



Signalmen's President Jesse Clark discusses

SAFETY ON THE RAILROADS

Playing a key role in railway signaling activities is Jesse Clark, president, Brotherhood of Railroad Signalmen. In this exclusive interview, Mr. Clark candidly discusses issues of current interest. Many of the questions are based upon Editor Bob McKnight's prior conversations with some of the railroads' leading signal engineers. Membership in the BofRS totals 12,507 and is comprised of signal department employees working on railroads in the United States and Canada. BofRS headquarters is in Chicago, Ill.

Q. Because you're a signalman, Mr. Clark, I'm sure that you appreciate the importance of safety. I note that in recent Interstate Commerce Commission actions the Brotherhood of Railroad Signalmen has been in the forefront in making its position known. For example, as regards the hearings on the proposed changes in the Signal Rules, Standards and Instructions, Ex Parte 171, you vigorously opposed some of the rule changes. Why?

A. The proposed changes in the rules governing the maintenance and operation of the railroad signal systems constitute tampering with accepted and proven safety devices and standards. In proposing these changes it has been stated that there exists a need to "modernize" and to "clarify" present rules in the light of technological advances. However, a close study reveals much more than a mere updating.

Some of the new rules would create situations dangerous to public and employee safety which do not now exist under the time-tested present rules of signal

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maintenance and operation. Railroad corporations would be allowed to reduce and defer maintenance on signal and other protective devices and attempt to speed up train movements through the relaxing of restrictions required by present signal indications.

The new rules favor cheap maintenance over adequate safety. It is now required that railroad corporations repair signal equipment "promptly". Proposed changes would permit hazardous delay. On just this point I stated before the hearing examiner that any apparatus that fails or is not functioning properly should be repaired immediately, and not at some future date or some future time. I still stand on that position.

This and other proposed changes cannot be described as "modern" or necessary because of technological changes. Their main effect would be to relieve the railroad corporations of the cost of installing and maintaining adequate signal systems and to nullify the safety factor inherent in present restrictions imposed by signal indications.

But let me emphasize that we have not been opposed to all the proposed rule changes. At informal conferences with the carriers and the ICC's Bureau of Safety and Service, we overcame several differences of opinion. The examiner noted in his report that all parties agreed to changes in eight rules. Of the 26 rules under consideration, we are now opposed to changes in only 11 rules. That's less than half, so I think that it is a pretty good batting average for cooperation.

Q. Why does the BofRS oppose some applications to the ICC for signal changes, particularly where they are often concerned with installing relay interlockings in lieu of mechanical plants or CTC in lieu of automatic block signaling?

A. The Brotherhood does oppose some applications filed with the ICC by the carriers for signal changes. The purpose of this opposition is based primarily on safety, because in many instances the proposed changes would have the effect of reducing safety of operations. This not only from an operating standpoint but also for the purpose of reducing facilities and maintenance with the view of saving manpower.

Notwithstanding these facts, the proportionate number of applications that are opposed by the Brotherhood is insignificant. The record will show that 390 "Bs-Ap" applications for changes have been filed in the past two years, and only 12 protests have actually been filed by the Brotherhood during this period. It will be observed this is only 3% of the total.

In addition, there have been 72 "RS&I" applications filed for changes or relief from the rules in the two-

year period, and only 2 protests were filed by the Brotherhood, or only 2.7% of the total.

These figures are current and cover the last two years ending June 30, 1965. This period was chosen to have the data current and to permit any desired comparison with the Annual Report of the Bureau of Safety and Service.

Of course other protests may have been filed by other interested organizations affiliated with the RLEA, over which we have no control as each organization has full autonomy in such matters.

Q. Always a strong proponent of safety the BofRS points out that the ICC and railway managements are not always as safety conscious as they might be. Could not BofRS work more closely and harmoniously with ICC and rail managements to improve safety?

A. We are pleased to note that the BofRS position on safety is recognized. We hold that safety is the primary function of our department. And we further hold that signaling contributes more to the safe and efficient operation than any other group of employees in the industry.

We feel it is part of our duty to hold ICC and the railway managements in line and not permit reduction in safety-of-operation by applications for changes. On the contrary to what the question implies, if the ICC and the carriers would work more closely and harmoniously with the Brotherhood, safety-of-operation would be improved. But we are seldom taken into confidence and never informed in advance of proposed changes by either the ICC or the managements.

Q. One aspect of safety, of course, is having a sufficient number of qualified signalmen available. But is this going to introduce higher labor costs which might be offset by installing more signaling equipment?

A. Obviously the employment of more signalmen means higher labor costs, but, in my opinion, by the installation of more signaling devices the railroads would be advantaged by improvements in safe and efficient operation. The more signaling, the better the railroad.

Q. Should not BofRS take a position on employment similar to John L. Lewis and coal miners—let railroads put in more automation and signal equipment so those who are left will have well paying jobs?

A. Primarily, the answer to this question is that the railroads are not a "dying industry" such as coal mining. The railroads are not worked out like many mines, and if the carriers will provide the service

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that the public needs and requires, more positions would be provided for the workers.

The inference that the Brotherhood has prevented automation or the installation of signaling equipment is not only imaginary, it is untrue. Generally, the more the railroads are automated with the installation of modern signaling facilities—the better we like it. It is an indisputable fact that these modern facilities and equipment provide more work for signal department employees and at a vast saving to the carriers. Hence we hold that the railroads should not only provide well paying jobs for the employees left in the industry, it should provide better paying jobs for more signalmen in the industry. The difficulty is that signal department employees are constantly fighting for better paying jobs and better working conditions, and are constantly opposed by the railroads. The members of our craft are not even permitted to enjoy rates of pay and conditions of employment equal to those who perform jobs requiring far less skill and responsibilities in other industries.

The facts are: in a recent wage case the Brotherhood requested an increase in pay to place the employees it represents more nearly on the level of other skilled workers. We were vigorously opposed by the carriers and, notwithstanding carriers' opposition, the Emergency Board appointed by the President of the United States found after hearing the evidence of both parties that a meager wage increase would be granted simply to keep the signal department employees in step with other railroad workers. The Board definitely stated that the "signalmen do suffer from a serious wage inequity." The Board felt, however, that it could not recommend full correction of these inequities at one time. It is apparent that it regarded the four cents differential increase as only a modest first step of correction toward what it described as a "serious wage inequity."

Q. Are you willing to work with railroad managements in reducing payrolls through attrition?

A. This question is simple, and fully answered by the provisions of the February 7, 1965 agreement. A key point in that agreement refers to protected employees. These are employees who were on active service as of October 1, 1964 and had two or more years seniority. In other words, members with two years or more of service could not be laid off, but, their jobs could be eliminated by attrition—left unfilled when an employee dies, retires, quits or is discharged for cause.

A railroad shall have the right to make a force reduction under emergency conditions, such as a flood, earthquake, snowstorm, hurricane or strike, provided

that the road's operations are suspended in whole or in part and that the work that would have been performed by those suspended can not be performed because of the emergency.

If a railroad's business declines in excess of 5% in the average percentage of both gross operating revenue and net revenue ton miles in any 30-day period compared with the average of the same period for the years 1963 and 1964, a reduction of protected employees may be made during this 30-day period. But such employment reduction must be limited to 1% for each 1% of the business decline that exceeds 5%. Upon restoration of the railroad's business, those employees falling under the agreement who were furloughed must be recalled to service. The average percentage of decline shall be the total of the percent of decline in gross operating revenue and percent of decline in net revenue ton miles divided by two.

Another provision of the agreement holds that the carrier agrees to maintain work forces of protected employees, represented by BofRS for example, in such manner that force reductions of protected employees below the established base as defined herein shall not exceed 6% per annum. The established base shall mean the total number of protected employees in each craft who qualify as protected employees.

Q. It has been said that BofRS is "unreasonable" in bargaining in that it will not give up anything it has and wants more.

A. I think that's very complimentary. What would our accusers have us give up? We readily admit that we want more and desire to accomplish better wages and working conditions for the people we represent.

Does the question imply that in collective bargaining we should have agreed with the carriers' counterproposals served on us February 22, 1963 when we attempted to secure a reasonable pay increase?

Let's take a look at the record. What did the carriers ask us to give up? We quote:

"(a) Eliminate all agreements, rules, regulations, interpretations, and practices, however established, which in any way handicap or interfere with the carrier's right to—

"(1) Transfer work either permanently or temporarily, from one facility, location, territory, or department to another facility, location, territory or department;

"(2) Contract out work;

"(3) Lease or purchase equipment or component parts thereof, the installation, operation, maintenance or repairing of which is to be performed by other than employees of the carrier;

"(4) Trade in and repurchase equipment or ex-

The railroads and the BofRS can accomplish much to solve the question of jurisdiction, by the carriers simply consulting with the Brotherhood before assigning its craft work to others. The scope of our Brotherhood's agreements with the carriers almost universally provide that we shall perform all generally recognized signal work, and most of it is spelled out in detail. However, it is almost the universal position of the railroad managements that they have the right to assign work to whomever they please—and do in many instances to outside contractors—without consulting in any manner with Brotherhood representatives.

change units;

“(5) Make effective any other changes in work assignments or operation.”

To have agreed with these counter-proposals of the carriers, the signal department as such would have virtually disintegrated. We simply ask that you study carefully what we were requested to give up. Weigh the language carefully!

What would have been left? The carriers would have been free to transfer all work to others, and to different departments or locations, to contract out our work, to lease or purchase equipment, trade in and repurchase equipment or exchange units, and make any other changes desired. Does this not imply that signal department work could be done away with entirely, as such, which would obviate the need for both employees and signal department officials?

If we are charged with being unreasonable for opposing these requests of management, we welcome the charge. And, in our opinion, the signal officials should have joined with us in our opposition. Yes, we want more—not only to enhance our position, but that of the signal department.

Q. Where railroads have consolidated divisions, why does BofRS oppose consolidating seniority districts?

A. Generally we oppose such unilaterally imposed consolidations. However, in the event such consolidations are made, we vigorously endeavor to protect the interests of the employees involved. This is evidenced by the Joint Agreement of February 7, 1965, negotiated with the carriers and the cooperating organizations, wherein we provide that employees may be transferred to other seniority districts.

Further, and to be more specific as to the position of our Brotherhood, during the year 1963 we conducted a referendum to amend the constitution of our Brotherhood to grant Grand Lodge authority to handle such mergers or consolidations. As a result, we included a new article in our constitution, reading:

“ARTICLE V—MERGERS: Sec. 1. Reconciliation of agreements and readjustment of seniority occasioned by mergers and between carriers not resolved by the locals and committees involved, within nine months following effective date of merger, will be taken over by Grand Lodge and resolved consistent with the best interest of the majority of the employees involved. The action of Grand Lodge shall be final.”

Q. Would you be willing to have one seniority district for a whole railroad so men could be transferred (with certain safeguards)?

A. This depends greatly on the conditions existing on the individual carrier. It also depends on the protection afforded the employees involved. We feel there are some railroads where one seniority district would be satisfactory and advantageous. However, there are others where such conditions would cause serious economic hardships on the employees. In any event, adequate safeguards must be provided for the protection of the affected employees and the provisions of our February 7, 1965 agreement fully complied with.



Again, the facts are: We now have only one seniority district on many carriers. But we insist on protection for the employees when they are transferred from point to point. They should not be treated like gypsies.

Q. Now Mr. Clark, I'd like to turn to another topic of interest, namely training of signal employees. Why does BofRS insist on employees training being done on company time and at company expense? If the situation reaches an impasse on a railroad, is it not better to work with signal engineers who have some type of training program, even on men's own time, rather than no training at all?

A. This question involves many ramifications. Obviously, we would be remiss in our duty if we did not endeavor to have employees trained on company time and at company expense. The simple reason is that it is the employee's time—and the carriers benefit from having better trained employees.

However, factually, we are constantly encouraging the employees to train themselves, and we have negotiated several agreements with carriers whereby employees do train on their own time, study textbooks at home, and then it is left to the carriers to examine the employees as to whether they have sufficient knowledge to meet the requirements.

Moreover, we have recently adopted a complete training program and made it available to our entire membership in an effort to train employees to better perform carrier service. In some instances the carriers have agreed to pay for their textbooks and some training programs provided the course is completed by the trainee, and if he meets the requirements of the carrier, and passes a satisfactory examination.

In other instances, however, some signalmen feel strongly enough about the importance of education and training that they will spend their own money for textbooks, training material or correspondence courses, and study on their own time.

To infer that we are unwilling to work with a signal engineer or other carrier official in such programs is unfair and not factual.

Furthermore, we are at present working with the Bureau of Apprenticeship and Training, United States Department of Labor, in an endeavor to have an adequate signaling training program established. We have expended considerable time and money in this endeavor but I regret to say we are receiving little cooperation from the carriers.

Q. What is BofRS doing to help recruit new men and train them for signal work? In training, are you encouraging men to be informed on electronics so that radar units in yards, hotbox detectors, etc. are not maintained by IBEW or Communications Workers members?

A. We have no control over the recruiting of new employees. This rests solely with the carriers. We are endeavoring to train them and do encourage them in various phases of signal work, as mentioned above. We are not willing to have any signal work performed by the IBEW, the Communications Workers, or anyone else not a part of our craft or class. And moreover, we

can perform it more efficiently and economically.

Q. Speaking of other unions, what is BofRS doing to seek active railroad management backing and action to help BofRS win and keep signalmen, rather than let them join IBEW or other unions?

A. We are constantly trying to improve their wages and working conditions, creating more incentive to remain in our department. Further, we have negotiated union shop agreements providing that employees must be members of the organization which has been duly certified as the bargaining agent for the craft or class of employees over which it has jurisdiction. This is in accordance with the provisions of the Railway Labor Act.

Of course, should we relax our activities—permitting the carriers to have their way, or other organizations to secure better wages and working conditions—there is nothing in the law which would prevent the majority of the employees of a craft or class from changing their bargaining agent. We don't propose to let this occur.

Q. What can railroads and BofRS do, working together, to help solve jurisdictional problems? Some roads have been victims of labor board rulings in which IBEW or M/W unions have taken electrical or other work away from BofRS. In some instances BofRS has fought for its rights, in others it has sat on its hands.

A. The railroads and the BofRS can accomplish much to solve the question of jurisdiction by the carriers simply consulting with the Brotherhood before assigning its craft work to others. The scope of our Brotherhood's agreements with the carriers almost universally provide that we shall perform all generally recognized signal work, and most of it is spelled out in detail. However, it is almost the universal position of the railroad managements that they have the right to assign the work to whomever it pleases—and do in many instances to outside contractors—without consulting in any manner with Brotherhood representatives. When this is done, obviously the Brotherhood files claims and handles their disputes with the National Railroad Adjustment Board and frequently the referees do assign generally recognized signal work to others. This usually results in the railroads paying a premium rate to have their work performed, and particularly if it is awarded to outside contractors.

Further, if signal work is unilaterally assigned to outsiders or to other carrier employees not covered by our agreements, and the Brotherhood's protest or position is sustained by the National Railroad Adjustment Board that its agreement has been violated, this obviously results in the carrier paying double for having its work performed.

In most instances, and wherever it has been called to our attention, the Brotherhood has and does fight for the rights of the employee it represents. If as implied by the question, we have "sat on our hands" in some instances, it was simply because the matter had not been brought to our attention. We will guard more closely in the future.

Q. Turning now to areas of interest other than wage

and rules negotiations, can you tell us about some of the other accomplishments of the BofRS?

A. We are constantly working with the carriers (primarily, the Association of Western Railroads) in programs for highway grade crossing protective devices, with both installation and maintenance substantially paid for by the taxpayers with a minimum cost to the carriers.

We have state legislative representatives working in almost every state, encouraging more installations and further improvements of these devices. We have distributed much material advocating such programs. Certainly it cannot be disputed that the more of these signal facilities are installed, the better it is for the railroads both from an economic and safety standpoint. We pay the wages and expenses of our representatives in these activities, but obviously we do not have control of the carriers' purse strings and cannot pay for the installation and maintenance of such protective devices ourselves.

We constantly advocate greater and more extensive use of the rails by the public in both freight and passenger transportation. The very nature of our work contributes materially to the safe and efficient operation of the railroads.

We think it fair to further point out that over a long period of years our Brotherhood has "come out for" and sponsored many progressive programs, such as:

Without claiming full credit, we should state that our Brotherhood, in cooperation with others, helped frame the first *Railway Labor Act* in 1926. We, jointly with the carriers, sponsored this legislation.

We joined with other organizations in sponsoring amendments to this law in 1934, which created the *National Railroad Adjustment Board*, for the disposition of labor disputes. This legislation has been recognized through all America as model legislation for the handling of labor-management disputes.

Our Brotherhood, in cooperation with others, sponsored the *Railroad Retirement System*, which obviously is of benefit to all workers and officials in the industry.

We were a party to the *Washington Job Protection Agreement* of 1936, protecting the interests of the workers and the railroad in the event of mergers and consolidations.

The Brotherhood alone prepared and engineered the passage of the *Signal Inspection Act*. Of course, we had the cooperation of other unions, but it cannot be disputed that the Signal Inspection Act has done more for our department than any other single bill enacted by Congress.

Our Brotherhood, in cooperation with others, came out for and sponsored *National Vacation Agreements*, and *Health and Welfare Programs*, and we are constantly striving to improve *Safety and Sanitary Legislation*.

The *40-Hour Week* program, and the legislation permitting enactment of *Union Shop Agreements*, have been a boon not only to our craft but to the entire industry.

All America, and particularly railroad workers, have progressed and directly benefited from these progressive measures which we have advocated, and in which

we assisted in their adoption. Couple these accomplishments with the adoption of the February 7, 1965 Agreement and I think you'll agree that we have a good record of positive and progressive accomplishments.

Q. There is considerable interest in Civil Rights at the present time, Mr. Clark, and I wonder if you would care to comment on the extent to which the BofRS has participated with respect to seeking qualified men from minority groups?

A. First, as mentioned earlier, the Brotherhood has no control over the carriers' hiring practices. We must simply accept whomever is employed in our department. This question is just 25 years late.

At my personal suggestion (I was then assistant to the president of the BofRS) at the 1940 convention of our Brotherhood the following provision was incorporated into our constitution: "Article I Sec. 180. A person who is a member of any organization advocating the overthrow of the governments of the United States or Canada shall not be initiated into the Brotherhood. A member of the Brotherhood who belongs to or later joins any organization which advocates the overthrow of the governments of the United States or Canada shall be expelled from the Brotherhood." Thus, this is the only bar to membership in our Brotherhood.

Certainly this cannot be considered a discriminating clause, nor does it oppose integration or employment of anyone from so-called minority groups. We might pose the question: Would you have it otherwise?

Notwithstanding the above, we think it only fair to point out that under our current Union Shop Agreement we are required to make membership available to whomever the carriers employ, or permit them to go scot-free and not share in carrying their fair load of the expense of activities of our organization. Section 4 of the Union Shop Agreement reads:

"Nothing in this agreement shall require an employee to become or to remain a member of the organization if such membership is not available to such employee upon the same terms and conditions as are generally applicable to any other member, or if the membership of such employee is denied or terminated for any reason other than the failure of the employee to tender the periodic dues, initiation fees, and assessments (not including fines and penalties) uniformly required as a condition of acquiring or retaining membership. For purposes of this agreement, dues, fees and assessments shall be deemed to be 'uniformly required' if they are required of all employees in the same status at the same time in the same organizational unit."

Q. In general what do you think signal engineers and rail managements should do to help improve relations with the BofRS?

A. Take the Brotherhood representatives into its confidence. Discuss with them wages and working conditions. Endeavor to create harmonious relations. Don't tell union representatives to mind their own business. We are ready and willing to cooperate, but it's not a one-way street.

RS&C