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Committee on Business and Labor

LR 102 233

December 6, 2001

ROUGH DRAFT

Page 54

on duty. He wanted to lay off. They wouldn't let him lay off. The only way he could get off is sick, and he worked all those days in a row.

SENATOR CONNEALY: Other questions? Thank you

DAVID MUHLEISEN: Thank you.

SENATOR CONNEALY: Any other testifiers? You can go ahead and take that off the side and...thank you. Welcome.

ROBERTO MUNGUIA: Good afternoon, Senator Connealy, members of the committee. My name is Roberto Munguia, spelled M-u-n-g-u-i-a, and I've been with the Burlington Northern Santa Fe Railroad for right around 28, going on 29 years. First of all, I'd like to address a couple of questions or...that were brought up by senators, and hopefully I'll be able to answer them correctly here. Question was raised about the lodging at away-from-home locations. Yes, the railroad pays for that. That's not...that is provided to the employee, and transportation to and from the signing off location to the hotel is provided by the railroad. A

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LR 102 233

December 6, 2001

ROUGH DRAFT

Page 55

question was raised, I believe by Senator Preister, as to the derailment we had here in Greenwood. Preliminary reports, and again preliminary, indicates that it was a possible broken rail. A couple other things I want to make sure the record is clear on, we talked about fatigue and some people coming to work fatigued and tired. Make sure that we understand that anyone on the Burlington Northern Santa Fe system, and I can't speak for the UP, but anyone who is fatigued can lay off, call in and lay off without any problems, without any fear of reprimand or discipline. If you are fatigued we don't want you to work. If you're fatigued, lay off. Okay? Extra boards, a lot was talked about extra boards. A couple fellows here behind me will go into detail as to the extra boards, but the extra boards on the Burlington Northern Santa Fe system are what we called guaranteed extra board. You're going to get paid whether you get called or not. You could stay home for hours, days and not get called, and you're going to get paid for it, extra board. And, again, fellows behind me will go into more detail on that. Can you lay off on the railroad? Absolutely. You can lay off, as was mentioned here earlier, with a preapproved layoff, sending in advance. If you have

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Committee on Business and Labor

LR 102 233

December 6, 2001

ROUGH DRAFT

Page 56

to do something, lay off in advance. Send in a letter. It's going to be taken care of. Again, fatigue, but you don't lay off on-call. If somebody calls you for work, we expect you to be there. And I'll just go through some general comments that I had here prepared. I've heard a lot of talk about how bad it is on the railroad and it's interesting. The transportation, and particularly the railroads, we've been around for 150 years. We work on-call 24 hours a day, 7 days a week. It's a requirement of **the job**, no different than a policeman, for example. One of the requirements of the job, not necessarily a requirement, **is** that you may get shot at. Okay? Hopefully, it will **never** happen, but that's a requirement of the job. On the railroad, you work 27...24 hours a day, on-call 7 days a week. It's been that way, again, for 150 years. We have to remember a lot of this is driven by the customer. There's a lot of philosophy out there now that has a just in time inventory. We have to provide that customer with his or her shipments within the parameters set out on their shipment. We talking about UPS, we're talking about utilities, we're talking about farmers, and that's the nature of the beast.

try to point this out, and I've said this in

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LR 102 233

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ROUGH DRAFT

Page 57

previous testimony, that we make it a point to make sure people understand what they're getting into when they come to the railroad. We go through a lengthy orientation, telling the people the good, bad, and the ugly about the railroad, and the one thing we beat home is the quality of life or the fact that you may not be home all the time. I make it a point to stress that if you have to be home on a regular basis, weekends off, this is not the job for you. This job is going to require you to be away from home for extended periods of time. We make that clear during your orientation. If they don't understand it at that point, we go into a personal interview and, in the interview guide that we use on the Burlington Northern questionnaire, there are three specific questions that...that go right to this. One of the questions is: The train service job requires travel to job sites around the area. Will you be able to travel and remain on site for extended periods of time, yes or no? Another question: Train service job requires that you be on-call for a potential job at all times, excluding rest times. Are you able to meet this requirement, yes or no? Job...the train service job requires that you be able to work on holidays, Saturdays, Sundays as needed. Are you

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December 6, 2001

LR 102 233

ROUGH DRAFT

Page 58

able to meet this requirement, yes or no? so we...we make sure that people understand that because we don't want them getting into something they don't like. And the flip side of this thing is we invest a lot in these new hire candidates. Right now, we have approximately a 15...15-week training program and it costs the railroad approximately \$35,000 per student to get them through that training program, so we invest a lot in them. We don't want them to come aboard and all of a sudden, within a day or two within a training, they turn around, we can't fill the slot, so we lose two slots there. I heard some talk about the fact that we can't get anybody to fill vacancies. Here within the last month, just to give you an idea of how these jobs are desirable, we have 10 vacancies here in Lincoln, 10 vacancies, and we had 300 applicants for the job. Creston, Iowa, we have 10 vacancies; we had 150 applicants for the job. Mandan North Dakota, we had 16 vacancies; there's 105 people who applied for the job. Why? Because of the benefits, because of the pay, and we compensate the people for the quality of life issues. Having said all this, are we concerned about quality of life? You bet. Are we doing something here at the Burlington Northern Santa Fe to change

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LR 102 233

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ROUGH DRAFT

Page 59

that around? Yes. I have, again, a couple of people who will talk this afternoon about what we have done in other locations to allow them their quality of life, more time at home. Why they don't want to do it, when I say "they", the local UTU here in Lincoln, I have no idea. Has it been offered before? Yes, it has. And, again, I'll have a couple fellows here before me explain that in detail. So, with that, if you have any questions that I might be able to answer, I'll surely try.

SENATOR CONNEALY: Thank you. Senator Hartnett.

SENATOR HARTNETT: To follow-up an example that the previous witness gave, I've worked 13 days. Think that was the statement that he said, 13 days. I'm at the top of the list to go to work. How soon does he...and I think the statement was that I have to get permission from Kansas City. Is that correct?

ROBERTO MUNGUIA: Okay.

SENATOR HARTNETT: How soon do I have to send a letter? You