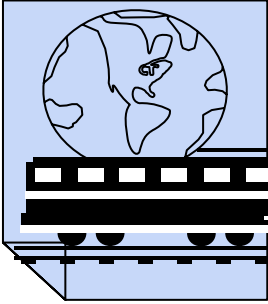


**“Moving the People who Move the World”**



# ACRE

**WINTER 2012**

**A Publication for the Members of ACRE**

## Collective Bargaining

### **Parties Agree to Press for a Negotiated Settlement**

On December 28, 2011 ACRE Representatives met with incoming MTA Chairman Joseph Lhota to discuss areas of common concern as well as the current round of collective bargaining. Chairman Lhota assured ACRE that he was here to work with all Organizations throughout the entire MTA family in an effort to address the serious issues facing the MTA. Both parties expressed our desire to reach a negotiated settlement during this difficult round of collective bargaining. ACRE made clear that our position is tied to the MTA recognizing that agreements reached during the last round of negotiations at the Transit Authority that transcended our current contract need to be reconciled in order for us to consider any negotiated agreement. We discussed other state employee settlements and the austerity measures attached to them under the threat of massive layoffs. Threat of layoffs are not applicable to the circumstances confronting any negotiated settlement at the Metro-North.

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**ACRE Scholarship  
Fundraising  
Dinner Dance  
Back Cover**



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## **Negotiated Settlement**

ACRE expressed our belief that a negotiated agreement was in the best interests of both parties but in any negotiated agreement both parties needed to come away from the process feeling like they secured a fair deal. Chairman Lhota assured us that resolving this round of bargaining was high on his priority list and that he would be reaching out to us shortly after his confirmation to begin serious discussions in an attempt to reach a settlement. We also informed the Chairman that we are in the process of moving forward under the Railway Labor Act with the MTA Labor Council in requesting mediation services from the National Mediation Board. This request will begin a process leading to two Arbitration Panels under a Presidential Emergency Board. Although this path would be a difficult journey for both parties it could eventually lead to a strike which each of us agreed is not in either party's interest. We ended our conversation agreeing to do everything in our ability to avoid that outcome and to seek a negotiated settlement. From all that we have learned about Chairman Lhota, as well as our firsthand impression, we believe that he is someone of integrity who will be able to find common ground with ACRE on resolving the issues before us.

We will keep you informed as the process continues to move forward.

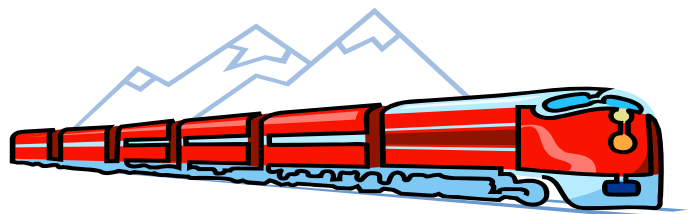
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## **“Toothless” Transit Lockbox Legislation**

It is becoming readily apparent New York State Governor Andrew Cuomo is no advocate of mass transit in the metropolitan area. A special legislative session to address the Governors Tax Reform Bill was held December 7, 2011 in Albany. The Bill was passed by both chambers of the NYS Legislature and signed by him shortly thereafter. Buried within the plan was the stripped down version of the Transit Lockbox Act of 2011(A.6766/S.4257), a bill that had been sitting on the Governors desk for six months. The bill had been so eradicated from its original version that it effectively served as a veto of the bill on the part of the Governor. In the bills original form was a provision titled the “diversion impact statement” or what we will appropriately call the “DIP.” The DIP made it clear that in the future certain criteria must be met before the Governor can utilize funds designated for the MTA, and divert those funds to other interests concerning the NYS budget.

The DIP would have forced all future New York Governors to definitively expose through a public statement what services would be cut, what impact on fare structures could be expected and what reductions concerning maintenance and security would occur as a result of any monetary diversion from funds dedicated to the MTA. This along with other requirements had to be accomplished before any raid on MTA funding could be achieved. Not a comfortable position to put yourself through politically. Continued on page 3.....

**“We certainly hope that these sources are not on the backs of labor.”**





Continued from page 2.....

With the new Tax Reform Bill slammed through (included was a partial repeal on the payroll tax that helped fund the MTA), all the Governor needs to do is declare a "fiscal crisis." Announce he needs 100 million or so from the MTA budget to be diverted to the NYS general fund and then threaten both chambers of the NYS Legislature to put his proposal through or he will not pass the NYS budget. He then informs the MTA they will be underfunded by another 100 million and that the agency can figure out how to make ends meet. Sound familiar, it is exactly what we have gone through since 2008.

In light of the \$320 million he acquired by diverting designated funding of the MTA, Governor Cuomo should have signed the Transit Lockbox Act in its original context going forward. The Governor claims that they will acquire the \$320 million through "alternative funding sources." We certainly hope that these sources are not on the backs of labor.

On a positive note, Assemblyman James Brennan and State Senator Marty Golden vow to reintroduce the bill in its original version as they had sponsored it.

# ACRE PAC FUND

The ACRE Political Action Committee Fund (PAC Fund) is one method of involvement you as a union member have a legal right to participate in. ACRE is encouraging all members to contribute to the ACREPAC Fund. The PAC Fund was established to aid elected state and federal representatives who support legislation that best interests us as labor union members. It also helps these same elected officials to prevent the passage of legislation being promoted by republicans to crush public sector labor unions. The proof is in their actions in Wisconsin, Indiana, Michigan and Ohio.

The current atmosphere of blaming and targeting public sector labor as the reason for all the financial deficits by the states is dishonest at best. But it has not stopped the current republican party from doing just that. By contributing to the PAC Fund you will be giving ACRE the strength to support representatives who will fight for issues regarding our safety and our rights to collective bargaining. **Contributing \$10, \$5, or \$2 a month is a small price to pay in return for protecting your retirement plan, insurance coverage, future earnings and most important our right to collectively bargain.**

Many members have asked the question "Why do I have to donate separately to the PAC Fund?" By law ACRE is not legally permitted to use money from union dues for our PAC Fund. ACRE can only use the money you contribute directly to the PAC Fund. The money you donate will be solely used to maintain the PAC Fund. A healthier PAC Fund means a better and more secure future for you and your family!

We have attached the forms below and look forward to your participation. Don't wait until they take our rights, contribute today. **PAC Form page 19.**



**U.S Transportation Secretary Ray LaHood continues his campaign to stop distracted driving by enforcing the rule that 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!

## Conductor Q&A

As of January 1, 2012 the federal Railroad administration will now regulate anyone working as a conductor on a class I or II railroad. With the new law comes many questions and consequences should conductors not abide by the mandated regulations. Below are questions and answers to help simplify the new regulation and how it could potentially affect you. Should anyone have any further questions please call Dennis Richardson at the union office 212-599-5856. He will answer any questions you might have and if necessary do the required research to answer your question or concern.

### **Conductor Certification- Q and A**

**Q.** When will Conductor certification actually become effective and how will it initially be done?

**A.** If you are authorized by the railroad to perform the duties of a conductor as of January 1, 2012 you are automatically certified. No later than June 1, 2015 every conductor initially certified must pass the required tests and meet the physical requirements and other qualifications set forth in the regulations.

**Q.** Will I be issued a certificate and do I have to carry it?

Continued on page 5.....

**Conductor Q&A** continued.....

**A.** Yes, all certified conductors must be issued a certificate by March 1, 2012. Every conductor must keep the certificate in his/her possession while on duty and display the certificate upon request of the FRA or other officials.

**Q.** Can I work if I forget my certificate?

**A.** No. You will not be allowed to work if you don't have your certificate. However, each terminal operations manager will have temporary certificates in the event you forget or lose yours.

**Q.** What if I am called to perform conductor's service that I am not qualified for?

**A.** Any conductor who is called for service which would cause the conductor to exceed his/her certificate limitations, such as not being qualified on the territory for which called, shall immediately notify the railroad that he/she is not authorized to perform the service and it shall be unlawful for the railroad to require such service.

**Q.** Will the railroad be required to provide training before I am required to take the test?

**A.** Yes. The regulations require that the railroad design a training program and each conductor must complete the training program before testing, (see below for details of the program).

**Q.** What must a conductor do to pass re-certification?

**A.** Prior to June 1, 2015 every conductor will have to pass the required background drivers license scrutiny for DUI; pass the required and expanded rules test; pass the required vision and hearing tests; and be free of any substance abuse disorder.

**Q.** Will the railroad be reviewing my driving record?

**A.** Yes. Every conductor must consent to have his/her driving record provided to the railroad. The railroad will review the driving record for any state action taken related to operating a motor vehicle under the influence or for refusing to undergo testing for driving impaired. The railroad shall not consider driving incidents that occurred prior to January 1, 2012. Does this mean I have to report if arrested for DUI, DWI etc? Yes any arrest must be reported within 10 days of the arrest. This policy has always been in effect with Metro North and will be enforced more vigorously now that certification is here.

**Q.** Do the regulations require that my work be monitored by the railroad?

**A.** Yes. The regulations require that the railroad shall have a program to monitor the conduct of its certified conductors by performing unannounced operating rules compliance tests. Compliance tests must be done at least annually for all conductors.

**Q.** What are the penalties for rules infractions?

Continued on page 6.....

**Conductor Q&A** continued.....

**A.** The regulations provide eleven categories of rules violations for conductors with varying penalties. A complete list of rules violations is too long to list but will be made available to each member in the near future. What you should all remember is that any major operating rule violation effecting train movement is de-certifiable and will most likely cause the railroad to pull your license. For instance, a red signal violation requires a minimum of 30 day license suspension. However, the railroad is not precluded from issuing even greater discipline than mandated suspension period.

**Q.** Do I have to be certified if I'm retiring soon?

**A.** Any employee who has signed an "intent to separate" form and is planning on retiring by June 30, 2012 will be exempt from certification.

**Q.** What does the certification program consist of?

**A.** The current training module is 3 days with three different Blocks of training. Each Block will consist of a combination of the following: Operating Rules with Re-cert components, Air Brake Instruction (MN401), Right to Know, Customer Service and Team Training, Federal Regulations, Fatigue Awareness and possibly MTA Advanced Security. Be advised, all employees will be tested on a portion of our signal system and they must pass. The program will include physical examinations at some juncture. Please be aware, the program is evolving and is subject to adjustment based on the FRA review of the company's program and all of it's components. We will keep you posted on all changes.

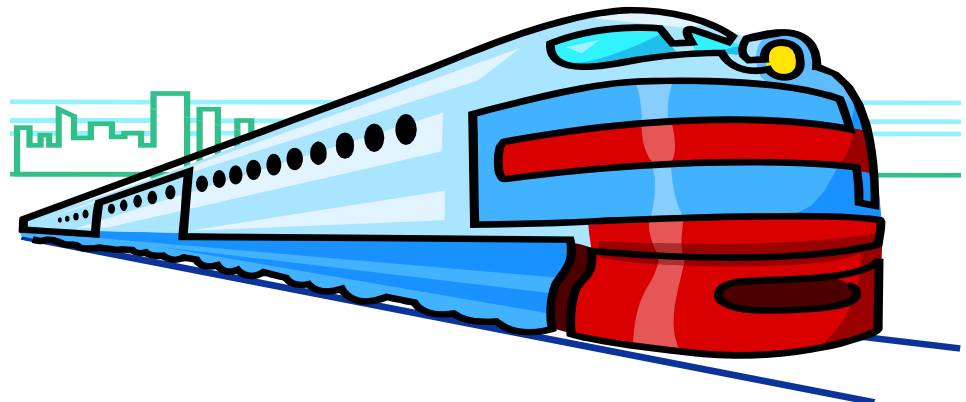
**Q.** How will I be notified to attend the re-cert training?

**A.** The Crew Management Office will now give everyone a minimum of one week notice to attend. All notifications will be by broadcast message that must be acknowledged by the employee. While the minimum will be one week to be notified by Crew Management, they will make every effort and give notice a month in advance. So please pay attention to your broadcast messages and mark your notice of training down in your calendar.

**Q.** Will conductors be paid for certification?

**A.** Certification pay is negotiable. To that end, we have served a Section 6 on the railroad demanding an additional 20 minute straight time arbitrary for certification. We will not sign any agreement that does not address this issue.

We will keep you informed as these issues progress.



# Business Service Center

On January 6, 2012 ACRE had a meeting with the new MTA Business Service Center (BSC) Senior Director Diana Beecher. In our meeting with Ms. Beecher, we expressed the ongoing issues that many ACRE members are having with the MTA BSC. The BSC has been up and running for one year and while we have been successful in reducing the number of issues we faced over the year, problems with union dues, human resources, benefits and retiree services still linger. Below are some of the issues we addressed at the meeting and a timetable for resolution;

Employees don't receive a confirmation fax/email/text after sending forms to BSC via fax or email; **New software is being tested right now that will provide confirmation for all paperwork faxed or e-mailed to BSC. Hopefully by the fourth quarter of this year it will be implemented. In the meantime please keep your fax confirmation and copies of everything you send to the BSC. In addition, when sending any forms to the BSC make sure you include your BSC ID Number on the top of every form.**

Request for a verification of employment should be processed and delivered to the employee faster; **A new fix was implemented this week that should speed any request for a verification of employment. We are testing it right now. Should be working within a month.**

Many retirees have reported a long lag time for reimbursement of medical premiums for spousal coverage after the employee reaches 65 (Medicare qualified) and the spouse is less than 65; **We should see dramatic improvements for our retirees on this matter within 60 days. The BSC has instituted a new process at their offices and it appears to be working better.**

Auto mileage reimbursements need to be designated by month on the employees paycheck; **The BSC is attempting to insert a new field and then test run it over the next few months. We hope to see it in effect by the third quarter of this year, if not sooner.**

We have requested the BSC have all forms and informational packets sent out to potential retirees before they retire, not after; **This will provide the employee with all the tools needed for a smooth transition into retirement. Not to mention remove the anxiety associated with separation from the railroad and making sure all benefits are not interrupted.**

The MTA has finally agreed that the following must be a priority in 2012; **Beginning in the fourth quarter of 2012 but no later than the first quarter of 2013 all employees will be receiving an annual statement detailing their service credits, death benefit, and FAS. The one item everyone should receive in the next few months is a separate statement detailing their service credits. This will aid those members contemplating retirement this year and in January of 2013. Should anyone need an estimate please call Pension Officer Chris Faherty at the union office (212) 599-5856 and he will make arrangements to secure you an accurate estimate.**

If you experience any of these or other problems with the BSC please call or e-mail me at 914-447-8463, [anthonyaprea@gmail.com](mailto:anthonyaprea@gmail.com).

# NEWS ON THE PENSION FRONT

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If you missed it in the newspapers in October 2011, eleven people on the Long Island Railroad (LIRR) were arrested on alleged fraud charges involving alleged phony disability claims. Seven former LIRR employees, a former union president, two orthopedists and a Federal Railroad Retirement official were arrested by the FBI for their alleged involvement in this massive scheme. LIRR employees retired early collecting an MTA Pension then applied for a RRB disability annuity.

**What does the LIRR fraud scheme mean to a railroad employee who files a disability application with the Railroad Retirement Board?** If railroad worker has a legitimate disability claim they can look forward to a favorable ruling by the medical review board. However, the Railroad Retirement Medical Review Board will be examining applications for the potential for the same type of fraud that existed at the LIRR. The circumstances at the LIRR does not exist here. However, the spotlight will be shined on every occupational disability application that the Railroad Retirement Board now receives.

**Who wants to work for free, you just might be doing it now?** If you have 360 service months with RRB and are turning 60 years of age or older you may be working for nothing or next to nothing. If you are in your golden years please contact the ACRE pension office and let us run your pension numbers with the MTA Defined Benefit Plan and RRB. Then you can make a smart and informed decision about the rest of your life on or off the railroad. All we really have is time and the clock is ticking, so find out if staying is really worth it and give ACRE Pension Officer Chris Faherty a call (212) 599-5856.

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## ACRE Rail Open Golf Tournament

Saturday, June 2, 2012  
Whitney Farms Golf Club  
Monroe CT  
1:00 p.m. Shotgun Start

Our Rail Open has set the standard for railroad golf tournaments for many years. Whitney Farms is always in excellent condition and conveniently located off major highways. Join our members who range from near pro to first-timers for a great time of laughs, great food and camaraderie. The entry fee includes greens fees, lunch at the turn, beer, soda, snacks, fantastic freebies, a raffle prize ticket and a great dinner after the round.

For further information contact Mike Shaw at [Shaw@goacre.com](mailto:Shaw@goacre.com) or call our union office 212.599.5856

[www.whitneyfarmsgc.com](http://www.whitneyfarmsgc.com)



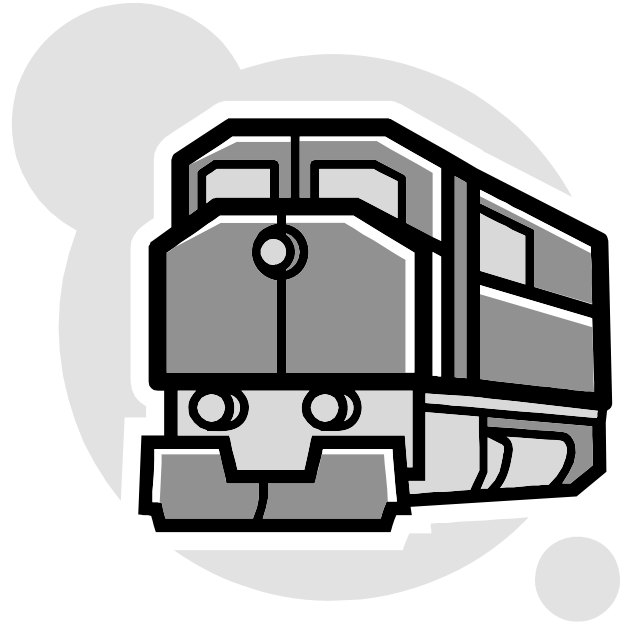
# Local Division 9 Locomotive Engineers

December 12, 2012

Listed are the members elected to office effective January 1, 2012:

General Chairman; Mike Doyle  
President: Michael Bellucco  
Vice-President: Bob Cimitile  
\*Secretary/Treasurer: Joe Lindenberg  
Alt Secretary/Treasurer-Mike Seger  
Legislative Rep: John McBride  
\*Alt Legislative Rep: Glenn Scanlon  
Local Trustee: Tom Potthast / Duncan Lee  
Executive Trustee: Adam Fodera / John DePalma  
\*Board of Appeals: Matt Mitchell / Matt Schiavi / Eddie Greico / Kevin Senior  
\*Alt Board of Appeals: Scott Wirges

GCT LC: Steve Donnelly  
\*Harlem LC: Tommy Cooper  
\*Hudson LC: John Potthast  
\*New Haven LC: Chris Lundy  
\*Guide: Leo Mariconda  
\* denotes unopposed



## INVESTIGATIONS

If you are scheduled to attend an investigation please contact Local 1 Hearing Officer Lloyd Fischbeck at 347-723-9397 or e-mail Lloyd at [ljfischbeck@optonline.net](mailto:ljfischbeck@optonline.net). Lloyd is now being assisted by Dennis Richardson. Dennis can be reached in our union office 212-599-5856 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.

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.

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 poor use of the members dues when the union has to represent you for remitting late.

# S c h o l a r s h i p



**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 be downloaded at our website, [www.GoAcre.com](http://www.GoAcre.com) or picked up at our union office.**

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 Anthony Aprea (212) 599-5856. Since the inception of our Scholarship Fund ten years ago we have given out well over \$110,000 in scholarships.

Special thanks to Anthony Aprea for coming forward and accepting the role of Chairman of the ACRE Scholarship Committee. We look forward to his fresh young thoughts concerning the success of the ACRE scholarship program. In addition, we would like to express our gratitude to Treasurer Mark Amorello and Local 1 President Mike Shaw for their continued dedication to the program. These two gentlemen have spent countless hours of their personal time to ensure the program would attain its goals. Their experience will prove invaluable to the new Chairman of the committee. And last, but not least our heartfelt thanks to General Chairman Anthony Bottalico and General Chairman Michael Doyle whose dedication to supporting our efforts make this all possible.

# Elections Results for Power Directors Division 137

**Ballots for 2011 election were tallied and the results are as follows:**

General Chairman Joe Savio

Secretary Treasurer Jeremy Davis

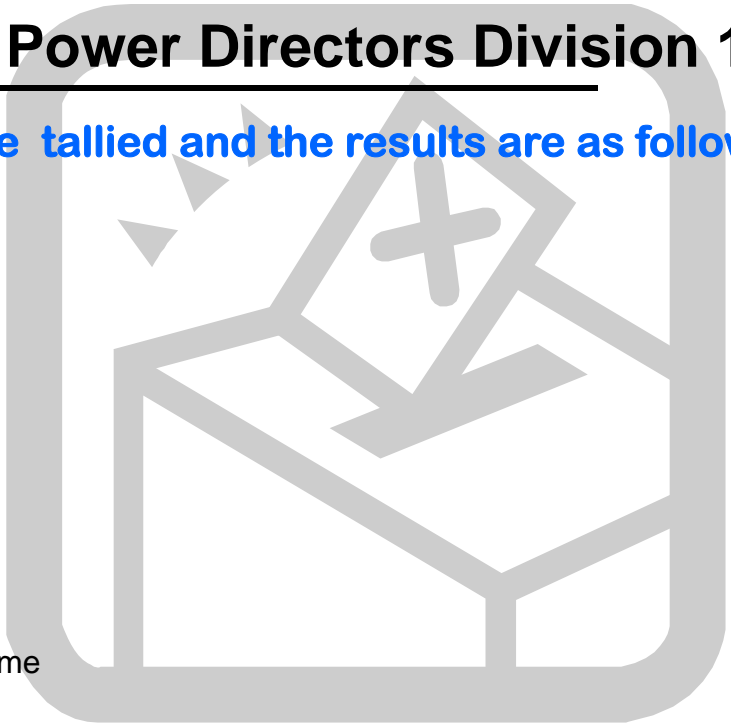
Office Chair Ed Frawley

President Rich Reynolds,

Vice President Keith Munro

Trustees Bill Borell and Nick Galotti,

Legislative Representative Anthony Loverme



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## Applying For the Family Medical Leave Act (FMLA)

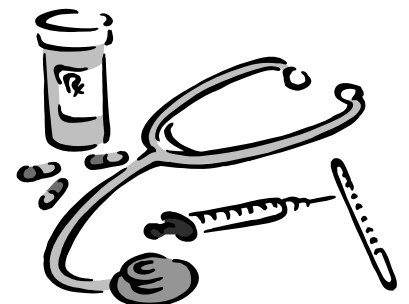
The FMLA certification of health and care provider portion (your doctor or your family member's doctor's description of medical condition) and the employee information part must be sent or hand delivered within 15 days from the date you are off, to the Metro-North Occupational Health Services Department (OHS) at the following address:

Administrator of Health Services  
MTA Metro-North Railroad Occupational Health Services Department  
420 Lexington Avenue, 22nd Floor  
New York, NY 10017

**PLEASE REMEMBER: Have the application signed by a supervisor before sending it to OHS.**

If you have any questions concerning the status with OHS please call Angela Pitaro at extension 4725 or 212-499-4725.

If anyone needs help navigating the process or with the forms please call the ACRE Office or email Anthony Aprea at: [Anthonyaprea@gmail.com](mailto:Anthonyaprea@gmail.com)



**Thank you to all of our candidates for caring enough about our members and organization to run for office in ACRE Local 1.**

**The results of the tabulation of ballots is;**

**New York Legislative Representative**

Anthony Aprea 402 ELECTED  
Robert Slanzi 195

**Executive Trustee**

Peter Paglia 492 ELECTED  
Doug Mullen 369 ELECTED  
Michael Bernard 282

**Local Trustee**

Edward Valente 468 ELECTED  
Jason Macaluso 382 ELECTED  
Alex Bauco 294 ELECTED  
Peter Whyte 293  
Diane Sullivan 237

**In addition, we congratulate the following members who ran unopposed and were declared elected on the date of tabulations.**

**General Chairperson**

Anthony Bottalico

**Local President**

Michael Shaw

**Vice-President**

John Mancinelli

**Local Secretary**

Paul Holland

**Treasurer**

Mark Amorello

**Arbitration & Appeals Officer**

Andrew Steimle

**Board of Appeals**

Carol Kirner 509 ELECTED  
Mark Wurtmann 423 ELECTED  
Robert Lafreniere 382 ELECTED  
Art Roosa 339



**Local Chairperson/GCT**

Dennis Perri

**Local Chairperson/Harlem**

John Scalabrini

**Local Chairperson/Hudson**

Martha Harvell-Grant

**Local Chairperson/New Haven**

Ralph Sanzari

**Local Chairperson/Stamford**

Kirk Thomas

**Local Chairperson/Yardmasters**

William Quinn

**CT Legislative Representative**

William O'Brien

# ACRE SUCCESSFUL IN DEFENDING LAWSUIT BY DISMISSED EMPLOYEE

On December 16, 2011 US District Court Judge Thomas P. Griesa dismissed ex-employee Gina DeFrancesco's duty of fair representation lawsuit against ACRE. DeFrancesco was dismissed for insubordination when she refused to use a ticket-issuing machine (TIM) on the belief that the device emitted high levels of electro-magnetic radiation that interfered with her ability to become pregnant. Arbitrator Josef Sirefman of SBA 1154 upheld DeFrancesco's discipline on the grounds that the Carrier's TIM policy was reasonable and that her unwillingness to follow instructions and failure to accede to offered accommodations were sufficient reasons for dismissal.

In his ruling, Judge Griesa held that DeFrancesco failed to show that ACRE's representation was arbitrary, discriminatory, or in bad faith. He found that ACRE "zealously represented DeFrancesco throughout every stage of her proceedings, including filing an appellate brief on her behalf." Judge Griesa went on to state that ACRE officials acted rationally when making discretionary decisions concerning DeFrancesco's case and never acted in bad faith during the appeal process. This decision comes on the heels of another ruling in the Anthony Gigiletti case where the district court also dismissed the plaintiff's suit for an alleged breach of the duty of fair representation.

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## Railroad Retirement Taxes 2012

**Tier I and Medicare Tax.**--The railroad retirement tier I payroll tax rate on rail employees will be raised from 5.65 percent to 7.65 percent. Legislation enacted in 2010 provided for a temporary reduction of 2 percentage points in the social security payroll tax paid by employees that is currently scheduled to expire at the end of February 2012. The railroad retirement tier I tax rate is the same as the social security tax rate. For withholding and reporting purposes is 6.20 percent is the railroad retirement tier 1 tax rate and 1.45 percent is for Medicare. The maximum amount of an employee's earnings subject to the 6.20 percent rate will increase from \$106,800 to \$110,100 in 2012. There is no maximum on earnings subject to the 1.45 percent Medicare rate.

**Tier II Tax.**--The railroad retirement tier II tax rate on employees will remain at 3.9 percent in 2012 and the rate on employers will stay at 12.1 percent. The maximum amount of earnings subject to railroad retirement tier II taxes will increase from \$79,200 to \$81,900 in 2012. Tier II tax rates under the 2001 Railroad Retirement and Survivors' Improvement Act are based on an average account benefits ratio reflecting railroad retirement funding levels. Depending on this ratio the tier II tax rate for employees can be between 0 percent and 4.9 percent, while the tier II rate for employers can range between 8.2 percent and 22.1 percent.

# New Uniforms Ordered

For the past seven months we have met with railroad officials concerning our current uniforms. After many months of discussion, we are very pleased to announce in the fourth quarter of 2012 new uniforms will be delivered for conductors. We have done our very best to address the railroads right to the final determination on the style of the uniforms and our members preferences.

The new uniforms will consist of the following new improvements. We will now be receiving new button down cardigan sweaters, the color of our shirts will now be white for both summer and winter. In addition, we will be receiving all season jackets and pants that are much higher quality than the current material. We are very pleased with the cooperation we received from CTO Herrington and labor relations to address our quality issues on pants and jackets and the addition of the cardigan sweaters. Special thanks to Local Chairperson Martha Harvell, Trustee Carol Kirner and Local Chairman Kirk Thomas for their patience and help on this project.



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## Union Meetings Scheduled for ACRE Local 1

Here are the confirmed dates for all ACRE Local 1 Union meetings. The place of the meeting is at the Vanderbilt YMCA on 47th Street between 2nd and 3rd avenues.



<b>1/4/12</b>	<b>11/7/12</b>
<b>2/1/12</b>	<b>12/5/12</b>
<b>3/7/12</b>	<b>6/6/12</b>
<b>4/4/12</b>	<b>9/5/12</b>
<b>5/2/12</b>	<b>10/3/12</b>

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**The newsletter would not be possible without the contributions of the following officers and we cannot thank them enough; Anthony Botalico, Mike Doyle, Paul Holland, Mark Amorello, Joe Lindenberg, Anthony Aperia, Chris Faherty, Dennis Richardson and Martha Grant-**

# If you are leaving in 2013 read this.....

2013 is an important year for many of us. It marks the time when the first wave of members is eligible to retire with 30 years of vested service under the MTA Defined Benefit (MTADB) pension plan. Previously, retirees have retired with 30 years of service after buying their military time or vested service time from a qualified DB plan. Why is 30 years so important? Under our plan members can retire with no age reduction at age 62, with a minimum five (5) years of vested service. The age reduction is 3% per year from age 60 to 55. But, there is an early retirement provision that allows participants to leave with 30 years of service with minimum age of 55, with no reduction.



In short, you can leave with 60% of your final average salary! However, the optimum financial scenario for all of us is to retire from Metro-North and collect railroad retirement simultaneously. You are eligible to collect Railroad Retirement at age 60 provided you have 30 years of service. This annuity coupled with the MTA/DB pension makes for an extremely comfortable and lucrative retirement income.

Should you have designs on leaving with 30/55, and decide to continue working at a non-railroad job until you are eligible for Railroad Retirement, doing so could endanger future eligibility requirements under Railroad Retirement Board (RRB) rules. While you can work at another non railroad job, you must be mindful to maintain a “current connection” under the provisions of the RRB. Current Connection requirements can be confusing even to this writer so here is the rule as defined by the RRB and a question and answer:

**Under the Railroad Retirement Act, a “current connection with the railroad industry” is one of the eligibility requirements for occupational disability annuities and supplemental annuities, and is one of the factors that determine whether the RRB or the Social Security Administration has jurisdiction over the payment of monthly benefits to survivors of a railroad employee.** The following questions and answers describe the current connection requirement and the ways the requirement can be met.

1. How is a current connection determined under the [Railroad Retirement Act](#)?

Continued on page 16.....

To meet the current connection requirement, an employee must generally have been credited with railroad service in at least 12 months of the 30 months immediately preceding the month his or her railroad retirement annuity begins. If the employee died before retirement, railroad service in at least 12 months in the 30 months before death will meet the current connection requirement for the purpose of paying survivor benefits.

However, if an employee does not qualify on this basis, but has 12 months' service in an earlier 30-month period, he or she may still meet the current connection requirement. This alternative generally applies if the employee did not have any regular employment outside the railroad industry after the end of the last 30-month period which included 12 months of railroad service and before the month the annuity begins or the date of death.

Once a current connection is established at the time the railroad retirement annuity begins, an employee never loses it, no matter what kind of work is performed thereafter.

**2. Can non-railroad work before retirement break a former railroad employee's current connection?**

Full or part-time work for a non-railroad employer in the interval between the end of the last 30-month period including 12 months of railroad service and the beginning date of an employee's annuity, or the month of death if earlier, can break a current connection. Self-employment in an unincorporated business will not break a current connection. However, if the business is incorporated, self-employment may break a current connection.

Federal employment with the Department of Transportation, the National Transportation Safety Board, the Surface Transportation Board, the National Mediation Board, the Railroad Retirement Board, or the Transportation Security Administration will not break a current connection. State employment with the Alaska Railroad, as long as that railroad remains an entity of the State of Alaska, will not break a current connection. Also, railroad service in Canada for a Canadian railroad will neither break nor preserve a current connection.

In a nutshell, call the RRB and make sure that your plan of post MTA retirement employment will not endanger your railroad retirement at age 60 or any survivor benefits for your spouse. The number for the RRB 877 772-5772. if you need assistance please call Chris Faherty or Joe Lindenberg at the union office 212-599-5856.



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

## Thank you to all the members of our Entertainment Committee

for once again organizing our ACRE Rail Classic Golf Tournament! Our members thank our sponsors, including the law firm of Steve Kantor, Dr. Benja-Athon Massage & Acupuncture, Attorneys Cahill, Goetch & Perry & Healey Chevrolet of Poughkeepsie! Our members are strongly encouraged to recognize our sponsors participation by utilizing their services whenever possible.

Thank you to our bartenders, Dennis O'Keefe, Ryan McLaine & Andy McLellan. Thank you as well to Tina Knudsen who did a spectacular job as our event photographer. Congratulations to all our trophy winners including: 1st Place at 12 under par: Tony Bottalico, Tom Cooper, Roger Bauer & Pat Coyle  
2nd Place at 10 under par: Rich Knudsen and the team from Healey Chevrolet  
Closest to the Pin: Ken Wallace  
Longest Drive: Mike Lally.



## ACRE Rail Classic Golf Tournament 2012

Saturday, September 15, 2012

Casperkill Golf Club

Poughkeepsie, NY

12:00 Registration

Join us for a great time at our ACRE Rail Classic. Our New York Golf Tournament will be held once again at Casperkill Golf Club, in Poughkeepsie, New York. Casperkill was formerly the IBM Country Club and is located just minutes up Route 9 off I84 Exit 13N. This beautiful course provides an enjoyable and challenging round for both experienced and beginner players. A great dinner will be provided as well as many prizes, giveaways & refreshments. Whether you have played golf for years or are just starting out, you are welcome to join us for a great time at our Rail Classic Golf Tournament.

For further information contact Mike Bellucco at [Bellucco@goacre.com](mailto:bellucco@goacre.com), Pete Paglia, Doug Mullen, John McBride, Jeff Rocke, Bob Cimitile or call our union office 212.599.5856

[www.casperkillgolf.com](http://www.casperkillgolf.com)

**Don't miss our many local division events including the local division 113 picnic, local division 1 & 9's GCT Holiday Parties and more!**

## Pay Issues

We will be having information meetings once we have concluded our talks with the railroad on all the pay issues that have arisen with the new Hours of Service law. The law goes into effect on April 12, 2012 and we hope to begin the meetings in late February early March. We will keep you informed.

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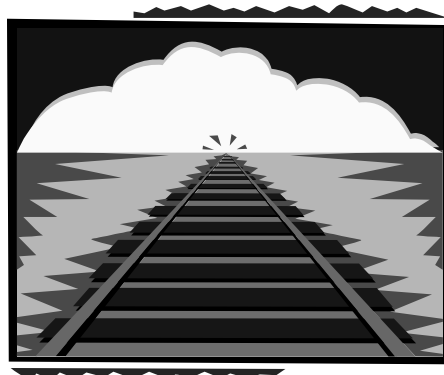
## Yardmaster\Asst Stationmaster (ASM) News

On Monday January 9, 2012 we met with Deputy Chief of Operations John McNulty and labor relations concerning issues that have arisen in the last few months. Most notably, the opening of the new Apple store at GCT. On the day of the grand opening numerous people in red tee shirts occupied\invaded the floor in GCT. They began directing people to the store and gave directions to many commuters using Metro-North. As a result, we believe the agreement of the ASM's was violated and claims were filed with the railroad. Should they be denied we will be progressing them to labor relations for conference between the director of labor relations and our committee. We want to thank ASM Ramon Occasio and Jay Vaught for bringing this to our attention and filing the claims.

The Bi-annual Pick will commence within the next few weeks for yardmasters and could easily be under way as this newsletter reaches you. We have adjusted some assignments to reflect a 5 day work week for GCT (eliminating the six day assignment). In addition, we have adjusted overtime for Brewster, New Haven and Stamford.

We are very pleased to announce we have been successful in securing a yardmaster position for Bridgeport. The position will be instituted in the 3rd quarter of this year. We also have a tentative commitment for a yardmaster position at Highbridge for first quarter of 2013. I want to personally thank General Chairman Anthony Bottalico who has fought with us to secure these positions and strengthen the future and existence of our crafts.

I will keep you all posted on these and other issues in future newsletters and or emails.



# The following members will be missed;

Robert Busk ~ Conductor  
Marcellus A. Edwards Sr. ~ Conductor  
Jimmy McDonnell ~ Conductor  
Nicky Kessel ~ Conductor  
Ken F. Mayer ~ Engineer  
Keith Roberts ~ Engineer



## PAC Form

### \*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 \_\_\_\_\_

**Saturday, March 3, 2012**  
**7:00 p.m. till Midnight**  
**Whitney Farms Country Club**  
**Monroe, CT**

# **Dinner Dance**

**Filet Mignon, Lobster Tails, Open Bar, H'ordeurves, Dessert, DJ, and good friends for just \$65 per person!**

The greatest minds were faced with a dilemma. Request that our members stop having kids or throw a party as a fundraiser for our Scholarship Fund. After very little debate, the party is on for March 3rd! Join us in the reception hall at Whitney Farms Golf Club for what promises to be another great get-together. Easily accessible to New York and Connecticut. Great food, excellent drinks and unbeatable camaraderie.

For information or reservations contact  
Mike Shaw at [Shaw@goacre.com](mailto:Shaw@goacre.com)  
or call our union office 212-599-5856.



Association of Commuter Rail Employees  
420 Lexington Avenue, Suite 215  
New York, New York 10170