact the union office to verify the application has been received. Applications can begin being downloaded at our web site, www.GoAcre.com or picked up at our union office January 2012.

To date, our organization has granted 295 scholarships to the children of ACRE members. We are extremely thankful to our membership for attending the functions and participating in the fund raisers that support this worthy program. Please remember, the ACRE scholarship fund is reserved for the children of ACRE members going into their first year of undergraduate study for September 2012. Should you have any questions, please contact the ACRE office at (212) 599-5856.

We want to thank the members of the scholarship committee who put in long hours and hard work. Special thanks to Legislative Director Ken Curry, Treasurer Mark Amorello, President Mike Shaw, Leg Rep. Bill O'Brien, Secretary Paul Holland, and member Doug Mullin. We also want to thank all the ACRE General Chairman, Anthony Bottalico, Michael Doyle, James Fahey, Darren Berger and Joseph Savio.

Diligent Action Saves the Day

Earlier this year our railroad suffered catastrophic damage on our Danbury Branch after torrential rain. Conductor Andy McLellan on train 6870 reported high water conditions to Rail Traffic Controller (RTC) Mark Heafy. RTC Heafy had the foresight and experience to order an overnight track car inspection of the Danbury Branch. The inspection uncovered a wash-out condition that would have undoubtedly led to a tragic incident. Brothers Heafy and McLellan's actions undoubtedly saved the train and engine crew of train 1811 injury or worse. Thank you to RTC Heafy and Conductor McLellan for making us proud by exhibiting unparalleled judgment.



Power Directors

All positions will be up for election this December. General Chairman, President, Local Chairmen, Vice President, Secretary Treasurer, 1 Legislator and 2 Trustees. Nominations must be in by the end of September.

Special thanks to President Anthony Salamone, who will not seek re-election for a forth term as President. We would want to thank him for his years of service and stewardship.

In addition, Lester Walters will be retiring from his Treasurers position. Lester will be missed. We thank him for always protecting and being transparent with our financial interests.

INVESTIGATIONS

If you are scheduled to attend an investigation please contact Local 1 Hearing Officer Lloyd Fishbeck at 347-723-9397 or e-mail Lloyd at ljfishbeck@optonline.net. Lloyd is now being assisted by Dennis Richardson he can be reached in our union office or at 845-661-2077. Both Lloyd and Dennis have Law degrees and will assist any member that chooses to be represented by Local 1.

We would like to remind all our members of the need to remit within 48 hours. Recently, we have seen a rise in the number of investigations being scheduled due to late remittance. If you are unable to remit due to TIMS issues please notify Passenger Revenue Accounting and make arrangements with the IT Department to have your TIMS repaired. There is no justification for repeatedly remitting late. In addition it is a real poor use of the members dues when remitting late.

Special Note: If you are injured on duty, contact an Operations Manager when the injury occurs so that a report can be filed. If no Operations Managers are readily available when you sustain an injury contact the Chief Rail Traffic Controller and report the injury. Failure to follow these steps may result in an investigation being scheduled for failure to report an injury. Please protect yourself by reporting injuries as soon as possible.

Special thanks to Lloyd Fischbeck and Dennis Richardson for the tremendous work they have done representing our members at investigations. Their work has led to the overturning of many discipline cases by ACRE 1 General Chairman, Anthony Bottalico and Arbitration Officer Andrew Steimle.

Just recently their work along with Arbitration Officer Steimle has led to the overturning of 2 dismissals cases and the return of two employees to work. The difference in these cases was the fact their work was so proficient labor relations returned the employees on appeal by the General Chairman with out having to go to arbitration.

General Chairman Bottalico recently commented at a union meeting; " ACRE 1 has the two best Hearing Officers for Conductors and railroad employees in the nation." In addition, he went on to say that "ACRE 1 also has the best brief writer and arbitration officer in the country in Andy Steimle."

Pension Questions and Answers

What options do I have for leaving a pension to someone else?

This is the most important decision for your post employment life. There are several factors involved in electing a survivor option for your pension. Your age, yours and spouses health, net worth, debt obligations, just to name a few. But the most critical dynamic of the equation, how long will you live? If we knew that, selecting an option would be a snap. The MTA/DB plan has provisions to leave a spouse or designee some portion of your pension in the event of your death. Knowing the costs and factors of the options will help to make your decision more reasonable. Below are the seven options provided for by the plan with some examples. Each person's situation is different and ages do affect the numbers.

Available Options

Single Life Allowance (Option 0)

This is the basic retirement benefit. It provides for the maximum benefit payment to you each month for the rest of your life. Under this selection all payments cease upon your death. When you die (even if it is only one year, or sooner, after retiring), nothing will be paid to any beneficiary.

Ex: Your pension \$50,000

Survivor pension \$0

This your pension amount. From this figure all other payment options are derived with the appropriate reductions for that survivor option. In this scenario all payments from the MTADB will cease upon your death.

Joint Survivor Allowance — Full*

This option will provide you with a reduced monthly benefit for your lifetime and is based on you and your beneficiary's dates of birth. When you die, your beneficiary will receive the same monthly amount for life. If your beneficiary dies before you, all benefit payments will cease at your death.

Ex: Your pension \$50,000

Survivor pension \$50,000

In this scenario your designated beneficiary will receive the same amount upon your death. The amount payable is determined by the difference between your age and your designated beneficiary's age according to an actuarial chart. The greater the difference between ages the larger the reduction. Here are some common age scenarios and the costs:

		<i>Annuitant</i>	
		<i>Age</i>	
		60	55
<i>Survivor</i> <i>Age</i>	60	0.8941	0.9329
	55	0.8716	0.9162
	50	0.8514	0.9002
	35	0.8086	0.8628

Continued on page 11.....

Pension Questions and Answers continued.....

As you can see in this chart leaving a 100% survivor option to a spouse the same age as you will cost a little over 10% of your Single Life Annuity. The 60 & 35 (survivor) represents leaving a payment to a child which costs double. The wider the disparity of ages, the greater the reduction. The dollar amount it costs you to leave a survivor pension will help you make decision of options that are outside of the pension plan (life insurance etc).

25%, 50% and 75% Joint Survivor Allowance — Partial*

This option is based on your life expectancy and that of your beneficiary. It provides a reduced lifetime income that pays a specific percentage of your benefit which you select (either 75, 50, or 25 percent) to your beneficiary for his or her lifetime after your death. If your beneficiary dies before you, all payments stop at your death.

Ex: Your pension \$50,000

Survivor pension (75% \$37,500) (50% \$25,00) (25% 12,500)

Five Year Certain and Ten Year Certain

Though these options provide you with a reduced monthly lifetime income, they are based on the guarantee that if you live for less than five years or ten years after retirement, depending upon which option you elect, payments in the same amount you were receiving will be made to your beneficiary for the balance of the five or ten year period. You may change your beneficiary within the five or ten year period. Be careful with this selection and make sure you consult the union before electing this option.

This is my last year, so I was to maximize my pension annuity by working more.

The formula for funding your pension is to accrue enough annual earnings and not lose time from work. The MTA\DB Plan, bases all pension calculations on the three highest consecutive years from the last 10 years of your career.

It is always good to work more for an income driven pension like ours. But, there are provisions in our pension plan placing certain restrictions on what portion of your earnings that are pensionable. Simply put, each year of pensionable earnings are constrained by adding the 2 previous years together, dividing by 2, then multiplying by 1.1. (the 10% rule)

Here is an example:

2008 earnings: \$50,000

2009 earnings: \$60,000

2008 + 2009 = \$110,000

\$110,000 divided by 2= \$55,000

\$55,000 x 1.1 = \$60,500

2010 max pensionable earnings \$60,500

Continued on page 12.....

Pension Questions and Answers continued.....

The 10% earnings limitation in our defined benefit plan is a mechanism designed to help maintain solvency in our pension fund. To this day, overinflated final year earnings have been a detriment to defined benefit pension plans throughout the nation. It is important to remember that the solvency of any pension is determined by the way it is funded and managed. We are very proud to announce that despite all the set backs in the economy and on Wall Street the MTA\DB plan is 86% funded as of January 1, 2011. This plan is considered one of the best funded of all Public or remaining Private Sector Pensions in the US.

So, if you intend to come out and work more in your last few years, with the intention of increasing your defined benefit pension, use the above formulas to calculate what you will qualify for in that year. If the formulas indicate that the additional earnings will not be entirely included in your defined benefit pension calculation, allocate some of those earnings to another retirement vehicle such as 401/457K plans or Roth IRAs. If you have any questions please don't hesitate to call Joe Lindenberg at 845 222-6384 or Chris Faherty at 203 435-1036.

How do I figure my annual Pensionable Earnings?

Your last pay stub will help you figure out what your pensionable earnings are for the year. Look at the year end contributions you have made to the MTA\DB Plan. Multiply this number by 100 and then divide by 3. That will be your pensionable earnings for that year.

For example:

2009 employees defined benefit contribution (3%) of wages: \$1500

Times \$1500 by 100= 150,000

Divide 150,000 by 3 and you get your 2009 pensionable earnings: \$50,000

Designation of Beneficiary

Included in our Defined Benefit Pension Plan there is a death benefit provision. In the event of your passing, while an active employee, the death benefit (up to 3 times your previous 12 months earnings) will be paid to whom you designate as a beneficiary or beneficiaries. The death benefit also exist for retirees but is calculated differently after the first year of retirement.



Important Paperwork

It has come to our attention, that some members and retirees have not filed a **Designation of Beneficiary form**. In an instance where no beneficiary is designated, the death benefit is paid to your estate. In this case, if there is no will it will have to be probated through the courts. In addition, all outstanding debts are satisfied and the balance is distributed to petitioners of the Estate. Having your death benefit distributed by the courts is usually a long and costly process. If a death benefit is paid to your designated beneficiary that individual or individuals are not obligated for your outstanding debts and the benefit does not become a part of the estate. It is imperative that you have a **Designation of Beneficiary form on file with the MTADB office**. If you have a life changing experience (marriage, divorce, birth of a child, etc) update you beneficiary form. If you don't remember if you filed one, you can call the MTADB office @646-376-0123 for forms. In never hurts to update and verify the form has been filed.

Special thanks to Joe Lindenberg for staying on top of this issue for all ACRE members and following up with this information.

www.GoACRE.com



Log onto the craft links at www.GoACRE.com for access to our latest crew book, relief day slip, deadhead mileage forms, qualification slips, employee benefits summary, railroad retirement annuity estimate requests and much more. In addition, join the hundreds of ACRE members receiving regular e-mail updates from our union. A few members have reported that they have stopped receiving e-mail updates. The majority of these members have Yahoo e-mail accounts which are mistaking our mail for spam since there are hundreds of recipients. If you are experiencing this difficulty, go to your on-line e-mail settings and insert pholland5@aol.com as an address you will always accept e-mail from. Contact Paul Holland pholland5@aol.com or (203) 948-5067, if you would like to be added to the e-mail list or if you are having any problems.

ACRE 1

ARBITRATION NEWS

We received two decisions from our most recent meeting with Arbitrator Josef Sirefman of Special Board of Adjustment 1154. The awards are summarized below. Our next hearings are tentatively scheduled for October 13, 2011.

AWARD 29

Appellant had received discipline of one-day actual suspension for failure to utilize a TIM during revenue collection. Appellant held a job with a short turn in GCT that prevented him from obtaining any training on the TIM. He had contacted the carrier on several occasions still no one scheduled him for training. Carrier officials on the other hand assumed appellant had received training and was simply avoiding using the TIM.

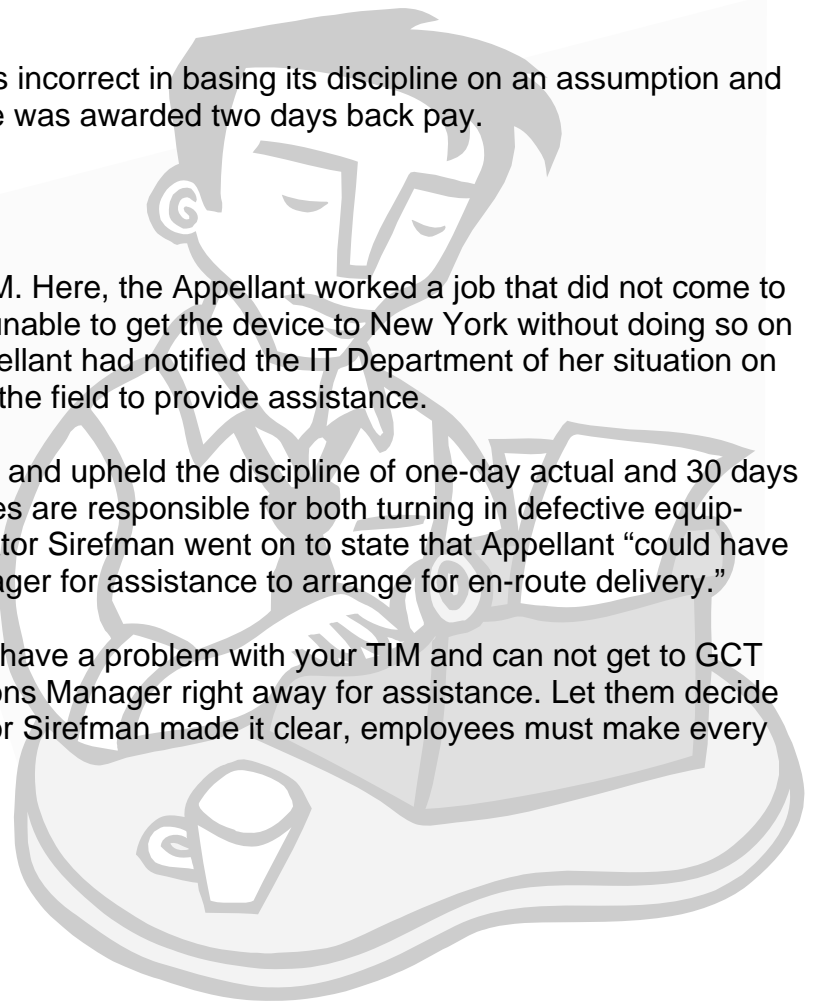
Arbitrator Sirefman ruled that the carrier was incorrect in basing its discipline on an assumption and found appellant not guilty of the charges. He was awarded two days back pay.

AWARD 30

This case also involved the non-use of a TIM. Here, the Appellant worked a job that did not come to GCT. Her TIM malfunctioned and she was unable to get the device to New York without doing so on her rest day or before the start of work. Appellant had notified the IT Department of her situation on several occasions but no one was sent into the field to provide assistance.

The arbitrator ruled in favor of the Company and upheld the discipline of one-day actual and 30 days deferred suspension. He held that employees are responsible for both turning in defective equipment and retrieving it when repaired. Arbitrator Sirefman went on to state that Appellant "could have made efforts to contact the operations manager for assistance to arrange for en-route delivery."

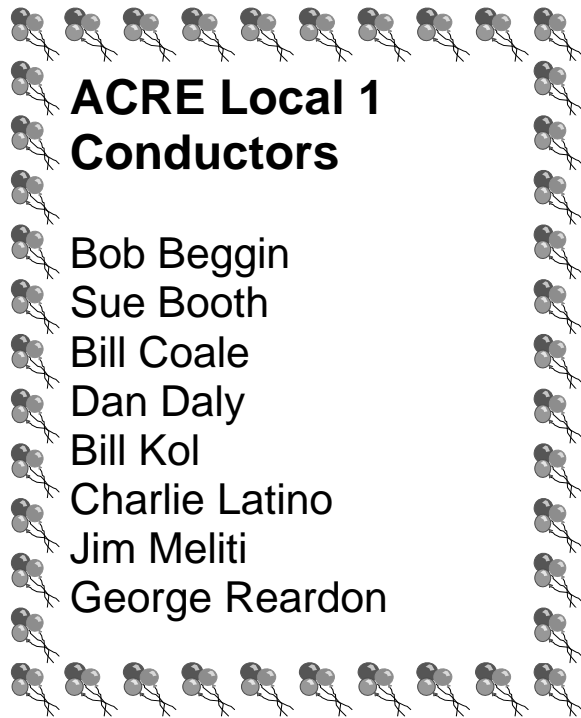
It is clear from this decision that should you have a problem with your TIM and can not get to GCT for repairs make sure you notify an Operations Manager right away for assistance. Let them decide the proper course of action to take. Arbitrator Sirefman made it clear, employees must make every effort to return and pick-up their equipment.



All the best to the following members who have retired recently

ACRE Local 9 Engineers

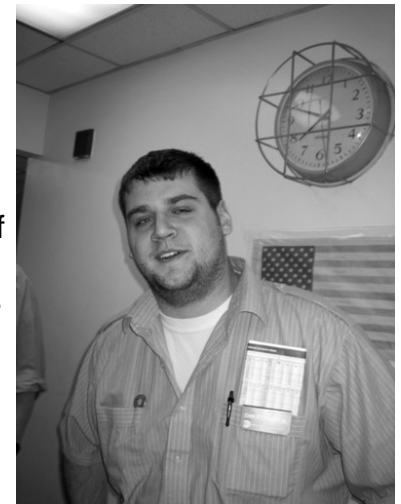
Joe Mastro
John White
Les Ziolkowki
Kieth Roberts
Willy Barrett
Charlie Marallo
John Debellis
Chuck Hanlon
Mike Maxwell
Mike Lally
Frank Anselmo
John Dunford
Bobby Fuchs
Jack Manning
Charlie Vreeland
Ken Meling
Errol Nelson
Joe Reilly
Charles Sauer
Cliff Scott
Bobby Scott
Matt Treasure
Artie Smith



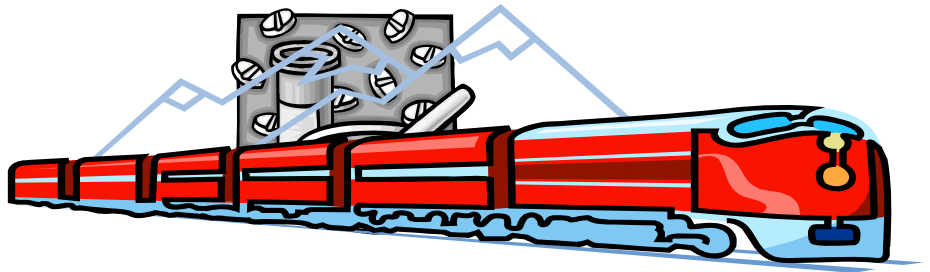
ACRE Local 9 mourns the passing of:

**Bobby Shand &
Gene Ward**

ACRE Local 1 mourns the tragic passing of Chris Brink. Chris was one of our younger members yet his memory will live with us forever.



Banned Prescription Drugs



In keeping with its mandate to place the highest priority on safety and security, The Federal Railroad Administration (FRA) has begun a crack-down on the use of certain prescription drugs while performing service. A list of prescription drugs which preclude you from performing service is available on our website at www.GoACRE.com/Conductors.htm.

If you are seeing a physician who recommends a treatment plan which includes prescription or over the counter medications it is important that you make them aware of the FRA's program. Ask them to examine the list of banned substances to insure you will not be in violation of the federally mandated regulations. In the event you or your physician are not sure they can call Angela Pitaro at the Medical Department at [212-499-4725](tel:212-499-4725) or 4720.

Unfortunately, the FRA's enforcement program has resulted in some employees being removed from service. Once removed employees will not be permitted to return until such time as there are no traces of the medication in their system. If you are currently taking a prescription that is on the list of banned medications it is highly recommended that you seek the advice of your physician for an alternative medication.

The FRA continues to crack-down after a series of accidents where banned prescription drugs were found in the employees' systems. As a result, transportation departments all over the nation have been left with no discretion in allowing employees to work even if there are only small traces of banned medications in the employee's systems. Until such time as the FRA and the Department of Transportation allows the carriers some discretion in applying these regulations we advise everyone to please consult with their physicians in the event they might be taking a banned substance.

All safety sensitive employees are responsible for notifying the medical department of any medical condition or medication they are taking that could affect their performance or appears on the list of banned substances. This is especially true for any mood altering drug or narcotic. Should you have any questions please don't hesitate to call the union office.

Mark Occhipinti wants to thanks everyone for the support they showed his family through the raffle. Special thanks to Engineer James Fahey, Conductor Doug Mullin and all the members who helped out.

We want to thank the following people who have dedicated their time to help in the office. Without their help we could never provide you with the level of service we pride ourselves on each and everyday. Our heartfelt thanks to all of them; Carol Kirner/Wilkinson, Pete Paglia, Chris Faherty, Dennis Richardson, Pete Whyte, Robert Slanzi, Doug Mullin, Anthony Aprea and Ed Valente.

Qualifications for Occupational Disability Pension and Total Disability Pension Annuities from Railroad Retirement

RR Total & Permanent Disability:

Qualify at any age, when you are PERMANENTLY disabled for “all regular work”, have at least 10 years (120 months) of credited railroad service. If you have 5 to 9 years and 5 of those years are after 1995, you may qualify for Tier I only if you also meet Social Security earnings requirements.

RR Occupational Disability:

At any age if you have 20 years (240 months) of credited railroad service or at age 60 and older with 10 years (120 months) of credited railroad service; when you are PERMANENTLY disabled from **your regular railroad occupation (conductor, signalmen, engineer, yardmaster, RTC, Power Director etc)**. You also need a current connection to the railroad to qualify.

Medicare Benefits and Total Permanent Disability

For most of us, we will enroll in Medicare at age 65. But if you are out on disability and under age 65 and ruled to be permanently disabled within 30 months after your approved you will receive enrollment forms for Medicare Plans Part A, Part B. When you receive your enrollment paperwork from Railroad Retirement you must enroll in Medicare. Even though you still have the Empire plan, Medicare will be your primary insurance and the Empire plan will become your secondary insurance. The Empire Plan will still be the primary plan for your family. If you do not enroll in Medicare you will create a hole in your medical coverage leaving you without coverage when you will need it most. **You must enroll in Medicare, if you don't the Empire Plan or your HMO will not pay your medical bills. There is a monthly premium associated with enrolling in Medicare. However, it will be refunded to you by Metro North, nullifying any cost to you.**

If you have any questions please call ACRE Pension Officer Chris Faherty, in the union office or on his cell phone at [203-435-1036](tel:203-435-1036).

Members who have activated their password on www.MTABSC.info can view the net amount payable to you in your upcoming paycheck

Log in

Click on EPAY

Click on View Paycheck



**Dr. Rene Horvilleur is
our recommended
Dentist and is located in
the Graybar Building**

Tax Relief

The Tax Relief Unemployment Insurance Reauthorization and Job Creation Act of 2010, recently passed by Congress and signed into law by President Obama will result in higher net "take home" pay for our members in 2011. The Act provides a reduction of 2 percentage points in social security taxes paid by employees. Railroad retirement benefits are divided into two tiers, with tier I being equivalent to social security benefits. As a result, the tier I tax rate on railroad employees will drop from 6.2 percent to 4.2 percent during 2011. Employees will continue to pay a 1.45 percent tax for Medicare hospital insurance. The maximum amount of earnings subject to the new rate of 4.2 percent remains at \$106,800. There is no maximum on earnings subject to the 1.45 percent Medicare rate. The employer tier I tax rate remains 7.65 percent.

For a railroader making \$70,000 a year, the payroll tax reduction will put an extra \$1400.00 in your pocket, while members making the maximum taxable amount of \$106,800 will take home an extra \$2136.00 in 2011.

In an effort to protect Railroad Retirement, the Act also provides for the transfer of money from the government's general fund to one of the trust funds from which the Railroad Retirement Board (RRB) pays benefits, in an amount equal to the revenue lost in 2011 due to the reduced payroll tax rate. Unlike Social Security, Railroad Retirement is very sound financially.

How Do I Join

Join by simply completing this ACREPAC membership form and returning it to the union office or by mailing it to: **ACREPAC, 420 Lexington Avenue, Suite 215, NY 10170**

Name _____

Address _____ City _____ State _____ Zip _____

E-mail _____ Craft _____ Employee # _____

I authorize a Monthly payroll deduction in the amount of:

\$2.00

\$5.00

\$10.00

Other

Signature _____

Relax



On September 2nd we officially moved into our new Train/Engine crew facility. While there are some odds and ends to take care of the facility is beautiful, clean and a refreshing change from the past.

The cost of constructing this facility will reach close to twenty million dollars and we thank all our friends in the state, especially Metro President Howard Permut, who never waived in his support for the project. Our search for a new facility presented numerous road blocks. If it was not the economic state of affairs at the MTA, it was a state senator or a special interest group trying to block the funding of the facility. We cannot thank enough Legislative Rep Ken Curry, General Chairman Mike Doyle, and General Chairman Anthony Bottalico, for their commitment to seeing this project to completion. We also want to thank Local Chairperson Martha Harvell, Treasurer Mark Amorello, Leg Rep John McBride, VP Mike Belluco, President Mike Shaw, Doug Mullin, Pete Paglia and everyone else who contributed and helped make this a reality.

We ask everyone to please respect this facility and make every effort to keep it clean and safe. Should anyone have any questions or concerns please don't hesitate to call the union office. The grand opening ceremony is scheduled for September 14, 2011. We look forward to seeing everyone there.



This newsletter would not be possible with the contributions of the following officers and we cannot thank them enough Mike Doyle, Paul Holland, Mark Amorello, Joe Lindenberg, Ken Curry, Chris Faherty and Anthony Aprea.



This year In an effort to assist and educate all ACRE members with the new BSC, we assigned Local 1 Trustee Anthony Aprea to assist everyone and to identify glitches in the BSC 's administrative functions.

Anthony has been very successful in identifying many problems. As a result of his due diligence, FMLA and Met Life Short Term Sickness Applications have been moved back to Metro-North for handling.

Please continue to call him and seek his help if necessary. The BSC is the gorilla of all Bureaucracy. And we must all be diligent with all our dealings with them. Please provide Anthony with as much information as possible (BSC reference numbers, dates, forms filed etc). Anthony will continue to report back to the Executive Board each day on his experiences with the BSC and the BSC Website.

Anthony can be reached on his cell phone at [914 447 8463](tel:9144478463) or on-line at anthonyaprea@gmail.com

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