Strike vote by railroaders at CSX over constant underpayment of wages

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On March 10, Brotherhood of Maintenance of Way Employes (BMWED) announced a strike authorization vote against CSX Transportation (CSXT) over the railroad's payroll system, TimeTrax. Since its implementation in 2020, workers have complained of continuous underpayment of wages.

The following week, the BMWED said it came to an agreement with CSX where the railroad agreed to "pay all shortages within 24 hours," eliminate processing restrictions for overtime, hire additional payroll staff, and update the union over their progress. Despite this, strike balloting continued in "the event it is needed."

BMWED accused CSX of violating the collective bargaining agreement, which requires all changes to payroll systems to be bargained with the union, by implementing TimeTrax. In March of 2021, the BMWED filed a lawsuit in federal court in Kentucky over the issue. BMWED also alleges that this has caused "irreparable injury" to their members. They state they were "seeking declaratory judgment" and "injunctive relief" or prohibiting further rolling out of TimeTrax by CSX.

In addition, the BMWED's lawsuit claims that the actions by CSX violate section 6 of the Railway Labor Act (RLA), which requires that they meet certain requirements before changing the existing system, provide a notice of the said change, and must come to a new collective bargaining agreement with BMWED, all of which they claim CSX failed and refused to do.

CSX implemented TimeTrax in November 2020, which changed how workers clock in and out through a new seven-minute window before and after their shifts. BMWED claims that workers were not compensated for the time before clocking in and that it violated the original agreement over standard workdays and workweeks along with the calculation of overtime.

The WSWS reached out to CSX workers, who expressed their frustration about TimeTrax. One CSX worker from Maryland said, "there should have been more transparency in regards to back pay" and that workers shouldn't have to ask for it to be broken down for them. "We are their biggest asset—until it comes to pay," he said. "Then we are classified as liabilities."

Another CSX worker, Michael, who works as part of a three-man gang responsible for maintaining bridges, said that he was often underpaid because of the use of an incorrect pay rate. Workers who do welding or operating machinery on bridges receive higher pay. This could easily be corrected, he said, by having workers "change the pay code … and be paid the difference."

Instead, in the new system, he has met with continuous delays, and that his extra pay has never been given. Workers who raise complaints are "branded a troublemaker and can be subjected to harassment," he said.

A strike over this issue, which has dragged out for three years, would be entirely legitimate and necessary. But the BMWED bureaucracy, even though it has been compelled to call a strike vote, will do everything possible to prevent a strike from actually taking place.

Undoubtedly the BMWED officials will cite to workers the provisions of the Railway Labor Act, which bans strikes in the rail and airline industries under almost all circumstances except for "major" disputes, as justification. But last year, even after the RLA provisions expired in mid-September and workers at all the major railroads were pressing for a national strike, the BMWED and the other major unions kept workers on the job for months, collaborating with the Biden Administration and Congress to delay strike action and push through a concessions contract.

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Even after Congress voted to ban strike action, BMWED president Tony Cardwell ran interference for CSX, praising the “courage” of CEO Joseph Hinrichs for throwing four days of paid sick leave to maintenance workers at the railroads. In contrast, Cardwell furiously attacked rank-and-file workers pressing for strike action last year.

The legal strategy through which the BMWED has “prosecuted” the issue over the past three years is a dead-end for workers. For more than a century, the courts have repeatedly sided with the railroads and issued one injunction after another. Early last year, citing “national interest,” a federal judge banned a strike at BNSF over the railroad’s unilateral imposition of the new “Hi Viz” attendance policy for train crews, on the grounds that it did not qualify as a “major dispute.” The implications of the legal straitjackets imposed upon workers to keep them from fighting for better working conditions were on display in February in East Palestine, Ohio, where a huge derailment and chemical spill poisoned the town.

In the aftermath of the congressional strike ban last December, the railroads have been openly violating even the contract which workers have had imposed upon them. Earlier this year, BNSF announced it would begin contracting out locomotive maintenance to third parties to deal with a backlog which the railroad itself created through years of deferred maintenance. The International Brotherhood of Electrical Workers have called a token strike vote, but the unions have focused their response on yet another lawsuit which will take years to work through the courts and, ultimately, end nowhere.

The way forward is not through toothless appeals to the courts but through the rank and file wresting control out of the hands of the pro-corporate bureaucracy.

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