

**EXHIBIT NO. 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**KENNETH CAMPBELL, et al.,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **NATIONAL RAILROAD PASSENGER** )  
 **CORPORATION,** )  
 )  
 **Defendant** )  
 \_\_\_\_\_ )

**CIVIL ACTION NO.  
1:99-cv-02979 (EGS)**

**DECLARATION AND EXPERT REPORT OF THOMAS R. ROTH**

I, Thomas R. Roth, do hereby declare that the following is true and correct:

1. I am President of the Labor Bureau Inc., a private consulting firm providing financial and economic consulting services to labor organizations. I have been employed by the Labor Bureau Inc. since 1974 and over the past 37 years have served as financial and economic advisor in hundreds of cases throughout the transportation sector. I have been engaged as financial and economic advisor on behalf of the majority of the Labor Organizations in connection with their collective bargaining and related activities on the National Railroad Passenger Corporation (Amtrak) continuously since 1978. Presently, in addition to Amtrak, I have been retained in the capacity of financial and economic advisor in representing theses same labor organizations in connection with national freight railroad negotiations including appearing as an expert witness before the Presidential Emergency Board 243 in October 2011. (See Resume, Attachment A)

2. The facts asserted herein are based on my personal experience with Amtrak and the labor organizations representing its workforce, knowledge of Amtrak's operation

and the railroad industry generally, and a review of the various Amtrak collective bargaining agreements and other pertinent statistical information maintained by me or by my staff under my direct supervision.

## **THE COLLECTIVE BARGAINING STRUCTURE ON AMTRAK**

4. The present railroad classification system and bargaining structure has its genesis in General Order 27 issued by the Director General of Railroads in May 1918. During World War I the President took possession and control of the nation's railroads by proclamation, establishing the United States Railroad Administration under the direction of the Director General. The federal agency operated the railroads from December 26, 1917 to March 1, 1920. On January 18, 1918, the Director General created a Railroad Wage Commission to investigate wage structure and related issues in the industry. The Commission issued its report on April 30, 1918. Its recommendations were put into effect by General Order No. 27 issued on May 25, 1918. General Order 27, together with its supplements, established occupational groupings known as "crafts and classes" of employees for purposes of collective bargaining. Thereafter, in 1919, the Director General approved various agreements with the established railroad brotherhoods representing operating, shopcraft and other non-operating employees. These scope and classification rules under these agreements represent the first formal recognition of the occupational classification system and associated representation rights of the respective unions.

5. The Transportation Act of 1920 returned the railroads to private ownership and established the United States Railroad Labor Board. The RLB was tri-partite in structure and was established to handle negotiation disputes through mediation and arbitration. In its decisions No.2 and No. 119, the Railroad Labor Board extended the various national agreements, including

the scope (job jurisdiction) and classifications forming the “crafts and classes” for bargaining purposes. Decision No. 119 further instructed the parties to bargain successor agreements consistent with a set of principles including Principle No. 15 which established the concept of exclusive representation status by majority vote of the employees in the craft and class.

6. With the passage of the Railway Labor Act in 1926 a new agency, the U.S. Board of Mediation, succeeded the Railroad Labor Board. The parties were encouraged to respect the exclusive representation rights of duly elected unions but, like its predecessor, the Board of Mediation had no administrative enforcement powers. The RLA was amended in 1934. Among the major changes was the creation of the National Mediation Board which, for the first time in rail labor history, was an agency vested with the legal authority to determine crafts and classes of employees, conduct representation elections, and certify exclusive representation rights for the chosen labor organization. Today’s legal framework for collective bargaining in the railroad industry – i.e. the labor organizations’ exclusive bargaining rights – are rooted in the determinations of the National Mediation Board.

7. The U.S Congress passed the Rail Passenger Service Act in 1970, creating the National Railroad Passenger Corporation (Amtrak) to preserve and revitalize the nation's intercity passenger rail network which had deteriorated under the ownership and operation of the Freight railroad industry. It began operations on May 1, 1971 as a contractor using services, equipment and trackage of freight railroads over which it operated. Thus, between 1971 and 1976, maintenance-of-way, signal repair and equipment maintenance, along with other functions, were performed by freight railroad personnel under contract with Amtrak. On April 1, 1976, Amtrak became a full-fledged operating railroad with the acquisition of the "Northeast Corridor" from Conrail. Initially trains and stations were staffed by employees of the operating railroads,

principally Conrail. Amtrak gradually assumed station and maintenance functions by switching railroad employees to the Amtrak payroll. Between 1975 and 1980, Amtrak employment rose from 8,808 to 21,416 as Conrail employees transferred to Amtrak.<sup>1</sup>

8. The creation of Amtrak explains the collective bargaining structure that exists today. The labor unions representing freight employees in the mid-1970s, were transferred to Amtrak along with their respective work jurisdictions and collective bargaining rights. Accordingly, the bargaining structure on Amtrak is a replica of the freight railroad industry. Today, on Amtrak, there are 17 separate “crafts and classes” of employees – i.e. collective bargaining units:<sup>2</sup>

- The American Train Dispatchers Association (ATDA)
- American Federation of Railroad Police (AFRP)<sup>3</sup>
- The American Railway and Airway Supervisors Association - Maintenance of Way (ARASA-MW)
- The American Railway and Airway Supervisors Association - Maintenance of Equipment (ARASA-ME)
- The American Railway and Airway Supervisors Association – Clerical and On Board Services (ARASA-OBS)
- The Amtrak Service Workers Council (ASWC)
- The Brotherhood of Locomotive Engineers and Trainmen (BLET)

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<sup>1</sup> Amtrak's first agreement was with the TCU (formerly BRAC) in 1972. The Amtrak Service Workers Council (ASWC) followed in 1973. The rest of the nonoperating crafts followed in 1975 through 1977. The initial agreements with the Engineers (BLE) and Conductors (UTU) were negotiated in 1982 and 1985.

<sup>2</sup> Over the years several of the labor organizations holding collective bargaining rights for separate and discrete craft and classes of employees had subsequently affiliated or merged with other labor unions. For example the TCU and ARASA are affiliated with the IAM, the NCFO is affiliated with the Service Employees International Union, the BMW and BLE are affiliated with the International Brotherhood of Teamsters, and the UTU has merged with the SMWIA. These mergers and affiliations occurred for reasons extraneous to the collective bargaining function of the respective unions and have not altered the craft and class designations on Amtrak in any manner.

<sup>3</sup> Affiliated with the Fraternal Order of Police.

- The Brotherhood of Maintenance of Way Employes (BMWED)
- The Brotherhood of Railroad Signalmen (BRS)
- The International Brotherhood of Boilermakers (IBB)
- The International Brotherhood of Electrical Workers (IBEW)
- The International Association of Machinists and Aerospace Workers (IAM)
- The Joint Council of Carmen, Coach Cleaners and Helpers (JCC)
- The National Conference of Fireman & Oilers, SEIU (NCFO)
- The Sheet Metal Workers' International Association (SMWIA)
- The Transportation-Communications Union (TCU)
- The United Transportation Union (UTU)

## **ORGANIZATION OF EMPLOYEES BY FUNCTION**

9. Notwithstanding the proliferation in crafts and classes of employees, for analytical purposes they are appropriately grouped into five functional categories: operating, equipment maintenance, maintenance-of-way, clerical and on-board services, and security.

10. Operating crafts are engaged in train movement and train operation. The principal occupations in this group are Dispatchers – who control all train movement from remote control centers; Engineers – who operate the trains; and Conductors – who perform road service duties, such as collecting tickets, together with yard duties such as coupling and uncoupling cars and operating switches. Together the operating crafts represent 21 percent of Amtrak's represented workforce. The Dispatchers belong to the ATDA, the Engineers to the BLE, and the Conductors are represented by the UTU.

11. Shopcraft employees are engaged in the maintenance of equipment, or "rolling stock." They repair and maintain Amtrak's fleet of passenger cars, baggage cars, auto-train transports, and locomotive engines. These crafts are collectively referred to as the "shopcrafts" in recognition of their central work locations at Amtrak's engine houses and repair shops. The key classifications are the Machinists – responsible for the repair of locomotive brakes, running gear

and engine components; Electricians – who inspect and maintain all locomotive and passenger car electrical wiring; Carmen -- generally inspect and repair the mechanical systems associated with passenger and baggage cars (e.g. wheels, brakes, couplers, etc.); Sheet Metal Workers -- work on the exterior metal surface of cars as well as the air conditioning and plumbing systems; Motor Equipment and Crane Operators – move supplies and equipment in the shops and operate cranes moving locomotives and cars under repair; Car Cleaners – wash and clean passenger cars; and Boilermakers -- engaged as welders performing various repairs on locomotives. Carmen and Cleaners are represented by the JCC, Machinists by the IAM, Electricians by the IBEW, Sheet Metal Workers by the SMWIA; Equipment Operators by the NCFO; and Boilermakers by the IBB. All of these shopcrafts are supervised by members of ARASA-ME. Together the shopcraft unions on Amtrak represent 29 percent of the unionized workforce.

12. The engineering crafts are comprised of maintenance-of-way employees who are engaged in maintaining Amtrak's bridges and buildings, repairing, inspecting and installing rail, ties and ballast, and installing, inspecting, and maintaining the signal systems along the roadway. This group is also responsible for the maintenance of roadway machines and equipment used in the operation. The main classifications are Bridge and Building Mechanics – performing all carpentry, masonry and painting of structures; Machine Operators – operating the equipment used in repairing the roadway; Trackmen – semiskilled workers engaged in the installation of ties, ballast and rail; Welders – installing rail; Equipment Repairmen – maintaining roadway equipment; and Signal Maintainers – responsible for the installation and repair of the signal and communication system across the rail road. Employees engaged in maintenance of structures, track and signals make up 15 percent of the workforce and are represented by the BMWE and

BRS. All maintenance-of-way employees are supervised by members of ARASA-MW.

13. The clerical and on-board services crafts group includes a wide range of classifications engaged as ticket and reservation agents, secretaries, sales agents, and those providing on-board services such as train attendants. This group makes up 34 percent of the organized workforce and is represented by the TCU and ASWC. The ASWC group is supervised by ARASA's division designated ARASA-OBS.

14. The security function, at Amtrak stations and on-board trains, is performed by the Amtrak's police department. Police patrolman and sergeants are represented by the AFRP which represents 2 percent of the unionized workforce.

#### **AMTRAK'S MANAGEMENT STRUCTURE**

15. Logically, the five functional employee categories mirror Amtrak's management structure. Technically, Amtrak has 18 departments. However, approximately 97 percent of the unionized workforce resides in five departments which coincide with the employee functional groups described above.

16. The Transportation Department employs 43 percent of all Amtrak union and non-union workers and 46 percent of the unionized. This department includes all employees represented by the BLE, UTU and ATDA.

17. The Mechanical Department is responsible for the maintenance, repair and rehabilitation of Amtrak's rolling stock. The Mechanical Department's workforce numbers approximately 4,500 employees (23 percent of all Amtrak workers) including approximately 24 percent of unionized workers. The members of the shopcraft labor organizations – IAM, IBEW,



SMWIA, NCFO, IBB, JCC and ARASA-ME – are generally employed within the Mechanical Department.

18. The Engineering Department is responsible for keeping the infrastructure in a state of good repair. That includes maintenance, testing, and inspection of Amtrak's track, signals, electric traction, tunnels, and bridges on Amtrak-owned right of way and stations and facilities along the right of way. The Engineering Department includes all classifications represented by the BMWE, BRS and ARASA-MW – approximately 18 percent of total employment and 19 percent of all unionized employees.

19. The Police and Security Department maintains safety and security for the rail traveling public. The department employees about 3 percent of the unionized workforce including all of the AFRP-represented employees.

20. The Marketing and Product Development Department is responsible for sales distribution, customer service, marketing and promotion, food and beverage service delivery, market research and on-board product development. Approximately 6 percent of the workforce is employed in Marketing, including TCU and ASWC members.

## **COMMON WORK LOCATIONS AND SUPERVISION**

21. Apart from a fundamentally shared function and Amtrak's corresponding managerial organization, the five employee groups share common work sites and supervision. Train and Engine personnel (UTU and BLE) work shoulder-to-shoulder in operating the train over the road. Amtrak's police forces patrol the stations as well as traveling the trains with the on-board service employees. The shop craft unions share the work locations at Amtrak's 3 heavy

overhaul facilities and the 11 main terminals where “line” or “running” maintenance is performed. The BMW and the BRS work side-by-side on the right of way because the signal system is intergraded with the road bed. The ticket agents, baggage handlers, and other TCU terminal employees share work together with on-board train attendants (ASWC) at the terminals in providing seamless passenger services from train to platform and platform to train.

22. As noted above, the immediate supervision in the Mechanical and Engineering departments is provided across those crafts within the departments by ARASA-ME and ARASA-MW supervisors. Additionally, within the shops, foremen are recruited from any one of the shopcrafts to lead crews composed of member from all the crafts.

23. Regardless of work site, the work performed within the craft and within the classification, is the same. In other words, an electrician working at one shop shares the same job description and qualifications as any other electrician in the same classification working elsewhere.

24. It should be noted with respect to members of ARASA that supervisors in this craft are responsible for organizing work crews and making assignments together with other important supervisory functions. However, although ARASA supervisors may make recommendations regarding hiring, promotions and discipline, these decisions and ultimate responsibility fall on the unrepresented managerial personnel.

## **PATTERN BARGAINING AMONG THE CRAFTS**

25. The community of interest shared by the organizations within the five functional groups is manifest in the principal of pattern bargaining. The parties – both management and

labor – have an interest in maintaining labor relations stability by negotiating common terms and conditions of work within the employee groups sharing a common type of work. For example the train and engine crafts operating (BLE and UTU) share an identical compensation structure – i.e. common pay components. And the relative pay relationship among and between the various classifications across the two crafts has been preserved by the negotiation of identical pay increases.

26. The Shopcrafts have numerous, different but equal, classifications which for generations have had common wage levels and other terms. For example, the standard “journeyman” wage rate is the same across all the shopcrafts. Similarly, the IAM, IBEW, SMWIA and JCC have “technician” rates which are identical. The desire of the parties to maintain wage parity among the shopcrafts has promoted pattern bargaining and occasionally coalition bargaining where the unions joined together to present a common bargaining position.

27. By contrast the AFRP – representing police patrolmen – has not followed the internal wage patterns but has successfully established a compensation structure similar to that prevailing in police departments in the major cities in the Northeast.

28. The TCU, representing mainly clerical workers, reservation agents and ticket agents, has negotiated independently over the years in recognition of the different character of work performed by its members compared to the other crafts.

## **TERMS OF THE COLLECTIVE BARGAINING AGREEMENTS**

29. Certain elements of compensation, notably pensions, health and welfare, and paid vacations have been established on a system-wide basis covering all crafts. Retirement income is

provided under the Railroad Retirement Act and is applicable across the entire passenger and freight railroad industry. Health and welfare has been negotiated independently from the freight sector but has applied uniformly across Amtrak's workforce. Paid vacation provisions have followed the freight railroad pattern and are the same for all the crafts.

30. Other benefit provisions, including pay for short-term illness and injury, paid holidays, and expense allowances vary by the functional group reflecting different working conditions and prevailing past practice. For instance the TCU members have traditional, payroll based paid sick leave while the shop crafts are covered by a common insured short-term disability policy providing partial wage replacement during short term absence. Similarly, the BMW and the BRS have insured short-term disability with comparable terms but separate policies.

31. The rules governing discipline and grievances are common to a substantial degree within each functional employee group. The shopcrafts share contract language -- identical in all materially respects -- which feature the following terms:

- 90 day probationary period during which employees may be disciplined/ discharged at will.
- The requirement that employees cannot be disciplined without a "fair and impartial investigation."
- The requirement that discipline must be conducted within 30 days from the point that the management first had knowledge of the incident which gives rise to the discipline.
- The requirement that the disciplinary investigation be conducted within 10 days of the alleged offence, and a decision rendered within 15 days of the investigation.
- The right of the grievant to appeal the decision to the Director of Labor Relations within 30 days of the lower decision.
- The right to appeal the Director's decision to arbitration in accordance with rules established under Section 3 of the Railway Labor Act which provides arbitration by the National Railroad Adjustment Board (NRAB) or alternatively, by a Special Board of Adjustment which is a system or local arbitration board

established by the parties. Amtrak and its unions use a combination of both.

32. With respect to the other crafts, the language of the grievance procedures vary widely but embody the principles of just cause, fair and impartial investigation, timeliness and the other due process elements characteristic of the shopcraft agreements.

33. The rules governing the accrual and exercise of seniority are of great importance under the rail agreements. Seniority determines shift and work location selection, order of layoff and recall, and plays a role in promotions and lateral transfers. All the crafts have similar rules regarding the establishment of seniority including the following key terms:

- Seniority is established for competitive purposes within a classification upon entering that class. (The NCFO which establishes seniority within a classification group is an exception). However, in crafts with distinct promotional ladders – e.g. trackmen to machine operator to foreman; assistant conductor to conductor; machinist to machinist technician, etc. – the employee in the higher classification continues to accrue seniority in the class from which he/she was promoted. In some cases employees hired directly into the higher class are given a “paper rating” in the lower class. The seniority systems are designed to protect senior employees from furlough by providing bumping rights into lower classifications.
- The agreements permit the continued accrual of seniority in the craft upon promotion to a supervisory position provided they maintain membership (pay service fees) in the craft from which they were promoted.
- Seniority (right to recall) is terminated, for employees with less than 3 years of service, following 365 continuous days on furlough.

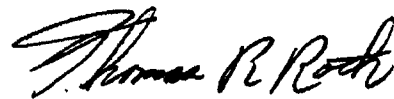
34. As a general practice, seniority plays an important but subordinate role in promotions and filling vacant positions. It is common under all agreements to award positions in seniority order only after employees are deemed “qualified” to perform the job by experience, training and/or passing written exams. Under the agreements once awarded the position, the employee serves a 20 or 30 day probationary period during which time ability to perform the job

is demonstrated. If in the judgment of management the employee has not demonstrated ability to meet the qualifications of the job he/she is moved back to the former position.

35. Employees may challenge the management's judgment regarding employee qualifications through the normal grievance procedure. However, if the employee's claim is based on race or gender discrimination, the case is routinely referred to Amtrak's office of diversity and ultimately, if necessary, the employee can resort to the external, statutory channels of the Equal Employment Opportunity Commission.

36. The Labor Organizations have advised employees with discrimination claims to pursue them through external procedures for two reasons: first, in the absence of clear contract language barring race/gender discrimination in promotions and/or transfers, the NRAB has consistently declined jurisdiction, deferring to the EEOC; secondly, the arbitration process is limited in terms of discovery and remedy, while the courts in Title VII cases routinely order discovery and are more inclined to award damages.

Date: February 20, 2012

A handwritten signature in black ink, appearing to read "Thomas R. Roth". The signature is written in a cursive, flowing style.

Thomas R. Roth

# EXHIBIT "A"

## THOMAS R. ROTH

Mr. Roth is a labor relations consultant, financial and economic advisor, and President of **The Labor Bureau, Inc.** The Labor Bureau is a private consulting firm founded in 1923 and has provided professional services in labor relations matters to labor organizations throughout the United States continuously for over 88 years. Mr. Roth has served Labor Bureau clients from 1974 to present and has directed the firm's activities since 1978.

The Labor Bureau, Inc., assists with any matter requiring labor relations expertise or technical knowledge in matters that are subject to collective bargaining including research and preparation for negotiation, arbitration, and fact-finding proceedings, contract analysis and comparative compensation surveys, corporate financial and economic performance analysis, hands-on advocacy in contract negotiations, serving as partisan arbitrator on tripartite interest arbitration panels, and furnishing expert testimony in interest arbitration, fact-findings and judicial proceedings.

Since 1974, Mr. Roth has worked on a regular and continuous basis in both public and private sectors, with extensive experience in urban transit, railroads, and airline industries. Client services typically include analysis of employer economic and financial position, design of wage and benefit compensation programs, conducting wage and benefit surveys and comparative compensation analysis, and furnishing expert testimony and evidentiary reports in formal contract determination proceedings. Mr. Roth has appeared as an expert witness in well over 300 fact-finding, arbitration, and court cases. Examples of Mr. Roth's professional experience follow:

**Railroad Industry** — 1978 to present — Has served as economic and financial advisor to all railroad unions in national freight negotiations, commuter rail negotiations and Amtrak negotiations. Includes representing all 14 standard railroad unions as financial and economic advisor in presentation of rail labor's case before numerous Presidential Emergency Boards and interest arbitrations under the Railway Labor Act. In all such cases furnished economic and financial analysis, prepared expert reports and statistical evidence, and provided expert testimony. Appearances include over 30 Presidential Emergency Boards and interest arbitrations under the RLA.

**Airline Industry** — 1992 to present — Served as lead financial advisor to the International Association of Machinists and Aerospace Workers in all rounds of negotiations since 1991 involving Northwest Airlines, United Airlines, US Airways, Trans World Airlines, and Alaska Airlines. Airline experience includes 14 restructuring cases under Sections 1113 and 1114 of the Bankruptcy Code.

**Urban Transit Industry** — 1974 to present — Serves as labor relations consultant and economic advisor to dozens of local unions representing transit workers in major metropolitan areas throughout the United States. Units include operators, maintenance, police, clerical, and supervisors. Prepared and presented scores of interest arbitration cases in the transit industry. In such proceedings served as partisan arbitrator on tripartite panels, as well as supplying all economic research, statistical evidence, and expert testimony. Recent projects include furnishing all economic evidence and related expert testimony in arbitration cases involving the major union and transit employers in New York City, Boston, Baltimore and Washington.

**Litigation Support** — 1992 to present — Furnishes expert testimony in Federal Employee Liability Act cases. Experience includes preparation of reports regarding economic loss on behalf of plaintiffs in over 100 cases. Has testified at trial or in deposition on more than 50 occasions; several additional cases pending deposition and/or trial.

**Other Experience** — Mr. Roth has provided expert testimony in numerous other interest and rights cases, including several in the Postal Service, health care industry, public schools, firefighters, and newspaper publishing.

Mr. Roth holds an undergraduate degree (B.S. 1971) from Le Moyne College in Syracuse, N.Y., majoring in economics and industrial relations; and a graduate degree (M.S. 1973) from the University of Wisconsin, Madison, in Labor and Industrial Relations.

## **Appearances Before Presidential Emergency Boards by Thomas R. Roth Financial and Economic Expert Testimony**

1. PEB 192 — January 14, 1980  
James J. Reynolds, Ida Klaus, Nicholas H. Zumas  
Long Island Rail Road Company  
7 Labor Organizations (BLE, BRC, BRS, IBT, PBA, RYA, UTU)  
(On behalf of all Organizations; preparation only)
2. PEB 194 — August 19, 1982  
Arnold R. Weber, Jacob Seidenberg, Daniel Quinn Mills  
National Railway Labor Conference; National Carriers Conference Committee  
Brotherhood of Locomotive Engineers
3. PEB 196 — December 6, 1982  
Herbert R. Northrup, Marjorie B. Broderick, Morris Gerber  
Southeastern Penn. Transp. Auth.  
15 Labor Organizations (ATDA, ARASA, BLE, BMW, BRAC, BRC, BRS, IAM,  
IBBB, IBEW, IBFO, RYA, SMWIA, TWU, UTU)  
(On behalf of all Organizations)
4. PEB 197 — November 1, 1982  
Charles Serraino, Thomas H. Bruinooge, Richard R. Kasher  
New Jersey Transit Rail Operations  
16 Labor Organizations (ATDA, ARASA, BLE, BMW, BRAC, BRC, BRS, IAM,  
IBBB, IBEW, IBFO, IBT, RYA, SMWIA, TWU, UTU)  
(On behalf of all Organizations)
5. PEB 198 — December 17, 1982  
Arvid Anderson, Daniel G. Collins, Richard T. Niner  
Metro-North Commuter Railroad (New York MTA)  
17 Labor Organizations (ATDA, ARASA, ASWD, BLE, BMW, BRAC, BRC, BRS,  
IAM, IBBB, IBEW, IBFO, IBT, RYA, SMWIA, TWU, UTU)  
(On behalf of all Organizations)
6. PEB 209 — June 20, 1986  
Robert O. Harris, Richard R. Kasher, Robert E. Peterson  
Main Central RR and Portland Term  
Brotherhood of Maintenance of Way Employees



7. PEB 211 — October 22, 1986  
George S. Roukis, John B. LaRocco, David P. Twomey  
National Railway Labor Conference; National Carriers Conference Committee  
6 Labor Organizations (BRC, IAM, IBEW, IBF&O, BMWE, BRS)  
(On behalf of BMWE and BRS)
8. PEB 219 — January 15, 1991  
Robert O. Harris, Richard R. Kasher, Arthur Stark  
National Railway Labor Conference; National Carriers Conference Committee  
11 Labor Organizations (ATDA, BLE, BMWE, BRS, IBB, IBEW, IBF&O, SMWIA,  
TCU, TCU-Carmen Division, UTU)  
(On behalf of all Organizations)
9. PEB 220 — May 28, 1992  
Benjamin Aaron, Eric J. Schmertz, David P. Twomey  
CSX Transportation; National Railway Labor Conference; National Carriers Conference  
Committee  
International Association of Machinists
10. PEB 221 — May 28, 1992  
Benjamin Aaron, Preston J. Moore, Eric J. Schmertz, David P. Twomey, Arnold M. Zack  
Consolidated Rail Corporation  
Brotherhood of Maintenance of Way Employees
11. PEB 222 — May 28, 1992  
Benjamin Aaron, Preston J. Moore, Eric J. Schmertz, David P. Twomey, Arnold M. Zack  
National Railroad Pass. Corp. (Amtrak)  
11 Labor Organizations (ATDA, BLE, BMWE, IAM, IBB, IBEW, IBF&O, TWU, TCU,  
UTU)  
(On behalf of IAM, BLE, BMWE)
12. PEB 226 — April 21, 1995  
Herbert L. Marx, Jr., Lois A. Rappaport, Josef P. Sirefman  
Metro-North Commuter Railroad  
12 Labor Organizations (BLE, ATDA, BRS, IBB, IAM, IBEW, IBFO, IBT, SMWIA,  
ARSA, TWU, UTU)  
(On behalf of IAM, SMWIA)
13. PEB 227 — September 19, 1995  
Robert M. O'Brien, George S. Roukis, Barbara Zausner Tener  
Metro-North Commuter Railroad  
12 Labor Organizations (BLE, ATDA, BRS, IBB, IAM, IBEW, IBFO, IBT, SMWIA,  
ARSA, TWU, UTU)  
(On behalf of IAM, SMWIA)

14. PEB 229 — June 23, 1996  
David P. Twomey, William P. Hobgood, Carl E. Van Horn  
National Railway Labor Conference; National Carriers Conference Committee  
Brotherhood of Maintenance of Way Employes
15. PEB 230 — June 23, 1996  
Richard Mittenthal, Robert M. O'Brien, M. David Vaughn  
National Railway Labor Conference; National Carriers Conference Committee  
3 Labor Organizations (IAM, IBEW, SMWIA)  
(On behalf of all Organizations)
16. PEB 234 — September 21, 1997  
Arnold M. Zack, Richard I. Bloch, Roberta Golick  
National Railroad Pass. Corp. (Amtrak)  
Brotherhood of Maintenance of Way Employes
17. PEB 236 — January 19, 2002  
Helen M. Witt, Ira F. Jaffe, David P. Twomey  
United Airlines, Inc.  
International Association of Machinists
18. PEB 240 — January 19, 2007  
Peter W. Tredick, Patricia Hanahan Engman, Robert E. Peterson  
Metro-North Commuter Railroad  
8 Labor Organizations (TCU, TWU, SMWIA, IAM, IBEW, SEIU, IBT, TCU)  
(On behalf of all Organizations)
19. PEB 241 — May 15, 2007  
Peter W. Tredick, Ira F. Jaffe, Annette M. Sandberg  
Metro-North Commuter Railroad  
International Brotherhood of Teamsters
20. PEB 242 — December 30, 2007  
Peter W. Tredick, Ira F. Jaffe, Joshua M. Javits, Annette M. Sandberg, Helen M. Witt  
National Railroad Passenger Corporation (Amtrak)  
9 Labor Organizations (ATDA, ARASA, BMWED, JCC, TCU, IAM, BRS, IBEW,  
NCFO)  
(On behalf of all Organizations)
21. PEB 243 — November 5, 2011  
Ira F. Jaffe, Roberta Golick, Joshua M. Javits, Gilbert H. Vernon, Arnold M. Zack  
National Railway Labor Conference; National Carriers Conference Committee  
11 Labor Organizations (BLET, BMWED, TCU-BRC/TWU, TCU, IAM, BRS, IBEW,  
ATDA, NCFO, SMWIA, IBB)  
(On behalf of all Organizations)

## Other Railroad Interest Cases

1. Interest Arbitration — November 1992  
National Railway Labor Conference  
John B. LaRocco  
BRS  
Skill Premium
2. Interest Arbitration — May 1993  
Richard I. Bloch  
National Railroad Passenger Corporation  
American Federation of Rail Road Police  
Wages, Benefits and Rules
3. Interest Arbitration — September 1998  
Robert O. Harris  
Wheeling and Lake Erie Railway Co.  
BRS  
Wages, Benefits and Rules
4. Interest Arbitration — March 1999  
Richard Mittenthal  
National Railroad Passenger Corporation  
Coalition on Job Protection including all labor organizations  
Employee Protective Conditions
5. Interest Arbitration — April 2003  
David P. Twomey  
Norfolk Southern Railway  
BMWED  
Employee Protective Conditions
6. Interest Arbitration — 2003  
Robert O. Harris  
National Railway Labor Conference  
TCU  
Wages, Benefits and Rules
7. Interest Arbitration — 2003  
Rodney Dennis  
Intermodal Container Trailer Facility  
TCU  
Wages, Benefits and Rules

8. Interest Arbitration — April 2009  
John LaRocco  
The South Kansas & Oklahoma Railroad and The Stillwater Central Railroad  
BMWED  
Wages, Benefits and Rules
  
9. Interest Arbitration — August 2011  
Roberta Golick  
Massachusetts Bay Commuter Railroad Corporation  
BMWED  
Wages, Benefits and Rules

**Thomas R. Roth**  
**The Labor Bureau, Inc.**  
**Litigation Support**

No.	Case	Client	Court	Date	Report Filed	Deposition	Trial	Status 1/1/10
1	Charles Mathaei v. NRPC	Hunegs, Stone, Koenig & Reid, P.A.	The Superior Court for the District of Columbia	Nov-92	X	X		Closed
2	George Masters v. NRPC	Hunegs, Stone, Koenig & Reid, P.A.	The Superior Court for the District of Columbia	Dec-92	X	X	X	Closed
3	Helena Graham v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Mar-94	X		X	Closed
4	Hyman Kaufman, et al. v. Stephen Wolf, UAL, IAM, et al.	International Assn. of Machinists	The Superior Court for the District of Columbia	Jun-94		X		Closed
5	Stephen Rastall & Timothy Gowdey et al v. CSX	Zuckert, Scoutt & Rosenberger	The Superior Court for the District of Columbia	Nov-94		X	X	Closed
6	Jenny McBride v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Oct-95	X	X		Closed
7	David Baldwin v. D&RGW	Alper, Mann & Weisbaum, P.C.	United States District Court for the State of Colorado	Dec-95	X	X		Closed
8	Charles Darnico v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Jan-96	X		X	Closed
9	Daniel Hart v. D&RGW	Alper, Mann & Weisbaum, P.C.	United States District Court for the State of Colorado	Feb-96	X	X		Closed
10	James Major v. Mark/NRPC	Alper, Mann & Weisbaum, P.C.	United States District Court for the District of Maryland	Jul-96	X			Closed
11	Rodney McCollom v. D&RGW	Alper, Mann & Weisbaum, P.C.	United States District Court for the State of Colorado	Jul-96	X			Closed
12	Michael Thomas v. AT&SF	Alper, Mann & Weisbaum, P.C.	United States District Court for the State of Colorado	Nov-96	X			Closed
13	Katrina Nease v. NRPC	Alper, Mann & Weisbaum, P.C.	United States District Court for the District of Maryland	Dec-96	X			Closed

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14	Gregory (Dustin) Ratliff v. CSX	Alper, Mann & Weisbaum, P. C.	<i>Unavailable.</i>	Feb-97	X			Closed
15	Robert Pandohie v. NRPC	Alper, Mann & Weisbaum, P. C.	The Superior Court for the District of Columbia	May-97	X			Closed
16	Jesse Wilson v. NRPC	Alper, Mann & Weisbaum, P. C.	The Superior Court for the District of Columbia	Sep-97	X	X		Closed
17	Ray McDavitt v. NRPC	Alper, Mann & Weisbaum, P. C.	The Superior Court for the District of Columbia	Nov-97	X		X	Closed
18	David Wortham v. CSX	Alper, Mann & Weisbaum, P. C.	United States District Court for the District of Maryland	Jul-98	X			Closed
19	Sharon Gardiner v. NRPC	The Siegal Law Firm	The Superior Court for the District of Columbia	Aug-98	X	X		Closed
20	David Peet v. NRPC	Davis, Saunders, Arata & Rome, PLC	The Superior Court for the District of Columbia	Sep-98	X		X	Closed
21	Maurice Adams v. NRPC	The Siegal Law Firm	The Superior Court for the District of Columbia	Sep-98	X	X	X	Closed
22	Henry Allen v. CSX	Alper, Mann & Weisbaum, P. C.	Circuit Court for Duval Co. Florida	Oct-98	X			Closed
23	Opinski v. Conrail	Dinardo, Metsch & Dwyer, P. C.	United States District Court Western District of New York	Oct-98	X	X		Closed
24	Michael Ferris v. NRPC	Alper, Mann & Weisbaum, P. C.	The Superior Court for the District of Columbia	Oct-98	X		X	Closed
25	Paulette Smith-Barbour v. NRPC	Pels, Anderson & Lee, LLC	United States District Court for the District of Maryland	Dec-98	X			Closed
26	Thomas Barbour v. NRPC	Pels, Anderson & Lee, LLC	United States District Court for the District of Maryland	Dec-98	X			Closed
27	Kelvin Williams v. Job Corp Building & Apt. Maintenance	Alper, Mann & Weisbaum, P. C.	United States District Court for the District of Maryland	Dec-98	X	X	X	Closed
28	Michael Ward v. NRPC	Alper, Mann &	The Superior Court for the	May-99	X			Closed

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29	Paul Pridgin v. CSX	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Jun-99	X		X	Closed
30	Mariedesa Haddock v. Progressive Beauty Systems, Inc.	Guertieri, Edmond & Cleymann, P.C.	The Superior Court for the District of Columbia	Jul-99	X		X	Closed
31	Alonzo Jones v. CSX	Davis, Saunders, Arata & Rome, PLLC	United States District Court for the Southern District of Alabama	Sep-99	X			Closed
32	James Willis v. CSX	Davis, Saunders, Arata & Rome, PLLC	United States District Court for the Southern District of Alabama	Sep-99	X			Closed
33	Cregg Andrews v. CSX	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Oct-99	X	X	X	Closed
34	Brenda Hayes v. NSC	Ward & Smith, P.A.	In the General Court of Justice Superior Court Division, State of North Carolina, Carret Co.	Oct-99	X	X		Closed
35	Frank Lex v. NRPC	Davis, Saunders, Arata & Rome, PLLC	The Superior Court for the District of Columbia	Oct-99	X			Closed
36	Helene Pappas v. NRPC	Alper, Mann & Weisbaum, P.C.	United States District Court for the District of Maryland	Nov-99	X			Closed
37	Rebecca Chester v. NSC	Lee, Lee & Lee	In the Circuit Court for Monroe County, Tennessee	Dec-99	X	X		Closed
38	Stevie Turner v. NSC	The Thorp Law Firm	In the General Court of Justice Superior Court State of North Carolina	Dec-99	X	X		Closed
39	Howard Tingler v. CSX	Blum & Weisbaum	United States District Court for the District of Maryland	Mar-00	X			Closed
40	Reuben Loreda, et. al. v. CSX	Mast, Schultz, Mast, Mills, Stern & Johnson, P.A.	In the General Court of Justice Superior Court Division, State of North Carolina, Wake Co.	Mar-00	X	X		Closed

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41	William Leggett v. CSX	Alper, Mann & Weisbaum, P.C.	The Superior Court of N. Carolina, Robinsen	Mar-00	X			Closed
42	Jeffrey Taulton v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Mar-00	X			Closed
43	Lidy Hartley v. CSX	Peters, Murdaugh, Parker, Eltzroth & Detrick	The Court of Common Pleas for the State of S. Carolina	Apr-00	X	X	X	Closed
44	Keith George v. CSX	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Apr-00	X	X		Closed
45	James Edwards v. CSX	Wilson, Hajek & Shapiro, P.C.	The Superior Court for the District of Columbia	May-00	X	X		Closed
46	Emmett Waddell v. CSX	Peters, Murdaugh, Parker, Eltzroth & Detrick	The Court of Common Pleas for the State of S. Carolina, Hampton Co.	Jun-00	X	X		Closed
47	Kathleen Piazza v. NRPC	Rome & Arata, LLC	The Superior Court for the District of Columbia	Sep-00	X			Closed
48	Harold Redfern v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court of N. Carolina, Mecklebrany Co.	Sep-00	X			Closed
49	Jeffrey Williams v. NRPC	Alper, Mann & Weisbaum, P.C.	The Superior Court for the District of Columbia	Nov-00	X			Closed
50	Walter Herndon v. NRPC	Wilson, Hajek & Shapiro, P.C.	The Superior Court for the District of Columbia	Nov-00	X			Closed
51	Mary Moses v. NRPC	Rome & Arata, LLC	The Circuit Court of Richmond, VA	Dec-00	X			Closed
52	William Boyd v. NRPC	Wilson, Hajek & Shapiro, P.C.	The Superior Court for the District of Columbia	Dec-00	X			Closed
53	Angelo Lopresto v. CSX	Wilson, Hajek & Shapiro, P.C.	Circuit Court for Jacksonville Florida	Feb-01	X			Closed
54	Thomas Barbour #2 v. NRPC	Pels, Anderson & Lee, LLC	United States District Court for the District of Maryland	Feb-01	X			Closed



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55	Jeffrey Stanley v. CSX	Rome & Arata, LLC	Circuit Court of Harrison County, Mississippi	Apr-01	X			Closed
56	EEOC v. Local 28	Highsaw, Mahoney & Clarke, P.C.	United States District Court Southern District of New York	Apr-01	X			Closed
57	Andrew Rydholm v. NRPC	The Weisbaum Law Firm	The Superior Court for the District of Columbia	May-01	X			Closed
58	Eugene Childs v. NRPC	Pels, Anderson & Lee, LLC	United States District Court for the District of Maryland	Jul-01	X	X		Closed
59	Dennis Bryant v. CSX	Wilson, Hajek & Shapiro, P.C.	Court of Common Pleas, County of Dillon, South Carolina	Jul-01	X			Closed
60	John Barefoot v. NRPC	Alper, Mann & Weisbaum, P.C.	In the General Court of Justice Superior Court Division, State of North Carolina, Durham Co.	Jul-01	X			Closed
61	Bean v. CSX	Smith		Sep-01				Closed
62	Emelise Aleandri v. CUNY	Highsaw, Mahoney & Clarke, P.C.	United States District Court Southern District of New York	Jan-02	X	X	X	Closed
63	Gloria Salerno v. CUNY	Highsaw, Mahoney & Clarke, P.C.	United States District Court Southern District of New York	Jan-02	X	X	X	Closed
64	Gregory Williams v. CSX	Peters, Murdaugh, Parker, Elzroth & Detrick	In the Court of Common Pleas, State of South Carolina, Orangeburg Co.	Jul-02	X	X	X	Closed
65	Webb v. CSX	Peters, Murdaugh, Parker, Elzroth & Detrick	In the Court of Common Pleas, State of South Carolina, Anderson Co.	Jul-02	X	X	X	Closed
66	Feldman-Johnson et. al. v. Department of Veterans Affairs	Kator, Parks & Weiser	EEOC	Jul-02	X	X		Closed
67	Shelby Eilin v. NSC	Pierce, Hems, Sloan & MacLeod, LLC	United States District Court for the District of South Carolina, Columbia Division	Aug-02	X	X		Closed

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68	US Airways Group, Inc. v. Debtors 1113C Case	International Assn. of Machinists	United States bankruptcy Court Eastern District of Virginia Alexandria Division	Sep-02	X			Closed
69	Larry Vinson v. NRPC	Rome, Arata & Baxley, LLC	United States District Court Eastern District of Louisiana	Nov-02	X	X		Closed
70	John Steele v. NRPC	Rome, Arata & Baxley, LLC	United States District Court Eastern District of Louisiana	Nov-02	X	X		Closed
71	Ramey et. al. v. District 141, et al.	Guertieri, Edmond & Clayman, P.C.	United States District Court New York, Eastern	Feb-03			X	Pending
72	Charles Laxton v. CSX	Wilson, Hajek & Shapiro, P.C.	In the Circuit Court for Jackson County, Alabama	Apr-03	X	X		Closed
73	Joseph Miciotto v. NRPC	Rome, Arata & Baxley, LLC	United States District Court Eastern District of Louisiana	May-03	X			Closed
74	Terrence Boykins v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jul-03	X			Closed
75	Lisa McCree v. NRPC (Brown)	Rome, Arata & Baxley, LLC	The Superior Court of New Jersey, Hudson County	Aug-03	X			Closed
76	Jeffrey Redifer v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Aug-03	X			Closed
77	J.T. Eldridge v. NRPC	Rome, Arata & Baxley, LLC	Unavailable.	Oct-03	X	X		Closed
78	Aaron Harper v. UPRC	Rome, Arata & Baxley, LLC	Unavailable.	Oct-03	X			Closed
79	Calvin Speed v. NRPC	Rome, Arata & Baxley, LLC	Unavailable.	Oct-03	X	X		Closed
80	Brian Daniels v. CSX	The Weisbaum Law Firm	State Court in Hampton County, South Carolina	Oct-03	X	X		Closed
81	Patrick Estes v. NRPC	Rome, Arata & Baxley, LLC	Civil District Court for the Parish of Orleans	Dec-03	X			Closed

No.	Case	Client	Court	Date	Report Filed	Deposition	Trial	Status
82	Carl Rose v. CSX	The Weisbaum Law Firm	Virginia State Court in Fairfax County, Virginia	Jan-04	X			Closed
83	John Keith v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jan-04	X			Closed
84	Quentin Womack v. NRPC	The Weisbaum Law Firm	The Superior Court for the District of Columbia	May-04	X			Closed
85	IAM v. NWA Series C	International Assn. of Machinists	Supreme Court of the Stall of New York County of New York	May-04	X	X		Closed
86	UAL et. al. Debtors 1114	International Assn. of Machinists	United States Bankruptcy Court For the Northern District of Illinois Eastern Division	May-04	X			Closed
87	Edward Bibb v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-04	X			Closed
88	Cathi Richardson v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jul-04	X			Closed
89	Damien Locklear v. Stella May Contracting	The Weisbaum Law Firm	United States District Court for the District of Maryland	Oct-04	X	X		Closed
90	Tillman Lacy v. NRPC	Rome, Arata & Baxley, LLC	Jefferson County Court Bessemer District	Nov-04	X	X		Closed
91	William Kelly, Jr. v. NRPC	Rome, Arata & Baxley, LLC	Jefferson County Court Bessemer District	Nov-04	X	X		Closed
92	United Airlines et. al. v. Debtors (1113C case)	International Assn. of Machinists	United States Bankruptcy Court For the Northern District of Illinois Eastern Division	Dec-04	X	X	X	Closed
93	Jacqueline Rudder v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Apr-05	X			Closed
94	Gianny Irtzera v. NRPC	Rome, Arata & Baxley, LLC	United States District Court for the District of Maryland	Jul-05	X			Closed

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95	Dennis Vinson v. Alabama Great Southern Railroad (NSC)	Rome, Arata & Baxley, LLC	Civil District Court for the Parish of Orleans	Apr-05	X			Pending
96	Alaska Airlines, Inc. v. International Assn. of Machinists	Schwerin Campbell Barnard LLP	United States District Court Western District of Washington At Seattle	May-05	X			Closed
97	Deborah Ford v. NRPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-05	X			Closed
98	John P. Landry v. NRPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-05	X			Closed
99	Kathleen Bennett v NRPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-05	X			Closed
100	Lynnda Hedges v. NRPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-05	X			Closed
101	Melissa Patton v. NRPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jun-05	X			Closed
102	Kevin Curry v. NRPPC	Peirce, Raimond & Coulter, P.C.	The Superior Court for the District of Columbia	Jul-05	X			Pending
103	Joseph J. Grosso v. CUNY	Hightsaw, Mahoney & Clarke, P.C.	United States District Court Southern District of New York	Nov-05	X			Closed
104	Peter McVicar v. NSC	Cantor Lukaskik Dolce Panepinto	Arbitration	Dec-05	X			Closed
105	James R. Cherico v. NRPPC	Rome, Arata & Baxley, LLC	Court of Common Pleas, Philadelphia County	Dec-05	X			Closed
106	Gary Gibson v. NRPPC	Rome, Arata & Baxley, LLC	Circuit Court of the County of Richmond	Dec-05	X			Closed
107	Pierre Tribaudi v. CUNY	Hightsaw, Mahoney & Clarke, P.C.	United States District Court Southern District of New York	Feb-06	X			Closed
108	Northwest Airlines Debtors 1113C Case	International Assn. of Machinists	United States Bankruptcy Court Southern District of New York	Oct-05	X		X	Closed

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109	Gary Marshall v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jul-06	X			Closed
110	John C. Pini v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jul-06	X			Closed
111	Frank Serio v. NPPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Jul-06	X			Closed
112	Northwest Airlines Debtors Series C Claim	Series C Preferred Shareholders	United States Bankruptcy Court Southern District of New York	May-07	X	X		Closed
113	Whitney Strain v. Merritt Hospitality	Seatonrough, Hill & Rugh	Circuit Court of the County of Richmond	Jun-07	X	X		Closed
114	Kalman Parker v. NRPC	Rome, Arata & Baxley, LLC	The Superior Court for the District of Columbia	Aug-07	X			Closed