

Report for December 2010

Hello brothers and sisters ,

I have busy over the last few months! In October I attended the PSLB quadrennial. Although there was a need to raise dues, the economic times took precedence . Also we did not renew our lobbyist contract in Harrisburg. I will be making more trips to Harrisburg to compensate for the loss of the lobbyist. I was elected to the executive board of the PSLB and will continue to represent your needs. I have also continue to work with Brother Lauzon on the cab configuration. I attended the NMB conference which had a wealth of information on how arbitrators decide cases. In November Brother Procknow was elected by acclamation to serve as Vice President of the BLET Div. 71.

FraternalIy, Jeffrey Johnson

BLET Div 71 Legislative Rep.

BOSTON – A whistleblower investigation by the U.S. Department of Labor's Occupational Safety and Health Administration has found that the Metro North Commuter Railroad Co. brought disciplinary charges against an employee in the railroad's New Haven, Conn., rail yard who filed a whistleblower complaint with OSHA. OSHA has ordered the railroad, which provides commuter rail service in Connecticut, New York and New Jersey, to take corrective action and pay the worker \$80,500 in punitive damages and attorney's fees.

"Taking repeated disciplinary action against an employee who exercised his legal right to report an on-the-job injury and voiced a complaint about retaliatory treatment by his employer is unconscionable," said Marthe Kent, OSHA's New England regional administrator, located in Boston. "Such treatment instills a culture of silence in which hazardous conditions are masked because employees will be fearful of reporting them."

The employee faced disciplinary action from Metro North after he filed a whistleblower complaint with OSHA in November 2008 that alleged retaliation related to his earlier reporting of a workplace injury. OSHA's investigation, conducted under the whistleblower provisions of the Federal Railroad Safety Act, found merit to the complaint.

As a result, OSHA has ordered Metro North to take corrective actions, including expunging disciplinary actions and references to the worker from various records, reimbursing the worker a total of \$5,500 in attorney's fees and paying him punitive damages in the amount of \$75,000. In addition, the railroad must provide its employees with information about their whistleblower rights and their right to report on-the-job injuries.

Metro North and the complainant each have 30 days from receipt of the findings to file an appeal with the Labor Department's Office of Administrative Law Judges. Under the FRSA, employees of a railroad carrier and its contractors and subcontractors are protected against retaliation for reporting on-the-job injuries, reporting certain safety and security violations, and cooperating with investigations by OSHA and other regulatory agencies.

OSHA enforces Section 11(c) of the Occupational Safety and Health Act, which prohibits discharge and other retaliation against employees for filing a safety or health complaint, and for exercising a wide range of other rights afforded to them by the act. OSHA also enforces the whistleblower provisions of 19 other statutes protecting workers who report violations of various trucking, railway, airline, nuclear power, pipeline, environmental, securities, public transportation, consumer product and maritime safety laws. Detailed information is available online at <http://www.whistleblowers.gov>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

Editor's note: The Labor Department does not release names of employees involved in whistleblower complaints.

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U.S. Department of Labor releases are accessible on the Internet at <http://www.dol.gov>. The information in this news release will be made available in alternate format (large print, Braille, audiotape or disc) from the COAST office upon request. Please specify which news release when placing your request at 202-693-7828 or TTY 202-693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit <http://www.dol.gov/compliance>.

## Legislative report for September 2010

I have been working with Dan Lauzon . Who was appointed by John Tolman NLR to study the crash worthiness of passenger cars and incidents within the cab cars that can help him to influence Fra to implement an cab control car safety standard when carriers are building new passenger cars. I'm asking for an office day to research the control cab issues with Paul. September 12-13 I went to the pa conf. Of Teamsters political education seminar to prepare for the important upcoming November elections ! And promote the issues that concern US !

We strongly support Sestak , Pat Murph and Bryan Lentz. You can see the federal voting record of candidates on the teamster web site . We should be supporting card check , express carrier legislation , pension reform and employ free choice act. This election is so important because of the redistricting of the electoral districts that the winning party will redistrict . We must continue what we started in 2008! These are some of the 2010 legislative priorities

1. pension relief to preserve unions and there ability to lobby
2. Misclassification of workers so they can be organized HR3408/S2882
3. create jobs and save benefits act S3157
4. express carrier act
5. Trade act HR 3012/S2812
6. Currency reform act HR 2378
7. fair playing field act

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These bills should be supported by candidates that we vote for because they support and promote our unions continued lively hood ! Philosophically and financially !!!

Fraternal ly, Jeffrey Johnson

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