

# 2020 Federal Candidate Questionnaire

## *International Brotherhood of Teamsters*

### CANDIDATE INFORMATION:

Name: \_\_\_\_\_

State: \_\_\_\_\_ Office: \_\_\_\_\_ Congressional District: \_\_\_\_\_

Campaign Address: \_\_\_\_\_

Campaign Manager: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

Cell Phone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

### **I. Labor Law**

#### **A. Right to Work**

In Congress and in state legislatures across the country, pro-business and anti-union groups are advocating enactment of “Right to Work” laws in an effort to weaken unions. What is often not understood is that unions exist in a workplace only when a majority of the workers freely chooses a labor organization to represent them.

Proponents of “Right to Work” claim that passage would be an economic benefit for workers, but evidence indicates otherwise. In “Right to Work” states, wages are lower, fewer workers have health insurance, and there are higher rates of workplace injuries and fatalities.

*If elected, would you support or oppose Federal “Right to Work”, S.545/H.R. 785, legislation which would mandate “Right to Work” in every state?*

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#### **B. Worker Misclassification**

The law grants workers many important workplace benefits and protections as long as the worker is an employee of the employer. Employers who misclassify their employees as “independent contractors” deny these workers a multitude of rights and protections such as overtime, job-protected leave, unemployment insurance, workers’ compensation, the right to organize, and legal protections from discrimination and safety and health violations. Misclassification hurts law-abiding businesses who comply with federal and state labor standards and tax obligations by placing them at a competitive disadvantage. This practice also results in billions of dollars in lost revenues for federal and state governments in the form of unpaid and uncollectable income and payroll taxes, and unemployment insurance and workers’ compensation premiums.

*If elected, would you support or oppose legislation, such as the Fair Playing Field Act of 2015 and the Payroll Fraud Prevention Act of 2015. These bills would close loopholes, make misclassification a violation of federal labor law, impose meaningful penalties, and strengthen the enforcement of laws against misclassification?*

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#### **C. NLRB Joint Employer Standard**

When two or more associated companies employ the same staff members and have control over the tasks and employment conditions of those workers, they are considered joint employers. In 2015, the NLRB issued a decision that redefined the standard for determining joint employer status. The NLRB’s decision came as a result of a case involving Browning-Ferris and California Teamster members. Before the 2015 ruling, joint-employment status was determined based on whether the primary employer — the one whose operations are reliant on shared employees’ day-to-day work — actually exercised “direct and immediate” control over the workers’ daily tasks, scheduling, hiring/firing, etc. Now, it’s not just whether control is exercised, but whether a company has the *authority* to exercise control. Pro-business and anti-union groups are seeking to overturn the NLRB’s decision.

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In the last Congress, legislation was introduced to eliminate the Board's decision in *Browning-Ferris*, and greatly restrict the definition of employer under the Fair Labor Standards Act. The bill (H.R. 3441) redefined the term 'employer' so narrowly that many workers will have no remedy when their employers violate their union rights or wage laws. And, many workers will not be able to engage in meaningful collective bargaining.

*If elected, would you support or oppose legislation such as H.R. 3441, the Save Local Business Act?*

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At the behest of pro-business and anti-union groups, the Administration is moving to restrict or weaken, through administrative actions, shared liability for wage and overtime violations, and collective bargaining and unfair labor practices, for affiliated businesses in contractual relationships.

*If elected, would you support or oppose these administrative (rule making) efforts?*

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#### **D. Davis-Bacon Act and Project Labor Agreements (PLAs)**

The 1931 Davis-Bacon Act requires the payment of prevailing wages on federally financed or assisted construction projects. The law assures that federal construction activity does not undercut community wage standards, assures local contractors a fair chance to compete for government projects, and protects the government from fly-by-night operators seeking to win contracts by paying wages too low to attract competent craftsmen.

*If elected, would you support or oppose efforts to ensure Davis-Bacon prevailing wage protections apply to all transportation and infrastructure projects, such as roads, bridges, and rail, energy and clean water projects, and school construction projects which receive federal assistance?*

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As a business model that increases the efficiency and quality of construction projects, PLAs are widely utilized in the private sector. Not only do they provide contractors with access to a highly skilled and properly trained workforce, but PLAs have proven to be an effective tool for ensuring that large and complex projects are completed on time. The PLA business model does not mandate or pre-determine a workforce to be union or non-union. PLAs are widely used in the private sector. Current Executive Order 13502 does not mandate the use of PLAs; it allows the federal government to utilize them on a case by case basis, the way PLAs are utilized by the private sector.

*If elected, would you support or oppose allowing the federal government to utilize this widely recognized private sector construction management tool on federally supported construction projects?*

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#### **E. Freedom to Choose a Union**

The Teamsters Union is strongly committed to growing its membership and will work to pass legislation that would protect the rights and strengthen the ability of workers to join a union. We support legislation that provides workers a fair, timely and direct path to form a union, such as recognition as a bargaining unit if a majority signs cards to join a union; establishes first contract mediation and arbitration; and provides meaningful penalties against employers who interfere with, coerce, or fire workers for attempting to join a union.

*If elected, would you support or oppose legislation that provides employees recognition as a bargaining unit if a majority signs cards to join a union; establishes first contract mediation and arbitration; and provides meaningful penalties against employers who interfere with, coerce, or fire workers for attempting to join a union?*

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*If elected, would you be willing to issue public statements, attend rallies supporting organizing, sponsor public forums, and contact employers and urge them not to interfere with an employee's ability to form/join a union? \_\_\_YES\_\_\_NO*

Even when a union represents workers, employers often make it difficult to negotiate contracts for good wages and benefits. Employers use tactics to drag out negotiations, threaten to close a facility, or move work offshore. In turn, workers must sometimes exercise their right to strike in order to force employers to bargain in good faith.

*If elected, would you join workers on a strike line to demonstrate your commitment to fair wages and benefits for workers? \_\_\_YES\_\_\_NO*

Pro-business and anti-union forces are working to reverse important elements of the National Labor Relations Board (NLRB) 2015 election reforms. Legislation has been introduced in an effort to accomplish this goal: The Workforce Democracy and Fairness Act (H.R. 2776/S. 1350) and The Employee Privacy Protection Act (H.R. 2775). H.R. 2776 is designed to interfere with the ability of workers to freely choose to form a union and to do so in a timely fashion. It would mandate a delay in union elections by requiring that workers wait at least 35 days after a petition for election has been filed to hold a vote; there is no limit on how long an election may be delayed because of employer claims, challenges, appeals, and litigation. The bill would give employers more power to gerrymander the eligibility of voters in union representation elections rather than respect the particular bargaining unit for which workers have petitioned. H.R. 2775 would undermine the NLRB's 2015 election procedures and restrict workers opportunities to receive information from unions. By delaying and limiting the contact information employers are required to provide, the bill undermines the ability of unions to talk with workers. It does nothing to rein in the virtually unfettered access employers have to workers, at work and at home, through use of emails, calls, and mandatory captive audience meetings to conduct their anti-union campaigns.

*If elected, would you support or oppose legislation like H.R. 2776 ? H.R. 2775?*

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#### **F. Political & Legislative Advocacy**

By big margins, union members of all political backgrounds say they want their unions involved in the issues that affect their lives. They know that if working families are without a strong political voice, anti-worker forces – which already outspend working families by 3-1 in politics – will be free to eliminate important worker protection programs.

Not content to outspend union members by huge margins, anti-worker forces are constantly at work to further tilt the political playing field promoting federal legislation to restrict the ability of unions to collect and spend funds for legislative and political education. These bills would prohibit unions from using dues to fund voter registration, lobbying, and all forms of political communication.

*If elected, would you support or oppose restrictions on union political and legislative activities?*

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## **II. Retirement Security**

Many private sector defined benefit plans are under enormous financial stress as a result of the decrease in the number of active participants and the financial crises of the past decade, while the agency insuring those plans, the Pension Benefit Guaranty Corporation (PBGC), faces a multi-billion dollar deficit and faces insolvency as soon as 2025 and does not have the funds needed to pay out owed benefits, or even the benefit guaranteed and owed under the law, if the Central States Pension Plan is permitted to fail.

The Rehabilitation for Multiemployer Pensions legislation introduced in the 115<sup>th</sup> and 116<sup>th</sup> Congress (*S.2147/HR4444 and HR 397, respectively*) creates a private loan program to put troubled plans on a path to solvency without asking for additional sacrifice from active and retired workers.

*If elected, will you support the Rehabilitation for Multiemployer Pension bill or similar legislation that restores solvency to troubled multiemployer pension plans?*

### **III. Fair Trade – Protecting American Jobs**

The Teamsters Union supports fair trade that improves working conditions, lifts wages and living standards, creates jobs in the United States, and protects the environment. The Teamsters will oppose any Free Trade Agreement (FTA) that uses the same failed NAFTA/CAFTA/WTO model that has resulted in the undermining of domestic laws and promotion of offshore production. The union has also opposed China's and other countries' unfair trade advantage due to currency manipulation, weak labor standards, lack of union representation, illegal subsidies to sectors such as clean energy, and sweatshop wages and working conditions.

The Teamsters Union supports a new framework that would eliminate the so-called fast track trade process, which calls for an up or down vote by Congress on trade agreements. The Teamsters are committed to replacing the fast track negotiating process with a system that includes strengthening Congress's role in trade policy to ensure that workers and families, not just corporations, actually benefit from trade.

*If elected, would you support or oppose granting the President exclusive authority (Fast Track/Trade Promotion Authority) to negotiate new or expanded trade agreements when the current authorization expires?*

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*If elected, would you support or oppose efforts to better regulate trade to halt the import of unsafe food and products, support or oppose efforts to strengthen trade law enforcement, and support or oppose efforts to secure meaningful remedies for injuries resulting from the import of unsafe food and products?*

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*If elected, would you support or oppose legislation to close tax loopholes that encourage the movement of jobs and investments overseas?*

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*If elected, would you oppose ratification of trade agreements that undermine Congress' ability to enact government procurement programs in the public interest, such as "Buy American" provisions in infrastructure and other federal construction projects?*

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*If elected, would you oppose ratification of trade agreements that give greater rights to foreign investors than to U.S. firms, including provisions that create regional or bi-lateral "investor-state dispute settlement" (ISDS) regimes?*

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*If elected, would you support or oppose legislation that requires China and other countries to play by international rules, stop manipulating currencies, and improve labor laws, and that provides real enforcement mechanisms for these requirements?*

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### **IV. Health Care Reform**

#### **A. Taft- Hartley Plans**

The Teamsters Union supports access to health care for the uninsured, quality control measures in medical care, affordable coverage, and insurance company reforms. The Teamsters Union supported the Patient Protection and Affordable Care Act. However, individuals with comprehensive employer-based coverage should be able to maintain those benefits without an increase in the cost of coverage. The Teamsters Union also supports efforts that would allow Taft-Hartley plans to participate in the ACA state insurance exchanges or any other contemplated public-private health care arrangements that may be established in the near future.

*If elected, would you support or oppose efforts to allow Taft-Hartley plans to participate in state exchanges (or other similar types of future health care programs) in the same manner as is permitted by for-profit health insurance companies?*

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*If elected, would you support or oppose the Affordable Care Act requirements for pre-existing conditions? For essential health benefits?*

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*Would you support or oppose raising the penalty on employers who decline to provide health insurance so that there is a true incentive for the employers to maintain comprehensive health care coverage and not dump their employees into the exchanges/individual market ?*

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#### **B. Cadillac Tax Repeal**

The Patient Protection and Affordable Care Act included an excise tax on high cost health insurance plans sponsored by employers. The so-called “Cadillac tax” policy would apply a 40% tax on the value of health insurance that exceeds certain amounts. The Teamsters Union strongly opposed this tax and has consistently called for its repeal. While now not scheduled to go into effect until 2022, many health plans for union members, including plans for Teamsters, are feeling the adverse effects of this policy now. This policy is already leading employers to seek benefit reductions and/or shift costs to workers.

*If elected, would you cosponsor and vote for legislation, such as the Middle Class Health Benefits Tax Repeal Act of 2019 (H.R 748), and the companion Senate bill, S. 684, which repeal the so-called “Cadillac tax”?*

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#### **C. Employer Provided Health Care Tax Exclusion**

The majority of Americans with health insurance – approximately 156 million people – have employment-based insurance, and the tax exclusion for employer-provided health benefits was an important factor in creating the current system of employment-based coverage. Employment-based coverage was also a major element on which the Patient Protection and Affordable Care Act was structured. In past Congresses, as part of health care or deficit reduction debates, proposals emerged that would tax health care benefits by eliminating or phasing out this tax exclusion.

*If elected, would you support or oppose legislation to eliminate, phase out, or cap the tax exclusion for employer-sponsored health insurance?*

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### **V. Protecting Social Security and Medicare**

Social Security is the foundation of retirement income for American workers and their families and protects families from impoverishment due to death or disability. It has reliably and efficiently provided benefits to the elderly and the disabled, helped millions of Americans escape poverty, and given our seniors the financial means to live their lives with dignity and

independence. Especially at a time when traditional pension plans are under assault, Social Security is the one safety net that provides individuals with a certain income they can count on at retirement.

*If elected, would you support or oppose measures to replace any part of Social Security's guaranteed benefits with individual investment accounts?*

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*If elected, would you support or oppose efforts to increase the retirement age or change the calculation of benefits, including use of the chained CPI, in ways that would reduce benefits for current or future beneficiaries?*

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*If elected, would you support or oppose legislation to raise the age for Medicare eligibility?*

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*If elected, would you support or oppose efforts to eliminate or raise the Social Security payroll income tax cap?*

## **VI. Protecting Worker Health and Safety**

### **A. Health and Safety Standards**

Since Congress enacted the Occupational Safety and Health act (OSH Act of 1970), significant strides have been made in reducing the numbers of injuries, illnesses and fatalities in the workplace. However, more than 5,100 private and public workers still die annually from work-related injuries. An additional 50,000-60,000 die as a result of occupational illnesses, and millions of public sector workers are deprived of legal health and safety protections.

Although the Bureau of Labor Statistics (BLS) reported 3.48 million recordable injuries and illnesses to private and state/local sector workers in 2017, many corporate interests are attempting to block pending and proposed standards or roll back existing standards that are important to workplace safety.

Because Teamster members work in a variety of industries and are exposed to significant workplace hazards, the Teamsters Union has vigorously opposed efforts to repeal, weaken, withdraw, or delay the enactment of safety and health standards that would make workplaces safe and better protect workers. The Teamsters Union has also fought for improvements in the basic OSHA law to cover the excluded public sector workers, greatly enhance OSHA's enforcement powers, and give workers real protection from employer retaliation when they exercise their basic rights to protect themselves

*If elected, would you support or oppose efforts to repeal or weaken existing workplace safety and health standards?*

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*If elected, would you support or oppose efforts to adopt new standards to close the severe gaps in OSHA standards?*

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*If elected, would you support or oppose efforts to improve the basic OSHA law to cover public sector workers, close loopholes in OSHA's enforcement authority, and provide realistic protection for workers from employer retaliation when exercising their basic health and safety rights?*

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### **B. Protecting America's Workers Act**

The Protecting America's Workers Act (H.R. 1074) has been reintroduced in the 116<sup>th</sup> Congress. This legislation would increase civil and criminal penalties for companies that violate workplace safety and health laws, make it possible for some employers to be charged with a felony, improve whistleblower protections for employees that report violations, and give

more rights to injured workers, their family members, and family members of workers killed on the job. The bill also requires employers to abate hazards during contests of citations and increases prison terms for lying to an OSHA inspector.

*If elected, would you support or oppose the Protecting America's Workers Act?*

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## **VII. Protecting Labor Standards**

### **A. Minimum Wage**

*If elected, would you support or oppose legislation to increase the federal minimum wage to \$15.00?*

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*If elected, would you support or oppose making the minimum wage subject to an annual adjustment, based on the Consumer Price Index or as proposed in the Living Wage Act?*

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### **B. Comp Time and the 40-Hour Work Week**

Millions of working Americans depend on overtime pay to make ends meet. Legislation, The Working Families Flexibility Act (H.R.1180/S.80) has been introduced that would permit employers to “offer” workers time-off or comp-time –at straight-time pay – instead of time-and-a-half overtime pay for hours worked in excess of 40 hours per week. Employers would determine when employees work and when they get time off.

Employers are also attempting to weaken or eliminate the 40-hour workweek through various types of legislation, including requiring workers to go to an 80-hour biweekly schedule. Employers would then be free to schedule a worker over 40 hours in one week and not pay them overtime as long as they cut their schedule the following week.

*If elected, would you sponsor or oppose legislation that would give employers the power to determine when workers receive overtime pay?*

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*If elected, would you support or oppose efforts to weaken or eliminate the 40-hour workweek?*

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## **VIII. Job Training and College Affordability**

To fill 21st century jobs, workers need the skills employers seek. For many, attending college can attain these skills and earning a degree that prepares them for the working world. However, cost is an ever-increasing obstacle to attaining a college degree. Congress needs to do more to ensure student loan rates remain low so students can better afford their post-secondary schooling. A college degree, however, is not the answer for all people. The Teamsters are at the forefront of worker training, but there is a need to boost vocational training for the U.S. population at large to provide options and opportunity for young adults entering the workforce, to support both the unemployed and underemployed, to rebuild the middle-class, and to ensure that the U.S. workforce is able to compete in the global marketplace.

*If elected, would you support or oppose policies that reduce the cost of attendance at post-secondary colleges and vocational schools and that reduce the burden of student loan debt and make loan payments more affordable?*

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*If elected would you support or oppose, policies that expand access to vocational training, advanced certification, credentialing and registered apprenticeship programs?*

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*If elected, would you support or oppose policies that ensure that federally funded job training programs encourage participation by organized labor at every stage of implementation?*

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## **IX. Immigration Reform**

The Teamsters Union supports legislation that would permit a path toward citizenship for workers who have been in the United States and contributed to the economy for many years. We support the right of these workers to join a union, and we support efforts to remove the ability of employers to use threats and intimidation of immigrant workers to thwart organizing drives. The Teamsters Union will continue to oppose efforts to expand existing high tech and other temporary guest worker visa programs that may not only be unnecessary, but also force U.S. workers to unfairly compete with lower paid workers who have no rights or benefits.

*If elected, would you support or oppose legislation that would provide otherwise law-abiding undocumented workers who work here, pay taxes, and contribute to their communities with permanent legal status by providing a path toward citizenship?*

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*If elected, would you support or oppose legislation to protect immigrant workers' workplace rights, including the right to improve their lives by freely joining or forming a union?*

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*If elected, would you support or oppose unneeded extensions and expansions of existing guest worker programs?*

## **X. Transportation Safety**

More than 600,000 of our 1.4 million Teamster members start their workday by turning a key in truck or other vehicle. They use our nation's highways and local roads to deliver everything from packages to bread to concrete, and drive both short haul and long haul. As such, the Teamsters Union is very concerned about highway safety and sharing the road with safe drivers.

### **A. Hours of Service (HOS)**

The Federal Motor Carrier Safety Administration (FMCSA) regulates the maximum hours a truck driver can work each day in order to ensure a safe road system. The Hours of Service regulations were crafted through decades of research, public rulemakings, lawsuits, and at times, congressional interference. Certain segments of industry have spent the past few years seeking significant changes to the HOS rules which would undermine this mantra of safety by pushing drivers well past their limits.

Drivers in the solid waste, construction, and agricultural industries have borne the brunt of many of these recent attacks, often presented through proposed changes to the "short haul exemption". These proposals typically seek an increase in the "non-driving" work drivers can perform, meaning drivers would be allowed to spend hours more each day loading and unloading their truck, gathering garbage and recycling, or making deliveries. This non-driving work already constitutes a significant portion of a local driver's workday, is often the most exhausting part of their job. Under many industry proposals, drivers would receive no extra time off to recover from this fatigue-inducing work and would receive no additional compensation for pushing their bodies harder than anyone ever should. Having such a fatigued driver behind the wheel puts everyone at risk, and the Teamsters remain committed to fighting these sorts of dangerous regulatory changes.

*If elected, will you support or oppose legislation that protects local drivers, including limits to the amount of non-driving work they can perform?*

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*If elected, will you support or oppose legislation that expands exemptions to the HOS rules?*

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**B. Self-Driving Vehicles**

Reports of self-driving cars and self-driving trucks have captivated the public's imagination for the past few years. What does not receive as much attention is that professional Teamsters earning family-sustaining wages with reliable benefits currently drive many of these vehicles. The Teamsters are open to new technology. But we believe that self-driving technology, and the companies who develop and utilize it, must be forced to take into account the best interests of American workers before these vehicles are allowed to be widely introduced on our roads. This begins by showing that these vehicles are anywhere near as safe in as a highly-trained union driver. Legislators and regulators have a crucial role to play in making sure this social contract becomes a reality.

*If elected, will you support holding companies that develop and utilizing self-driving technology accountable for the safety of the technology they put on the roads?*

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*If elected, will you support or oppose legislation that holds self-driving companies financially responsible for any job losses or erosion of job quality that is caused by their technology?*

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**C. Truck Size and Weight**

The Teamsters Union is opposed to increases in truck size and weight as a major safety issue on our highways. Larger heavier trucks will cause further damage to our already deteriorating infrastructure. In addition, our highways are not designed for larger heavier trucks, which require greater stopping distances, longer merging lanes to get up to highway speed, and redesigned on-and-off ramps to handle longer combination vehicles. Our overly congested roads leave even shorter stopping distances and quicker reaction times for drivers who must navigate, yet there are those that say productivity will be increased and there will be fewer trucks on the road, if truck size and weights are increased. Historically, every time there has been an increase in truck size and weight, the opposite is true, there's more truck traffic generated because of lower shipping costs compared to other modes.

*If elected, will you support or oppose attempts to increase truck size and weight?*

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**D. Drug Testing**

In the last few years there has been a push to promote hair testing as a way to detect drug use among truck drivers, rather than the current use of urine testing. The union trucking sector has one of the lowest rates of positive testing for drug and alcohol use, and the Teamsters Union has no interest in sharing the road with impaired drivers. However, we are concerned about the unproven science in using hair to detect drug use. In addition to privacy issues, there are real concerns about the growth rate of hair on different parts of the body, the difference in color and texture of hair yielding different results and even what effect hair coloring may have on the testing process. Unlike urine testing, the Department of Health and Human Services has not issued the necessary guidelines or protocols for hair testing to detect drug use.

*If elected, would you support or oppose legislation that would require the use of hair testing to detect drug use among CMV drivers?*

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**E. Minimum Insurance for Motor Carriers**

The current minimum is \$750,000 and has not been increased since its inception 34 years ago. The Teamsters Union supports H.R. 983 from the 114th Congress, which increases the minimum amount to over \$4 million which reflects the inflation of

medical costs and property damage, and indexes the amount to inflation. This will ensure that adequate resources are available to cover claims that tend to be higher when trucks are involved in accidents with other vehicles.

*If elected, would you support or oppose legislation that would increase the minimum amount of insurance motor carriers are required to carry?*

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**F. Mexican Truck Pilot Program**

The three-year program ended in October 2014 and DOT then announced in January 2015 that it was moving forward in approving operating authority for additional Mexico-domiciled carriers for long-haul operation into the U.S. The Teamsters Union filed a lawsuit on March 10, 2015 in the United States Court of Appeals for the Ninth Circuit. The suit is based on DOT's Final Report to Congress where driver and vehicle out-of-service rates which the agency stated were equivalent to or better than U.S. out-of-service rates. The Teamsters Union maintains that the report was flawed since DOT used data from carriers that were not part of the pilot program and asks the court to set aside the report and find that the actions taken by DOT to grant operating authority to additional carriers are invalid.

*If elected, would you support or oppose a permanent end to the cross-border trucking program to keep unsafe Mexican trucks and drivers off U.S. highways, until they can meet all U.S. safety standards?*

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**XI. Rail Transportation**

**A. Passenger Rail Reauthorization**

The nation's passenger rail system funding must be reauthorized by Congress, as it expired in October 2013. In this reauthorization, there are several issues impacting Teamster members. Since its formation in 1971, Amtrak has continuously fought for greater than subsistence level funding, and over the years has made enormous strides towards greater efficiency both in budgeting and service. Amtrak now covers 88% of its operating losses with revenue, so the vast majority of every operating dollar is paid from the fare box. However, Amtrak needs long term, sustained funding to keep on the successful track that it has been on over the last several years. Amtrak carried a record 31.6 million passengers in Fiscal Year 2013, its tenth ridership record in 11 years, and 31.7 million passengers in Fiscal Year 2017. The Teamsters support full, long term funding for Amtrak in any reauthorization.

*If elected, will you support full, long term funding for Amtrak?*

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The Teamsters would like to see continued investment made in high-speed rail. High-speed rail has great potential for our nation's economy and environment. Investment in high speed rail will create jobs (47,000 for every \$1 billion spent) and will reduce congestion in our roads and skies. Appropriations to the program must be increased, as the recent FY14 omnibus legislation appropriated nothing for high speed rail.

*If elected, will you support continued and increased funding for high speed rail development?*

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The Teamsters believe that employee protections provided in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) should be updated to ensure they apply to all rail workers when federal funds are used to create new services, or to add or transfer infrastructure and equipment to a new entity. The PRIIA protections should also apply when rail lines are sold to states but are still used for interstate rail transportation. We must be assured that the highly-skilled, well-trained rail workers performing traditional rail work on those lines are covered under the appropriate rail and labor statutes including the Railroad Retirement Act, the Railway Labor Act and the Railroad Unemployment Insurance Act. All rail workers at an entity providing rail transportation need and deserve to be covered by the statutory scheme designed for their workforce including all rail safety laws.

*If elected, will you support provisions in legislation that will extend application of employee protections to all railroad workers when federal funds are used to create new services or add or transfer infrastructure to a new entity?*

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## **B. Security**

The Teamsters have long pressed for greater security on the nation's railroads. One of our main concerns has been training for workers. Section 1517 of the Implementing Recommendations of the 9/11 Commission Act of 2007 mandated that the Secretary of Homeland Security develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. However, the mandated regulations have yet to be published.

*If elected, will you support mandatory and comprehensive security training for railroad workers?*

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In addition to security training, the Teamsters have strongly urged that specific security requirements be enacted, including functioning locks for locomotive cab doors.

*If elected, will you support funding for rail and transit security improvements, such as locking locomotive cab doors?*

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## **C. Sequester and RUIA**

The Budget Control Act of 2011 mandated that unemployed and sick railroad workers suffer reductions in their temporary Railroad Unemployment Insurance Act (RUIA) benefits by 9.2 percent in FY 2013 and 7.2 percent in FY 2014. These reductions hurt the most vulnerable of Teamsters members – the sick, the injured, or the unexpectedly laid off. Because of the unique nature of railroad industry unemployment and sickness benefits, the cuts only impact the unemployment and sickness benefits of railroad workers; non-railroad workers are exempted from these cuts.

Because RUIA benefits are exclusively and entirely paid for by a tax on railroad employers, these cuts have no positive impact on the Federal budget; both labor and management agree that these cuts should be rescinded.

*If elected, will you join with Rail Labor and the railroad industry and rescind these benefit reductions to our most vulnerable members?*

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## **D. Positive Train Control**

The Rail Safety Improvement Act of 2008 included a mandate that Positive Train Control (PTC) technology be installed by December 31, 2015 on all Class I mainline track where toxic-by-inhalation and poisonous-by-inhalation hazardous materials are transported, and on mainline track over which intercity or commuter rail passenger transportation is regularly provided. PTC will prevent the most egregious and catastrophic accidents where hazmat or passenger trains are involved, protecting the public and railroad workers; however, legislation was subsequently passed to postpone the implementation deadline for up to seven additional years.

The Teamsters believe that PTC technology is vital to the safety of our members, the industry and the general public, and must move forward as scheduled.

*If elected, will you oppose any across the board extension of the implementation deadline for positive train control?*

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## **E. Freight Train Crew Size**

When completed, please fax to (202) 624-6992 or e-mail to [tlongpine@teamster.org](mailto:tlongpine@teamster.org)

In the early morning hours of July 6, 2013, a runaway train hauling 72 tank cars loaded with crude oil derailed, crashed, and exploded, killing 47 people and destroying the center of town in Lac-Mégantic, Quebec. The train had been left unattended on a steep grade about 11 kilometers away from the town, because the railroad was operating with a single-person crew, and thus the train could not be secured in multiple sections on flat ground outside Lac-Mégantic, where it would have posed no safety threat. In response to the accident, railroad safety officials in both the U.S. and Canada ordered emergency changes to railroad operating practices implicated in the accident. However, the U.S. Federal Railroad Administration did not go far enough in its recommendations, and legislation has been introduced — H.R. 1763 — to mandate a two-person crew on every freight locomotive, and one of whom must be a federally certified locomotive engineer and the other a federally certified conductor.

The Teamsters have been working to mandate two people on a train crew, and the overwhelming majority of industry operations have historically required two-person crews at a minimum. While much of this practice has come about as part of collectively bargained agreements, H.R. 1763 would take this important safety issue out of the collective bargaining process and mandate it by law — a significant, positive safety step for the industry, and one with the potential to prevent future catastrophes like Lac-Mégantic.

*If elected, will you support H.R. 1763 or similar legislation mandating two-person railroad operating crews?*

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## **XII. RLA/NLRA Jurisdiction**

The Express Carrier Employee Protection Act was a key labor provision that was stripped from the FAA Reauthorization bill when it was introduced in the 112<sup>th</sup> Congress. The legislation would close a loophole that has allowed FedEx to classify its Express Division package delivery workers under the Railway Labor Act (RLA). Package delivery workers for other companies are classified under the National Labor Relations Act (NLRA). This loophole has allowed FedEx to have an unfair cost advantage in the package delivery industry and deprive its workers of the right to secure union representation. Under the RLA, workers must organize on a nationwide basis, rather than on a location-by-location basis, which is allowed under the NLRA. The Express Carrier provision will level the playing field and restore fairness to FedEx workers by stipulating that employees of an express carrier are covered by the RLA only if their work relates directly to aircraft operations (such as aircraft mechanics). Employees who have nothing to do with aircraft operations (sorters, drivers, truck mechanics and package delivery drivers) will be covered under the NLRA.

*If elected, would you support or oppose legislation which would restore fairness to FedEx Express package delivery workers by properly classifying their non-airline employees them under the NLRA?*

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## **XIII. Mexican Cross-Border Rail Operations**

In July 2018, Kansas City Southern Railroad (“KCS”) began operating trains with Mexican Train Crews using Mexican employees residing south of the United States border, to operate trains into the United States and continue for almost 10 miles into the U.S. to Laredo, Texas. The Federal Railroad Administration (“FRA”) has allowed KCS to include the abbreviated licensing of Mexican nationals into their Locomotive Engineer Certification Programs and have approved of the practice of providing a United States Locomotive Certification to Mexican Railroad Workers. These workers are exempt from 49 C.F.R. Section 219 Random Drug and Alcohol Testing Requirements for up to 10 miles into the United States. This practice seeks to employ Mexican rail workers at sub-standard wages lower than their American counterparts. The North American Free Trade Agreement (“NAFTA”) protects Mexican rail workers from losing their jobs by forbidding American rail workers from working on trains in Mexico, however there is no reciprocal arrangement for American rail crews.

*If elected, would you support trade language or legislation that protects the jobs of American train crews from being given to foreign workers by American Railroad Companies at sub-standard wages?*

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*If elected, would you support legislation or regulatory requirements that enhance safety by prohibiting the weakening of locomotive engineer licensing criteria for foreign workers?*

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**XIV. Energy Independence**

The Teamsters Union believes that it is necessary for the U.S. to address our dependence on fossil fuels and carbon emissions. However, the transition to greater energy efficiency and reduced carbon output cannot take place at the expense of workers' jobs, wages, benefits and labor standards. In fact, this transition can and must be an opportunity to generate and protect good union jobs here in the United States. We can maximize job creation with an "all of the above" approach to addressing our nation's energy needs – one that promotes energy independence by responsibly increasing domestic oil and natural gas production; invests in renewable and low-emission energy resources like solar, wind and clean coal technologies like carbon capture and sequestration (CCS); upgrades the nation's power grid and energy delivery infrastructure like pipeline, transmission lines and rail lines; ensures power utility reliability and protects against increased energy costs to consumers.

*If elected, would you support or oppose an "all of the above" energy policy as described above; one that prioritizes domestic job creation and includes robust standards for wages, benefits and workers' rights?*

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**XV. Financial Reform**

5 years have passed since the financial crisis wreaked havoc on the U.S. economy, yet Wall Street is already back to earning enormous profits while working people are still struggling to get by. Since passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act, little more than 60 percent of the 398 total required rulemakings have been finalized, while over 30 rulemaking requirements still have not yet been proposed.

*If elected, would you support or oppose efforts to weaken or obstruct implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act, including efforts to weaken the independence and authority of the Consumer Financial Protection Bureau and Title VII of the Act which regulates OTC Swaps Markets?*

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*If elected, would you support or oppose efforts to repeal the SEC's rulemakings on executive compensation including the "pay-ratio rule" as mandated by section 953(b) of Dodd-Frank?*

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*If elected, would you support or oppose a small tax on common Wall Street transactions in order to raise much-needed revenue from those who have enjoyed the lions' share of our economic recovery, as well as disincentivize risky high-frequency trading?*

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