



ASSOCIATION OF COMMUTER RAIL EMPLOYEES

RailNews

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We Are Back!

After an almost 10 year hiatus, the ACRE Newsletter "Rail News" is back! Your Local 1 Officials are very proud to bring you our first issue in a decade.

Rail News will supply our members with information and updates on issues that affect us in ways ranging from our daily operations to pension and retirement planning. We will also keep the membership up to speed on such issues as Arbitration and Contract negotiations. Future issues will have direct links to our sponsors from our sponsors page along with insightful articles from our legal and lobbying allies.

We have also created an email account for both feedback and ways to improve future issues. You can also send any current events or newsworthy information that any of our members may be involved in such as charity or volunteer work.

Please email Kelly or Steve at ACREnewsletter@yahoo.com.

RailNews – Winter 2022

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RailNews will be published quarterly: Spring, Summer, Fall & Winter



Election Day is Tuesday, November 8th

Please be sure to VOTE!

Polls open in CT 6:00 AM to 8:00 PM & in NY 6:00 AM to 9:00 PM



CT Legislative Representative Daryl Johnson, Treasurer Steve Considine, President Kelly Grandfield, Government Relations Representative Linda Kowalski, General Chairman Ed Valente and Local 9 CT Legislative Rep Paul Padelli met with and endorsed Governor Ned Lamont (second from right) on October 5, 2022.

NY Legislative & Lobbyist News

Even though the legislature is out of session, Legislative Director Anthony Aprea and General Chairman Edward Valente have been working closely with ACRE's lobbying firm, State & Broadway, to continue delivering results for you.

Here are some issues we've been working on:

- After ACRE's continued advocacy to phase out Metro-North's now incongruous mask mandate due to the burdens it places on ACRE members, the Governor recently announced that masks would become optional on the trains.
- Senators Leroy Comrie and Tim Kennedy are engaging with the MTA on ACRE's behalf as we seek to expedite a solution to the payment delays caused by the Kronos timekeeping hack.
- ACRE met with the MTA and local police departments requested more police patrols on the trains, which are now a permanent fixture on the trains.

In addition, we are continuing to lobby for key priority issues which are at various steps in the legislative process:

PREGNANCY & PARENTAL LEAVE:

- The legislature unanimously passed A.9964 Joyner/S.8831 Ramos, priority legislation which would mandate that the MTA provide light duty to pregnant commuter rail employees. The bill must be delivered to the Governor for her signature or veto by the end of the year.
- ACRE is determining next steps on securing parental leave for expecting mothers and fathers. We have analyzed a number of proposals, and we will have more to update on this soon!

WORKPLACE ASSAULTS:

- This June, the Governor signed Chapter 233 of the Laws of 2022. This bill, now law, clarifies the penal statute for the aggravated assault of commuter rail and other MTA workers while on the job.
- ACRE will continue advocating in the coming year for priority legislation (S.4020-A Comrie/A.8070 Burgos) to mandate the employer's liability where a commuter rail worker is injured by a third party while on the job.

TRAUMA LEAVE:

- ACRE continues to educate legislators and key staffers on the importance of S.6490 Harckham, the Union's priority legislation to require a minimum floor of leave and benefits for Metro-North workers involved in or who witness a traumatic incident while on duty.

The secret to successful advocacy is understanding that it is often a long-term project, often taking multiple years or legislative terms from the conception of an idea to its fruition.

For example, ACRE began lobbying a decade ago in support of expanding Metro-North service through the Bronx. After years of advocacy, neutralizing opposition, and ironing out funding and other bureaucratic hurdles, that lobbying campaign is now culminating with the ongoing construction of the Penn Access project. You will continue hearing about these active bills, reintroduced with new bill numbers come January, for as long as it takes. Because we are in this for the long haul.

That is why we want to thank everyone who contributes to the ACRE PAC. Through your donations, our PAC enables the Union to express its voice and play its role in electoral politics as we continue our many important advocacy campaigns.

If you are interested in donating to the ACREPAC Fund [CLICK HERE](#). Any amount of money helps make our union stronger politically. We need to come together more now than ever!



CT Legislative & Lobbyist News

2022 has been a successful and active year for ACRE at the Connecticut State Capitol. Largely due to the influx of billions of dollars in federal funding over the past two years, Connecticut has finally been able to begin investing in its infrastructure.

ACRE has worked closely with the state Department of Transportation and Metro-North Railroad to impress upon them the need for additional service as riders begin to return to offices as the pandemic finally begins to subside. In fact, DOT is basing schedules on the belief that ridership is now at about 75 percent of pre-pandemic levels, and going up.

Governor Ned Lamont has created a new initiative called "Time for CT" to shorten transit times by improving tracks, signals and making more station improvements. Ultimately, hundreds of millions of dollars will be invested in this initiative. Early positive results are being seen: service was expanded in July with six new express trains to Grand Central Terminal and nine new trains on the Waterbury branch.

ACRE's leadership continues to be well-regarded in state government; we were specifically invited to attend and speak at Governor Ned Lamont's news conference at Bridgeport Station in July where he announced many service improvements.

We also had three ACRE members address the Judiciary committee in March in support of our legislation that further refined the current law that considers assault of a public transit employee to be "aggravated" and carry tougher penalties than the regular assault statute. Ed Valente, general chairman, Daryl Johnson, legislative representative and Conductor Alexis Wilcox offered compelling testimony about the need for front-line workers to be protected. Currently, our statute provides for a maximum \$20,000 fine, double what exists in the regular assault statute.

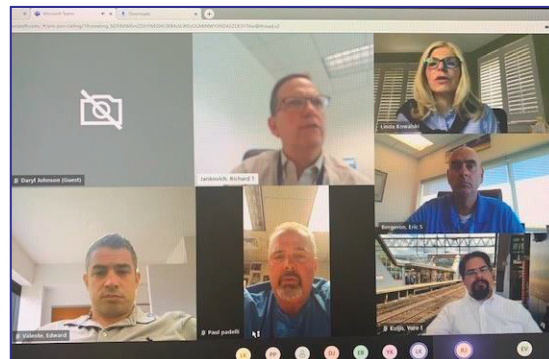
The leadership of the Judiciary committee noted that the current aggravated assault penalty against a public transit employee is already stiffer than what is on the books in New York State. Their suggestion to us was to work with Metro-North on publicizing the consequences against individuals who assault an employee. To that end, we have recommended new and better signage as part of the effort. We are also discussing with Connecticut legislators the possibility of mandated light duty for members who are pregnant. We will keep ACRE's membership apprised of our progress on these issues.

We make it a point of keeping in touch with top DOT officials. We met with Rich Jankovich (rail administrator), Eric Bergeron (assistant rail administrator—operations) and Yure Kuljis, assistant rail administrator—capital programs), to raise a number of issues pertaining to service. They acknowledged our concerns, and they are

working to make progress where they can. In September, we had a good meeting with state Senator Julie Kushner, who serves as Senate chair of the Labor committee. We raised a whole host of issues with her, including the continuing ramifications of the Global Krons Hack, the need for additional employees on the front lines of the Metro-North system and the general climate of labor relations that exists right now. Sen. Kushner understood our concerns. We continue to address labor relations issues.

With many public policy makers we discussed the issue of face masks and the fact that our time and effort was being diverted to "police" the requirement. Fortunately, the issue is now resolved with masks being optional in both the Connecticut and New York.

The State Bond Commission is likely to approve additional capital expenditures for improvements to rail lines and stations in Connecticut, and we will keep ACRE members apprised of any actions that are taken. On September 30, the Transportation committee and Finance, Revenue and Bonding committee will hold a joint public hearing to receive an update on the Draft State Rail Plan, a document covering the next four-year period that will be sent to the federal Department of Transportation when completed. ACRE will submit comments on the plan. DOT will update legislators as to where the draft stands, and they will provide an expected time-frame for completing it. Your legislator team is following this issue closely as it gives a good indication of the state's level of support for rail activities through 2026.



Zoom meeting between ACRE and Rail Division of DOT

Governor Lamont greets ACRE representatives at Bridgeport RR station before press conference.



FMLA: Family and Medical Leave Act



What does the Family and Medical leave act provide?

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid leave a year, and requires group health benefits to be maintained during the leave as if employees continued to work instead of taking leave. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

Below is a list of reason that will qualify you for FMLA

- Care for a newly born or adopted child;
- Tend to a "serious health condition" that renders the employee "unable to perform one or more of the essential functions of his or her job"; or,
- Care for the employee's spouse, child, or parent with a serious health condition.

What are two most common types of FMLA?

- **Continuous FMLA Leave:** This type of leave is taken up by employees for a continuous period of time. Such leave is not broken up by a period of work and is continuous when the employee is absent for three consecutive working days or more. An employee can take the leave for an immediate family member or own self for serious health issues.
- **Intermittent FMLA Leave:** it is the more flexible way of taking leave. In such type of leave, the employee can take leave for one day or a few days. An employee can also use intermittent leave to attend a doctor's appointment.
- The intermittent leave allows the employee to take short leaves without going for long breaks.

Who can take FMLA leave?

In order to be eligible to take leave under the FMLA, an employee must:

- Have worked 1,250 hours during the 12 months prior to the start of leave;
- Have worked for the employer for 12 months.

Does the time I take off for vacation, sick leave or PTO count toward the 1,250 hours?

The 1,250 hours include only those hours actually worked for the employer. Paid leave and unpaid leave, including FMLA leave, are not included

How do I apply for FMLA?

Call WorkPartners at 1 (833) 804-0480 to apply for FMLA. It is important to ensure your doctor fills out the paperwork thoroughly.

How do I mark off FMLA once approved?

Call the crew dispatcher to mark off FMLA and then call WorkPartners. Please note In some issuances you have to call WorkPartners each day you are off on FMLA depending on the type of FMLA you are approved for.

Do I get paid when I use FMLA?

Though FMLA is unpaid leave it leaves it to company policy or a CBA to determine pay if any. Under MNR policy you utilize sick time while off or at your request vacation and or personal time. The only exception is for FMLA baby bonding. If approved for FMLA baby bonding you can not use sick time for pay but you can be paid vacation days and or personal days at your request by entering a claim.

Can I be approved FMLA for multiple conditions?

Yes. If you and or your FMLA covered family member have multiple health conditions that qualify you should apply for each condition separately which will increase the amount of weekly or monthly time allotted.





Railroad Retirement and Unemployment Insurance Taxes in 2022

The amounts of compensation subject to railroad retirement tier I and tier II payroll taxes will increase in 2022, while the tax rates on employers and employees will stay the same. In addition, unemployment insurance contribution rates paid by railroad employers will include a surcharge of 3.5 percent, reflecting increased unemployment claims due to the pandemic.

Tier I and Medicare Tax -- The railroad retirement tier I payroll tax rate on covered rail employers and employees for 2022 remains at 7.65 percent. The railroad retirement tier I tax rate is the same as the social security tax, and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance. The maximum amount of an employee's earnings subject to the 6.20 percent rate increases from \$142,800 to \$147,000 in 2022, with no maximum on earnings subject to the 1.45 percent Medicare rate.

An additional Medicare payroll tax of 0.9 percent applies to an individual's income exceeding \$200,000, or \$250,000 for a married couple filing a joint tax return. While employers will begin withholding the additional Medicare tax as soon as an individual's wages exceed the \$200,000 threshold, the final amount owed or refunded will be calculated as part of the individual's Federal income tax return.

Tier II Tax -- The railroad retirement tier II tax rates in 2022 will remain at 4.9 percent for employees and 13.1 percent for employers. The maximum amount of earnings subject to railroad retirement tier II taxes in 2022 will increase from \$106,200 to \$109,200. Tier II tax rates are based on an average account benefits ratio reflecting

railroad retirement fund 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.

Unemployment Insurance Contributions -- Employers, but not employees, pay railroad unemployment insurance contributions, which are experience-rated by employer. The Railroad Unemployment Insurance Act also provides for a surcharge in the event the Railroad Unemployment Insurance Account balance falls below an indexed threshold amount. The accrual balance of the Railroad Unemployment Insurance Account was negative \$46.2 million on June 30, 2021. Since the balance was below zero, this triggered the 3.5 percent surcharge in 2022. There was a surcharge of 2.5 percent in 2021, with no surcharge imposed in 2020.

As a result, the unemployment insurance contribution rates on railroad employers in 2022 will range from the minimum rate of 4.15 percent to the maximum of 12.5 percent on monthly compensation up to \$1,755, an increase from \$1,710 in 2021.

In 2022, the minimum rate of 4.15 percent will apply to 79 percent of covered employers, with 7 percent paying the maximum rate of 12.5 percent. New employers will pay an unemployment insurance contribution rate of 2.62 percent, which represents the average rate paid by all employers in the period 2018-2020.

Contemplating Retirement?

For our members contemplating retirement, you will need to supply the following documents to collect your MTA pension. A copy of your Birth Certificate and your spouse's if you are married, a copy of your Marriage Certificate, and a void check. The Railroad Retirement Board requires certified copies of the same documents as well as form DD-214 if you are a veteran. Your MTA pension application paper work must be submitted at least 30 days in advance and no more than 90 days in advance of your retirement date.

This window should also be used to schedule your retirement interview with the Railroad Retirement Board. Failure to submit timely applications will result in a loss of pension income! As a general rule, our members should plan on retiring on the last day of any given month; this is only due to our members wanting to maximize their earnings. Your MTA Pension will then commence on the first day of the next month and railroad retirement pension on the first day of the following month.

If you have 360 service months with RRB and are 60 years of age or older you are more than likely working for nothing. So if you have reached your golden years please contact the ACRE pension office and let us run your Pension Numbers with the MTA Defined Benefit Plan and RRB. You can then make an informed decision about the rest of your life on or off the Railroad. All we really have is time; the clock is ticking with every passing day we have less of it.

OMG!!! Speaking of time 2023 is almost here and Metro North will turn Forty on January 1, 2023. We all know what that means the race for the exit doors will continue for our membership. If you are fifty five or older with thirty years of service you can retire with no reduction to our MTA pension. Any member with questions about retirement, their service credit or pension should feel free to contact our union office for assistance.



Filing Requirements For RRB & MTADB Plan for Occupational Disability Pension and Total Disability Pension Annuities from Railroad Retirement

Total & Permanent Disability: 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 between 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.

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. 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 Totally Permanently Disabled, within 30 months 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 will not pay your medical bills.

Occupational Disability MTADB Plan: You must have at least 10 Years of credited service in the MTADB plan. In order to file for a MTADB disability pension. If you have less than 10 years, your disability would have to occurred in an on the job injury that resulted in your inability to work. Receiving an RRB disability pension will have no bearing on the MTADB Plan awarding you a MTADB disability pension.



Helping Pay Your Bills, While You Pay Attention to You

What if one day, not very far in the future, you become disabled and you can't go to work. How would you pay for the expenses of daily life such as monthly mortgage or rent, groceries and your utilities? The bills keep on coming even if you're unable to work.

That's where Aflac's short-term disability insurance policy can help make the difference. It's a source of monthly income you may need to help take care of your bills while you take care of yourself.

To learn more, scan the QR code below to visit the
ACRE Member/Aflac Website:



You can also contact your Aflac agent:

Chris McKiernan

c_mckiernan@us.aflac.com

631-384-8642 or 203-577-5352.

Arbitration

On March 10, 2022 General Chairman Edward Valente and Dennis Richardson met with Arbitrator Gayle Gavin to adjudicate several cases. Below is a summary of one of the cases that effected over 90 members.

Case# 20: Starting on December 16, 2016 the Railroad took the position that under Rule 38, conductor trainees were not entitled to a choice holiday if hired after October 12 in the calendar year. MNR continued to apply the rule this way right up to the arbitrator's decision.

We argued that the Carrier violated Rule 38 and a long standing past practice when it failed to honor the Appellants' request for a choice holiday. To acquiesce to the Carrier's position would have given the Carrier rights it did not have and alter in a profound manner the Agreement between the Parties. The choice holiday was negotiated to replace the birthday holiday. We argued that the choice holiday is a floating holiday and every employee is entitled to one without regard to their hire date. The only limitation placed on the choice holiday in Rule 38 is that if an employee does not request the choice holiday by October 12th, then management assigns it.

The Carrier disagreed and argued that the Organization failed to meet its burden. It averred that the Organization failed to establish that the Carrier violated the Agreement by not providing a choice holiday to Conductor Trainees hired on December 14, 2016. It asserted that the Organization relied solely on Rule 38(A) and maintained that the Organization provided no evidence to support a violation of such rule. At the outset, the Carrier contended that the Claimants are not entitled to a choice holiday or payment in lieu thereof.

Decision- the grievance was granted and the Appellants have been paid the choice holiday. In addition, the choice holiday is restored for all future conductor trainees.

Our next date for arbitration is November 17, 2022

ACREPAC FUND

The Association of Commuter Rail Employees Political Action Committee Fund

To give you a voice at the Federal and State level, ACRE has established the ACRE Political Action Committee ("ACREPAC"), a federal political action committee designed to support candidates for both federal and state offices who promote the interests of the members of ACRE and to support a federal/state legislative and administrative agenda to benefit ACRE members.

If you would like to make your voice heard please fill out the form in the link below and give to any ACRE elected official or send to:

ACREPAC Fund
420 Lexington Ave., Suite 215
New York, NY 10017

Click Here  [ACREPAC FUND](#)

Veterans



As a reminder to all Veterans, you are entitled to take Veterans Day off for your service to our country. If needs of service do not permit you to have the November 11th, the company is required to give you another day of your choice. You must have a DD-214 on file with crew management.

Also, those Veterans that have not investigated buying back their military time, now may be the ideal time since purchase price is based on your 12 months earnings. With covid limiting some members earnings, the buyback may be at its lowest out of pocket cost.

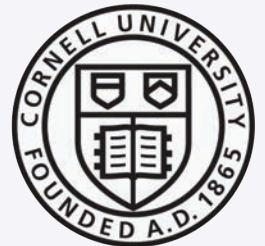
Please help support the drive to bring the first war memorial honoring our Afghanistan and Iraq Veterans and remembering those that perished on 9/11 to CT. Click the link to see the video promotion for the memorial with narration from Local 1 member David Viera. [Afghan Iraq War Memorial](#)

If you need any assistance navigating the process or have questions about any benefits that you may be eligible for; please reach out to Steve Considine via text 845-548-8887 or email at steveconsidine68@gmail.com.

Thank you for your service.

Cornell University

Cornell University is the preeminent educational institution in the world focused on work, employment and labor, the School of Industrial and Labor Relations (ILR) generates and shares knowledge that improves the lives of workers and transforms the future of work.



Executive Board Director Ed Valente has worked with Cornell University to introduce labor classes specifically designed for our union representatives at ACRE involving all of the Locals including the officers in Local 1.

In 2021 two grievance handling classes were held: one in person and more in depth and one via zoom. In 2022 collective bargaining immersion was held which was a three day training class.

ACRE will continue working with Cornell to offer education in 2023 and beyond.

"Cornell University offers education to management and labor. It is important to give the officers of ACRE the opportunity to have the same or a better level of training then the managers they are sitting across from."

— Executive Board Director, Edward Valente.

Flex Spending & Data Updates

FSA Open Enrollment

It is that time of year again.....Open enrollment for 2023 Flexible Spending Accounts will begin on November 1st and lasts through December 15th. If you are currently enrolled in an FSA you must re-enroll to be eligible for next year. The IRS maximum allowable amount for 2023 is expected to be \$2850.00 for medical care reimbursement and \$5000.00 for dependent care assistance. (At press time the IRS had not finalized the contribution numbers). FSA covered medical expenses include health insurance co-pays, coinsurance and some over the counter medications as well as other items. Covered dependent care includes babysitters, day care centers, nursery and after school programs, day camp, eldercare and more.

Have you ever wondered, what is an FSA?

A Health Flexible Spending Account, also known as an FSA, is a type of pre-tax benefit where you receive significant savings on medical, dental and vision expenses for you and your eligible dependents.

How does it benefit me?

When you enroll in a Health FSA, you lower your taxable income and increase your take-home pay – a nice way to fund your savings! And, because you're using pre-tax dollars on eligible expenses, you save approximately 30%-40% on your dollar (depending on your tax bracket).

To enroll or to review eligible expenses log on to www.padmin.com or call 1-877-765-7137.

Help us Update our database!

- Have you moved in the last 2 years?
- Change your phone number?
- Did you get married and change your last name?
- Did you notify ACRE?
- Did you know that if you change your address with MNR/BSC that ACRE is NOT notified?

Having an accurate database of members ensures that you will receive ballot information when there is an election or contract ratification. Accurate phone numbers are also important for notifications of vacation changes and holiday swaps.

If you have any updates for our database, please email them to acre1sec@acre2000.com and be sure to include your name and employee number.

Local 1 Board of Relief

The ACRE Local 1 Board of Relief is available to provide information, guidance and support for members who have suffered a long term injury or illness. If you find yourself in this unfortunate situation, you are entitled to specific benefits to include Railroad Retirement disability/sickness benefits and Metlife disability payments. These become available after you have exhausted your MN sick day bank. Railroad Retirement has a 7 day waiting period and Metlife has a 15 day waiting period for benefits.

We will be adding Board of Relief members contact information to the website ACRE2000.COM.

Any member who is expecting to be out with an injury or sickness of more than 10 days should reach out to a Union Official or a member of the Board of Relief to ensure you get all possible benefits.

The Railroad Retirement Board website has lots of useful information available. Go to: RRB.GOV



Mental Health

Banyan Treatment Centers is a nationally recognized behavioral healthcare network offering all levels

of care and programming. The Banyan team understands the unique needs of each of our patients and implements personalized treatment plans to ensure their success.

Our programs are designed to treat primary substance use, primary mental health, co-occurring disorders, or primary eating disorders at 15 locations across the country. We also offer programs for unique populations such as active duty, veterans, and individuals seeking faith-based services.

We work with NY Ship and also Connecticare Insurance plans to name a few. Combined with our exceptionally skilled and highly qualified team, our evidence-based programming offers a lifetime of support for patients and families.

Please reach out to Allan Griffin, CTP if you or a loved one needs assistance at 203-910-0311. banyantreatmentcenter.com



ACRE Family Day 2022

ACRE Family Day 2022 was held on September 24th at the Brewster Elks Lodge in Brewster, NY

Our annual Family Day picnic was a huge success. We would like to thank all our members that attended. It was a beautiful fall day to spend with our ACRE family.

Crafty 'Cue food truck and DeCicco & Sons did a fantastic job on the food.

Thank you to The Brewster Elks, CT Bounce House, DJ Andrew Deow, and Sidney Burch (face painter), The Little Paint Brush.

We want to thank Tom Causo, Ricky Berdard, Tina Tobin, Chris Duffy and Stacey Javins for Volunteering. We couldn't have done it without you!!!

Till Next Year...





Newsletter



ACRE – The Beginning

Cahill & Perry, P.C. has handled only railroad cases for the past 45 years and is the first Designated FELA law firm for ACRE. In its beginning on January 11, 2000, the "Committee For ACRE" sent the National Mediation Board "A" cards from a majority of the engineers, conductors/assistant conductors, and the Rail Traffic Controllers to authorize an election for the certified bargaining representative. As a result, on February 7, 2000 the UTU filed a federal lawsuit against the officers in the "Committee For ACRE." The ballots were counted on February 28, 2000, and the National Mediation Board certified ACRE which then subsequently elected its first officers. Soon afterwards our law firm was able to successfully dismiss the federal lawsuit against our ACRE officers.

FELA

The most effective railroad safety statute is the Federal Employers' Liability Act (FELA) enacted in 1908. Prior to the FELA, railroad workers were not able to recover any damages if they were 1% contributory negligent or if a fellow employee was negligent in causing the injury. Today the FELA provides much greater compensation than worker's compensation, but it is important to remember that in order to recover any monetary damages there must be negligence and experienced FELA attorneys will maximize your compensation. In cases involving defects in the locomotive cabs on the MNR equipment or violations of FRA regulations, there is strict liability. Although an injured employee is required to give a statement, the employee should make it as concise and short as possible and contact one of your Designated Legal Counsel as soon as possible. You will be given free advice even if you choose not to retain counsel. We are here to help you. All rail labor organizations require their Designated FELA Attorneys to be members of the Academy of Rail Labor Attorneys which has educational seminars and a very active list serve to protect the FELA and to share legal strategies. The Railroad is a safer place today due to the FELA.

FRSA

The other safety statute is the Federal Railroad Safety Act (FRSA). Prior to the 2007 and 2008 amendments to the FRSA, the railroad would retaliate against employees who were injured. Since 2008 MNR cannot discharge, demote, suspend, reprimand, or in any way discriminate against an employee for reporting an injury or interfering with the medical treatment. Between 2008 to 2012 our firm had 102 FRSA cases with many involving MNR. As a result, MNR now has strict policy guidelines that prohibit retaliation of any kind to employees reporting an injury. The FRSA provides injured employees with full compensation and punitive damages up to \$250,000 dollars for any retaliation. However, it is important to remember that if there ever is any retaliation to an injured employee, a complaint must be filed with the Secretary of Labor within 180 days or it will be barred by the statute of limitations.

Fellow employees who are witnesses are very important in FELA claims. They should have no hesitation to help because any retaliation against them is a federal crime pursuant to Section 60 of the FELA.

As one of your Designated FELA Attorneys for ACRE, we provide free legal advice and guidance to any member without retaining us for any legal service. If you have any questions, please call us at (800) 654-FELA(3352) or (212) 453-7300 or (203) 777-1000. You can also email us at cahill@trainlaw.com or scott@trainlaw.com. Visit our website at www.trainlaw.com

Attorney Cahill had an extensive railroad background prior to his legal career that started in 1978. See the link below about his life on the railroad which was published last November in the annual *Super Lawyer* magazine:

<https://digital.superlawyers.com/superlawyers/ctslrs21/MobilePagedArticle.action?articleId=1732272&app=false#articleId1732272>

See the link below concerning one of our Metro-North conductors who was assaulted and killed on the tracks:

<https://trainlaw.com/wp-content/uploads/2022/09/Article-re-Avery-1.pdf>

See link below concerning a Metro-North train and an Amtrak locomotive seized to satisfy two judgments:

<https://trainlaw.com/wp-content/uploads/2022/09/Train-Heist-1.pdf>

See the links below Attorney Cahill's profile and Attorney Perry's profile:

<https://trainlaw.com/attorneys/george-j-cahill-jr/>

<https://trainlaw.com/attorneys/scott-e-perry/>



The Kantor Law Firm is proud to be recommended legal counsel for the ACRE membership. When an employee is injured while working for Metro-North they are entitled to certain short term disability benefits. The purpose of this article is to explain what benefits are available after being faced with an on-the-job injury.

Following an injury, Metro-North will want an employee to utilize his/her sick time. Although sick time be being utilized, every effort should be made to advise CREW that you are off on an "employee-injury" and that the computer should code you off as an "occupational injury". If Metro-North codes your injury as "non-occupational", you should immediately contact your local chairperson and ask them to assist you in getting it switched to occupational. Metro-North will then utilize your sick time which they will expect you to pay back when your claim is resolved.

Once your sick time runs out, you can apply for two (2) sets of benefits: (1) Metro-North MetLife short-term disability , as well as (2) Railroad Retirement Board sickness and accident benefits. As with your sick days, both the RRB and MetLife will establish a lien that will be repaid when your claim is resolved.

The MetLife claim forms can be found at: <http://www.metlife.com/insurance/disability-insurance/> (Under the heading "Important Claim Information" click on the link "How to file a claim online").

Railroad Retirement Board Sickness and Accident benefits can be found at: <http://rrb.gov/Benefits/Sickness/downloadableforms>. Click on form SI-1AB Application for Sickness Benefits.

Work injuries on the railroad are not covered by Workers Compensation, and instead are covered under the Federal Employers Liability Act (FELA).

If you are injured on the job, feel free to contact ACRE recommended counsel, the Kantor Law Firm at our toll-free number 1-877-752-6867 (1-877-SKANTOR) for a no obligation consultation as to how to answer the questions you will have and to protect you and your family's rights.

If you have specific questions that you would like us to answer in the next ACRE newsletter, feel free to send them to: kantorlaw@roadrunner.com.

Be Safe!



Pictured: Christina Gullo & Steven Kantor of the Kantor Law Firm

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2022 Sponsors for our Dinner Dance, Rail Open and Rail Classic.

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**Please show support to
these wonderful businesses.**

Thank You.

Flu Shots

MNR OHS Graybar Building
Mon - Fri 8:30AM – 3:30PM
22nd Floor

Stamford Yard
Nov. 3rd – 8AM-12PM
2nd floor Conf. Room

NWP Yard
Nov. 10th – 8AM-12PM
C&S building 2nd floor, RM 3

Uniform Shop Hours

Monday – Friday: 7:45AM – 3:10PM
1st Tuesday and 2nd Thursday of the month: 7:45AM – 7:45PM
Phone: 212-340-3456

Safety Glasses

You are allowed 1 pair of prescription safety glasses per calendar year.

Visit Grand Central Optical (GCT or 369 Madison Ave) to select frames. Then drop your completed form in the new OOS drop box in the 12th floor lobby of Graybar. Please wait to be contacted when your glasses are in. Call Brad Kalmanson with questions at 212-340-2022.

FAQ's

What claim codes do I use when I attend training on my REST DAY?

016 – 8 Hours training
388 – \$8 Productivity pay
217 – Working Relief Day 8 hours
394 – Conductor Certification Pay (ONLY IF QUALIFIED CONDUCTOR)
\$8 ASST. CONDUCTOR
20 MINS CONDUCTOR

When do I need to Mark Up with crew?

- Sick Day
- Vacation week
- LONG TERM Training
- Physical Characteristics Training
- Jury Duty
- Bereavement
- Missed Call
- Refused work
- LONG TERM Injury
- Light Duty

(You DO NOT need to mark up from SDV, Personal Day, Block Training)

*Friendly
Reminders*



**Don't Forget! Winter Uniform
is in effect November 1st!
Make sure you are wearing
your Blazer at the Block!**





2022 Retirees

Kathaleen Woolsey

Barbara Lanza

John Castelar

Shari Mirman-Karroll

Charles E Winkler Jr.

Timothy Murphy

Thomas J Finn Jr.

Donald Shenton

Diedra M. Maher

Tommy Johnson

Charles Brucculeri

Susan Lizzul

Stephen Macchio

Michael Papale

CONGRATULATIONS!!!