

**Consolidated Rail System Federation  
Illinois Central Gulf Federation  
Northeastern System Federation  
Pacific Federation  
Pennsylvania Federation  
Seaboard Federation**



UPS Overnight Mail

December 1, 2009

National Railroad Passenger Corporation  
Joseph M. Bress, Vice President Labor Relations  
60 Massachusetts Avenue, NE  
Washington, DC 20002

Dear Mr. Bress:

The undersigned committees of the Brotherhood of Maintenance of Way Employees Division - International Brotherhood of Teamsters (BMWED) intend to bargain on a concerted basis for the 2010 wage, rules and benefits round of collective bargaining. Attachment A comprises the wage, rules and benefits proposals, while Attachment B comprises the health and welfare benefits proposals submitted by the BMWED in accordance with Section 6 of the Railway Labor Act.

For convenience and expedition, we propose that initial conferences be waived on our notice and any notices that may be served by the Carrier. Please contact Jed Dodd so that the parties may schedule the date and time to begin negotiations.

*Brad Winter*

Brad Winter, General Chairman  
Consolidated Rail System Federation

*Hayward Granier*

Hayward Granier, General Chairman  
Illinois Central Gulf Federation

*Stuart Hurlburt*

Stuart Hurlburt, Jr., General Chairman  
Northeastern System Federation

*Louis Below*

Louis Below, General Chairman  
Pacific Federation

*Jed Dodd*

Jed Dodd, General Chairman  
Pennsylvania Federation

*James Knight*

James Knight, General Chairman  
Seaboard Federation

# Amtrak

## Attachment A

### 1. Wages:

- a) Adjust all wages on January 1, 2010 to reflect the average in the passenger rail industry.
- b) General Wage Increases
  - i) 7% effective January 1, 2010 (after passenger rail adjustment) and each January 1 thereafter
  - ii) Incorporated into all basic rates of pay for all purposes and all elements.
- c) Establish a weekend and night shift differential of 25% applicable to all classes of service.
- d) Eliminate all entry rates.

### 2. COLA:

- a) Full COLA w/o caps or limitations continuing into the status quo period beyond the moratorium, incorporated into basic rates.
  - i) 1 cent for each 0.1 point change
  - ii) Three month adjustment periods.

### 3. Retirement Accounts:

Provide annual carrier contribution of full match up to 4% for 401(k) plans.

### 4. Holidays:

Add Martin Luther King, Jr.'s Birthday and Day after Thanksgiving

### 5. Vacations

- a) Amend Vacation agreement to afford additional paid vacation as follows:

Years of Service	Vacation Eligibility
1 through 4	2 weeks
5 through 7	3 weeks

8 through 14                      4 weeks

15 through 19                    5 weeks

20 years and greater            6 weeks

b) Change vacation qualifying rules to enable employees not qualifying for full vacation benefits to have prorated vacation benefits based upon the percentage of vacation qualifying days worked in the previous year.

c) Employees able to take up to 10 days of paid vacation in single day increments.

6. Bereavement Leave:

a) Add grandchildren, grandparents, stepchildren, stepparents, spouses stepparents and spouses siblings as relative on whose death bereavement leave shall be granted.

b) Allow five (5) workdays' bereavement leave to be taken either consecutively or in single day increments at any time up to six (6) months following the death of the family member.

7. Personal Leave Days:

a) Increase number of personal leave days due each employee in the calendar year as follows:

Years of Service	Personal Leave Days
2 through 8	2
9 through 17	3
18 and greater	4

8. Sick Leave:

Effective January 1, 2010 and each January 1 thereafter, each employee with one year of service will receive a sick leave benefit consisting of ten (10) sick days each calendar year to supplement sickness benefits available under the RUIA. Employees may accumulate paid sick leave days.

9. Off Track Vehicle Insurance:

a) Improve existing allowances for employee injuries suffered in a vehicular covered condition by increasing monetary amounts to \$1 million for each loss now carrying a \$300,000 benefit and \$500,000 for losses carrying a \$150,000 benefit.

b) Increase aggregate limit of payments for any one accident to \$20 million.

- c) Obtain accident insurance with benefits comparable to the foregoing allowances to cover to employees injured or killed in an accident while riding in a Carrier contracted van service regardless of negligence by the van operator.
- d) Injured employees entitled to disability payments.

10. Information Requests:

Upon request, the Carrier shall provide the Organization with information reasonably necessary to administer and negotiate the collective bargaining agreement.

11. Per Diem

Increase the existing per diem of \$35.40 to \$40.00 on January 1, 2010 and \$50.00 on January 1, 2011 and provide for continuous cost of living increases on January 1 of each succeeding year continuing into the status quo period beyond the moratorium.

12. Travel Allowance

Increase the existing travel allowance on January 1, 2010 and provide for continuous cost of living increases on January 1 of each succeeding year continuing into the status quo period beyond the moratorium.

13. Differentials

Increase all differentials on January 1, 2010 and provide for continuous cost of living increases on January 1 of each succeeding year continuing into the status quo period beyond the moratorium.

14. Health and Welfare Cost Sharing

Bring cost sharing and co-pays into line with those paid in the passenger rail industry.

15. Savings Clause:

Any request for changes herein is not an admission, expressed and/or implied, directly and/or indirectly, that those changes requested are not already contained within the terms and conditions in any existing collective bargaining agreement between BMWED and Amtrak.

## ATTACHMENT “B”

### Amplan Health Benefits

#### Eligibility —

- (1) Dependents of employees on active military status will be provided full coverage, without cost sharing, for the length of a standard tour of duty plus 6 month
- (2) Extend full coverage for college students under age 25 for 4 months following their graduation date.
- (3) Provide full Plan coverage to opposite and same sex domestic partners in a committed relationship, including such domestic partners not residing in common law states.
- (4) Extend full coverage to step-grandchildren residing with an employee.
- (5) Provide full coverage to other children placed with the employee by court order.

#### Autism Spectrum Disorders —

- (1) The Plan shall provide coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the assessment, diagnosis, and treatment of autism spectrum disorders are not already covered by the Plan.
- (2) Treatment for autism spectrum disorders shall include, but is not limited to, the care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by (a) a physician licensed to practice medicine or (b) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders. Such coverage shall include, but is not limited to: Applied Behavior Analysis Therapy; Speech Therapy; Social Skills Therapy; Occupational Therapy; Physical Therapy, and Psychological, Psychiatric, and Pharmaceutical Care; and Diagnosis and Assessments.
- (3) Coverage for autism shall not be subject to any maximum benefits, nor subject to any limits on the number of visits to a service provider.

**Lifetime Maximum —**

- (1) Increase lifetime maximum under CHCB and MMCP out-of-network to unlimited.

**Hearing Benefits —**

- (1) Provide an annual hearing benefit of \$4,000 for each covered person.
- (2) In addition to the \$4,000 benefit described in (1) above, provide hearing tests as a covered benefit when medically necessary to diagnose or treat illnesses *other than hearing loss*.

**Birth Control/Reversal —**

- (1) Provide coverage under the plan for voluntary sterilization and/or reversal.

**Mobile Facilities —**

- (1) Amend the current Plan definition of a facility to include a mobile facility used by licensed physicians or other qualified medical personnel to deliver services to employees and their dependents billed under covered codes as directed by the American Medical Association or other governing bodies.

**Speech Therapy —**

- (1) Provide services to restore or improve speech for employees and all eligible dependents without regard to age.

**Hospice Benefits —**

- (1) Increase the hospice benefits to reasonable and customary charges for each course of care.

**COBRA —**

- (1) Provide employees 36 months COBRA eligibility when necessary to bridge a gap between Amplan and GA-46000.

### **Repatriation Insurance —**

- (1) Provide medical evacuation and repatriation insurance to cover 100% of the cost for the transportation of a participant and or dependent(s) via air or ground ambulance from any location more than 100 miles from their home or from a foreign country to their home location or a medical facility within 30 miles thereof. Such coverage shall include bed-to-bed service; the cost of a medical escort; travel costs for dependent spouse and/or children; repatriation of mortal remains, including all transportation, logistical and legal arrangements in connection therewith; transportation of baggage and/or belongings back to the home of the participant/dependent; legal services arising in connection with medical situations.

### **Health Risk Assessment Incentive —**

- (1) Establish an incentive payment of \$100 for the completion of each employee Health Risk Assessment by an employee or dependent aged 18 or over.

### **Managed Medical Care Program (MMCP) —**

- (1) Provide out-of-network coverage for:
  - Immunizations and well-person physical benefits without annual caps to include annual routine physical exams, (including diagnostic testing and immunizations); well-woman visits (including breast examination and/or mammogram, pelvic examination and pap smear); child preventive care given in connection with routine pediatric care, (including immunizations for children as recommended by CDC).
  - Annual prostate cancer screening at no cost to the participant.
  - Annual influenza vaccinations at no cost to the participant.
  - Sigmoidoscopy or colonoscopy for participants over 40 years of age at no cost to the participant.
  - Other screening tests as recommended by the United States Preventive Disease Task Force at no cost to the participant.

- (2) Eliminate defined awarded markets and open all markets to allow choice of all major providers.
- (3) Provide for an annual out-of-pocket maximum of \$200 for chiropractic and physical therapy services.
- (4) If a participant's primary care physician, treating specialist or other provider, or preferred hospital or facility, terminates network participation with the insurance company providing service to the participant, allow the participant to elect coverage under one of the other insurance carrier(s) in that market anytime during the year.

**Comprehensive Health Care Benefit (CHCB) —**

- (1) Provide uniform application of immunizations and well-person physical benefits provided under MMCP to CHCB without annual caps to include annual routine physical exams, (including diagnostic testing and immunizations); well-woman visits (including breast examination and/or mammogram, pelvic examination, and pap smear); child preventive care given in connection with routine pediatric care, (including immunizations for children as recommended by CDC).
- (2) Provide benefits comparable to MMCP for employees who do not live in MMCP network areas.
- (3) Reduce annual out-of-pocket maximums to \$500/individual and \$1,000/family.
- (4) Provide annual prostate cancer screening at no cost to the participant.
- (5) Provide annual influenza vaccinations at no cost to the participant.
- (6) Provide sigmoidoscopy or colonoscopy for participants over 40 years of age at no cost to the participant.
- (7) Provide other screening tests as recommended by the United States Preventative Disease Task Force at no cost to the participant.
- (8) Provide for an annual out-of-pocket maximum of \$200 for chiropractic and physical therapy services.



**Managed Mental Health and Substance Abuse Benefit (MHSA) —**

- (1) Amend the current requirement that out-of-network outpatient services be administered by a licensed psychologist to allow that such care may be administered by Masters level clinicians.
- (2) Eliminate lifetime maximum benefit for Mental Health services.

**Life/AD&D Insurance —**

- (1) Increase Active Employee Life Insurance to \$50,000.00.
- (2) Increase Retired Employee Life Insurance to \$10,000.00.
- (3) AD&D - increase coverage to the following:

<b>TABLE OF COVERED LOSSES AND BENEFIT AMOUNTS</b>	
<b>COVERED LOSSES</b>	<b>BENEFIT AMOUNTS</b>
Life	\$30,000
A hand	\$8,000
A foot	\$8,000
Sight of an eye	\$8,000
<i>Loss of more than one of the above</i>	
in any one accident	\$16,000
Paralyzation	\$25,000

Loss of sight of an eye means that the eye is entirely blind and that no sight can be restored in that eye.

Loss of a hand means that all of the hand is cut-off at/or above the wrist.

Loss of a foot means that all of the foot is cut-off at/or above the ankle.

*\*Loss of a hand or foot shall also include the loss of use of a hand or foot even if the limb is still intact.*

Paralyzation means the loss of use of the extremities of the body as a result of an accident, such as, but not limited to, paraplegia, quadriplegia, or hemiplegia occurring from a traumatic brain injury.

Not more than \$30,000 will be paid for all covered losses caused by all

injuries which are sustained in one accident.

### **Dental Plan**

#### **Eligibility —**

- (1) Provide full Plan benefits to new employees and eligible dependents on the first day of the month following the month in which such employees render compensated service.

#### **Benefits —**

- (1) Eliminate the annual deductible.
- (2) Increase the annual maximum to \$15,000.00.
- (3) Increase Type B coverage to 100%.
- (4) Increase Type C coverage to 75%.
- (5) Increase orthodontia benefit to 90% with a maximum of \$8,000.00.
- (6) Provide orthodontia coverage to all employees and covered dependents regardless of age.
- (7) Eliminate the alternate treatment provisions of the Plan.

### **Vision Plan**

#### **Network —**

- (1) Provide full Plan benefits to new employees and eligible dependents on the first day of the month following the month in which such employees render compensated service.

#### **In-Network Benefits —**

- (1) Increase the frame allowance to \$400.
- (2) Provide full coverage for the following options:
  - Scratch Coating,
  - UV Protection,
  - Anti-Reflective Coating,
  - Photochromic Lenses,
  - Progressive Lenses.
- (3) Increase allowance for contact lenses to \$400 annually.
- (4) Add laser surgery benefit. Provide full coverage for laser surgery to correct vision in one or both eyes.

- (5) Eliminate lens exclusions for oversized lenses.

#### **Supplemental Sickness Benefit Plan — Provident Policy R-5000**

Amend the provisions of Provident Policy R-5000, the Supplemental Sickness Benefit Plan, to provide the following effective, January 1, 2010:

- (1) Amend the Plan so that the combined benefit limits payable under the Plan are 90% of the employee's regular daily rate, including payments from the Railroad Retirement Board, if eligible.
- (2) Remove requirement that employee must be eligible for Railroad Retirement sickness benefits in order to qualify for benefits hereunder.
- (3) Amend the Plan to change the maximum duration for the payment of benefits to 18 months from 12 months.
- (4) Employees will be eligible for these benefits after three months of service, regardless of eligibility for Railroad Retirement sickness benefits.
- (5) Amend Plan to provide that the medical proof of disability supplied to Railroad Retirement and Railroad Retirement approval of such disability will be acceptable to the Plan in determining medical proof of disability.
- (6) Amend Plan to provide for payment of benefits for claims where notification is more than 60 days after date of disability. In such cases, in addition to what is already provided in the Plan, the Plan will pay benefits beginning on the date of notification.

#### **Cost Containment Measures**

- (1) Waive copays when an employee is referred by the Nurse Helpline to seek treatment from the emergency room.

#### **National Health Legislation**

- (1) In the event that national health legislation should be enacted, benefits provided under The Railroad Employees National Health and Welfare Plan, The Railroad Employees National Early Retirement Major Medical Benefit Plan, The Railroad Employees National Dental Plan, and The Railroad Employees National Vision Plan with respect to a type of expense which is a covered expense under such legislation will be integrated so as to avoid duplication, and the parties will agree upon the disposition of any resulting *Savings.*