

# NEWS by the ACRE



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**O**n June 6<sup>th</sup> and 7<sup>th</sup>, representatives from ACRE traveled to Washington for meetings with the House and Senate delegations who represent people living and working in the metropolitan area. During our meetings, the importance of the services we provide to the economy of New York and the nation as a whole was emphasized, as was our progressive approach to labor management relations. Our organization was warmly received. Most notable were our visits to the offices of Republican Representative Jack Quinn and New York Senators Charles Schumer and Hillary Clinton and Connecticut Senator Christopher Dodd. During the meetings, ACRE discussed topics that included the status of the railroad retirement bill, overall funding for mass transit, the economic legislation that was recently scuttled by the Republican leadership, the problem of violence in the transportation industry, and our flow back rights under the North East Rail Service Act. ACRE would like to thank New York State Assembly Majority Leader, Paul Tokasz and attorney Steven Kantor for their help in setting up the Washington conferences. Further meetings and discussions are planned for later this summer when our representatives are back in their home districts. Continued on the next page.....

## ACRE IS WARMLY RECEIVED



From left to right, Pat Kennedy, Steven Kantor, Mark Amorello, Representative Quinn, Jack Gaines and Tony Bottalico.

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# CAPITAL PROJECTS

**Highbridge Yard:** As a result of the East Side Access project which will allow LIRR trains into Grand Central Terminal, Metro-North will establish a new storage and service yard at Highbridge (CP 6 and 7). The project will take place in two phases and is currently in the engineering stage. The yard will have high level platforms and will be used to service and store equipment to offset the eventual loss of storage space in the Madison Avenue yard at GCT.

The current plan does not call for a fuel pad but the company does intend to store and fuel the diesel fleet at Highbridge. They are planning to refuel the diesels by using fuel trucks. The use of Highbridge yard will undoubtedly mean an agreement will have to be reached for the intermediate pick-up and drop-off of equipment by T&E employees. In addition the movement of LIRR trains into Grand Central Terminal (East Side Access) will also create some collective bargaining issues that the MTA and Metro-North will have to address. We have put them on notice requesting a meeting to discuss the issue in depth.

**Harmon Shop and Yard:** This project will repair and rebuild the existing diesel shop at Croton-Harmon. The project also calls for the redesign of the current yard. The diesel fleet will have its own complete service area at the south end of the yard (CP 33, Track 14 ) with e-cleaning and a new fuel pad. The project will be done in three phases. The first phase has begun (Old HM Tower removed) with a final completion date for the whole project sometime in 2006.

**Stations Along the Hudson Line:** This particular project has gone out for bid and should be awarded by September with construction to start by November. The project calls for the refurbishing and re-construction of all the stations from Morris Heights to Greystone. Morris Heights is the only platform that will be extended (by two cars, making it a four car platform). The project will take about 40 months to complete, ending sometime in the year 2005.

**Lower Harlem 3rd Track Project:** After years of planning and studies the construction of a third track between Mount Vernon and Crestwood will begin starting in July. The original plan to run buses instead of the normal compliment of trains has been scrapped and we are very pleased to announce that there will be minimal changes to the service schedule on the Harlem in July. The project will take a minimum of three years to complete and will require future service adjustments as the project progresses. When completed, the 3<sup>rd</sup> track should add greater flexibility for RTC's to route trains, thus relieving the congestion that has caused many delays in the past.

**New Haven Projects in Full Swing:** The New Haven Division is by far the busiest of all the divisions when it comes to major capital projects. The Connecticut Department of Transportation (CDOT) finally realized a major rebuilding of the infrastructure on this division was necessary to avoid major rail service disruptions in the future. With Connecticut facing a major threat to its economy from highway congestion, improved rail service has become the only viable option.

The projects that should dramatically improve and support the future growth of this division include the Center Island Project, Wire Project, rebuilding & redesign of New Haven yard, and the rebuilding of the many bridges, overpasses and road beds that exist on this territory. In addition, the re-habitation of the M-2 fleet will begin within the next year. CDOT has not done a complete overhaul of this fleet for over 30 years. The project has been put out for bid to outside contractors. The shop craft unions have challenged the contracting out of this work and demanded that this work remain with their crafts. The issue should come to a head in the next few months.

## THE SICK TIME ISSUE

Many of our members have received letters from the company concerning their alleged poor attendance and potential abuse of sick time. Over the past year, the company has apparently re-examined their previous approach to attendance and instituted a policy that more closely reflects their new concern for acceptable attendance. According to the carrier's statistics, they claim agreement employees use an average of 15.8 sick days per year while management employees use an average of 8.4 sick days per year. Of course we have challenged these statistics and have requested, under The Freedom of Information Law, the attendance records of all employees, agreement and non-agreement alike. The company has recently honored our request and we are now in the process of reviewing the statistics. Continued on the next page.....

To address sick time usage the carrier has established the following criteria for employees. If an employee has four separate occurrences of sick time usage within six months or three separate occurrences within 30 days, the employee will automatically receive a letter from the railroad. The letter both questions the employee's attendance record and also contains a veiled threat of disciplinary action should their attendance not improve. These letters have apparently been sent out without concern for the employee's health and without even a summary evaluation to determine whether or not there were extenuating circumstances that may have precipitated the sick time usage.

We have formally challenged the carrier on their policy, believing the sending of such a letter is arbitrary, capricious and a violation of the clear and unambiguous language of our collective bargaining agreements. Our sick time agreement was achieved through a very difficult contract negotiation and was intended to ease the burden placed on our members and their families when they are sick or their family members require medical attention. We will not allow either the language of our agreement or its application to be circumvented in any way. If you are sick, injured or are the primary care giver for a family member, continue to exercise your rights under your agreements.

While we are expected to report for work on a regular basis, the carrier also has certain obligations. They are required to provide us with a safe and secure work environment that contains adequate sanitary facilities for our health and well-being. They are also required to institute policies system-wide without discriminating against certain classes of employees. The carrier's activities in this regard are being examined as we address their sick time usage policy.

During the time we are handling this issue with the company and you happen to receive one of these sick time letters, make sure you call the Manager of Absence Control, Ms. Brown, at extension 2010 and inform her of the circumstances surrounding your sick time mark-offs. Please record the date and time you call her. Furthermore, be advised that while you see Ms. Brown's name on most of these letters, she is not the person heading the program. You should not bother to engage her in a prolonged discussion, nor should you attempt to defend yourself to her. Merely make your explanation and allow your representatives to deal with the person who has been placed in charge of the program, Mr. Jim Demilt.

Again, we fought long and hard for our sick time agreement and we will continue the fight to insure our members' rights are protected.



*"I don't use anesthetics anymore. I just give them an estimate of their hospital bill."*

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## Editorial View

by Vicki Flanagan

As one of the members who has received a letter for excessive absenteeism, I thought it only fitting that I express my viewpoint on the matter of sick time. My first thought is on the number of days it takes to qualify to receive a letter (see sick time article). Could they have derived that amount from the number of average days a management employee took off (8.4)? If so, then why did the company agree to 12 sick days a year in our contract in the first place? Did any of the management employees who took off more than the allotted amount receive letters or have any of them been disciplined? How many management employees work at a different desk everyday or four different desks a day as we engineers do? How many management employees handle thousands of dollars from hundreds of different people every day as the conductors do? Compounding the problem is the fact that there is no clean place to wash your hands or go to the bathroom while on the road! Germs, germs and more germs! How many management employees work nights or get up at one, two, or three in the morning to go to work? How many management employees are away from home 13 hours at a time and are on call five days a week never quite sure when to sleep, waiting for the phone to ring for the next shift! Yes while it is our duty to report for work, it is not foremost in the scope of our duties! Safety is! We must be very alert at all times while we perform our jobs. Our jobs are unique in many ways. I know that when I'm sick and not as alert as I should be, I certainly don't want to put the riding public at risk. Safety is more important than having an alleged work attendance record of a management person! With all the job threatening letters that have been sent out unnecessarily, one has to wonder how much stress it has added to our jobs. Maybe Mr. Demilt should read our rule book. Safety is of first importance. In case of doubt or uncertainty, the safe course must be taken!