

RIGHT ON TRACK

POOLSON | ODEN www.PoolsonOden.com 504.766.2200 Volume 1, Issue 7

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AROUND THE OFFICE

Continuing Education in Arlington, Virginia

Danny and Carisa traveled to Arlington, VA last month for a continuing education conference. The conference was packed with tremendous information that they are excited to implement into their practice. One presentation resulted in a brain evaluation from Neuropeak Pro!





The team still found time in the evening to enjoy the beauty of Washington D.C. and also found a local LSU alumni grill to cheer on the Tigers!



Don't Get Railroaded™

The Journey of an Amtrak Engineer to Get Back to Work after her Injury

All railroad workers are protected by the Federal Railroad Safety Act (FRSA) which was enacted in 2008:

1) to promote safety in all areas of railroad operations, and
2) to ensure that railroad employees engaging in certain protected activities under the Act could do so without the fear or threat of discrimination or retaliation from their railroad employer.

A recent federal Department of Labor administrative law judge ("ALJ") decision highlights the tactics that railroads use against their employees and one possible statutory remedy for those tactics.

An Amtrak Engineer, J. Nagra, suffered a neck injury in a train/truck collision. Due to the severity of the injury, this engineer was forced to be out of work for almost 2 years while she received medical treatment for her injuries. Nagra continually treated to get better in order to return to engineering with Amtrak. Her treating neurosurgeon noted she was highly motivated to return to work. During the time that she was recovering, Nagra filed an injury lawsuit under the Federal Employers' Liability Act [FELA] lawsuit to protect her rights if she was not able to return to work. Nagra never received any money for her case from Amtrak by settlement or a jury verdict.

Even though Amtrak paid absolutely nothing to Nagra, Amtrak was not interested in having a 19-year employee back at work, even after her case was dismissed. The railroad's in-house lawyer, outside lawyer, and several middle managers in labor relations and in Amtrak's transportation department



disliked Nagra. They saw her FELA case as a chance to be rid of her forever. When the treating neurosurgeon eventually decided she had recovered well enough to return to work, the railroad refused to allow her to do so. Amtrak justified this under its "estoppel policy." "Estoppel" is a legal standard that prevents a person or company from saying one thing and then changing a position after somebody else has relied on the first position.

Without the Court's intervention, Amtrak could unilaterally and illegally pick and choose which employees can return to work, creating a chilling effect on employee protection under the FRSA. Amtrak would have been left unchecked to discourage employees from treating for their injuries, reminding employees that they might not be allowed to return to their careers, using the story of Nagra as a cautionary tale. Fortunately, the Judge saw through this "disingenuous" defense and justice prevailed for Nagra, who received full reinstatement to her engineering position with her seniority rights. Amtrak was required to pay significant damages for its punitive behavior. As railroaders, it is important to remember that you are protected from this type of behavior from the carriers under the whistleblower laws.

WHAT WE DO & HOW WE DO IT

About Poolson Oden Law Firm –

The law firm of Poolson Oden focuses on helping individuals who have been seriously injured or hurt. Danny, Carisa, and their staff view their clients as family members, and find fulfillment in protecting the rights of railroad workers nationwide. Danny and Carisa take pride in connecting with their clients and putting them at ease during their case. During a time when an injured worker fears hiring an attorney, Poolson Oden helps lead its clients to their best possible future after an accident.

HAPPY THANKSGIVING!
WHAT WE ARE GRATEFUL FOR THIS SEASON!



I am most grateful that I wake up everyday and get to do what I love by helping people and their families. Amazingly, I get to serve those deserving individuals with a law partner that shares my passion and vision. I am grateful for my parents, Jack and Kim German, for their unconditional love and support. I am most thankful for my husband, Michael Oden for his encouragement and being the unbelievable father he is to our three children; he is the center of our universe. I am also thankful for cooler weather, stuffing at Thanksgiving, and friends and family during the holiday season!

-Carisa Oden



I am most thankful for my clients and ability to help them through their legal challenges. I am thankful to be a part of such an amazing team that does great things for great people. I am thankful for my family and friends. I am especially thankful for my wonderful wife, Amy, and our two Twinkies, Davis and Amelia! Happy Turkey Day!

-Danny Poolson

RWU Launches Nationwide Campaign for Rail Labor Unity in Bargaining

In mid-September, RWU launched a *Petition for Rail Union Unity*, designed to help raise awareness of the issue, build solidarity among all rail workers, and to demand that our rail union officials do the right thing and stick together as one in bargaining in the upcoming round of contract negotiations. According to RWU Co-Chair Ross Grooters, "With the bargaining process at the national level set to get underway on November 1st, RWU believes that a single coalition of all rail labor is imperative if we hope to win a good contract."

The introduction to the online petition states that, "For too long, rail labor has been fragmented and divided. Today, in the face of 'Precision Scheduled Railroading', mass layoffs and furloughs, carrier threats to run trains with a single crew member, attacks on health care and vital work rules, it is imperative that *all* rail crafts and *all* rail unions stand together in bargaining. Let your voice be heard and sign the petition!" The Petition has been emailed out to thousands of railroad workers, is being circulated on Facebook, and is available on the RWU website. Rails who have not seen it yet are urged to read it over and to add your name to the list.

Since rail labor first began organizing into unions 150 years ago, we have been divided by craft into a myriad of different unions. As long ago as the 1890s, forward thinking rail union leaders and rank & filers alike have understood that the "craft union" system was more often serving the interests of the rail carriers as opposed to the workers themselves. One union would launch a strike, only to be undercut or even scabbed on by another. This led to the formation of the American Railway Union (ARU) in 1893, the nation's first "industrial union", a labor organization that welcomed all workers in the same industry into its ranks. While extremely popular among the rank & file and very effective at winning demands, the ARU experiment was short lived, broken the following year by a combination of rail carriers, government, and craft unions, who all joined forces to destroy it.



In a defiant show of strength and solidarity, engineers and trainmen strike and picket together on the Wheeling & Lake Erie property in 2013. To stop the carriers' drive for single person train crews and to win a good contract for all, rails from every craft must stick together in bargaining.

Nevertheless, the desire for unity among railroad workers has continued since that time. Numerous caucuses and coalitions - including Railroad Workers United - have emerged in the hopes of unifying some or all of rail labor over the decades. In 2017, the All Rail Crafts Coalition attempted to unite railroad workers in an attempt to win a good contract in the last round of national bargaining. And since that time, no fewer than three national unions - BLET, BMWED and IAM - have adopted Convention Resolutions that endorse and support the idea of a single bargaining coalition of all rail labor.

Organizers of *The Petition for Rail Union Unity* hope to garner thousands of signatures from union railroad workers across the United States, from all carriers, all crafts and all unions. Local unions are invited to sign on as well, and all signatories are encouraged to bring the Petition to their local union meeting for endorsement. Rails may also wish to circulate a paper copy to garner the signatures of union members who are not oriented to the internet. You can gain their signatures, and then enter the data into the online petition yourself. Just make sure you explain and have their permission.

"This is simply basic trade unionism that we are advocating," states RWU Treasurer Hugh Sawyer. "Railroad workers - whether in freight or passenger service, in the shop, on the track, or on the train, Class One or short line service, yard or road - share a common interest in terms of wages, benefits and working conditions. They need to be united into a common umbrella when we go into contract bargaining. The big rail carriers have the National Carriers Conference Committee (NCCC). We need to have a united presence at the table as well."

Do you know someone who would enjoy receiving our newsletter?
*Call **504.766.2200** or send an email to admin@poolsonoden.com to add your friends, family, and coworkers to our newsletter list!*

Sirop de Saizon

Recipe to make a whiskey ole fashioned cocktail

- In an empty glass place two dashes of orange bitters and two dashes of peychaud's bitters
- Coat the bottom of the glass with Sirop de Saizon (est. 1/2 oz)
- Pour 2 oz. of your favorite bourbon or rye whiskey
- Cut a 2" long orange rind and zest over the cocktail
- Place orange rind in glass
- Add a cherry and ice
- Serve and enjoy





www.siroptradingco.com

facebook.com/siropdesaizon

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Thanksgiving Word Search

Find the words below.

P	J	E	F	E	I	P	N	A	C	E	P	H	D	C	T	L	W	P	A
Y	P	K	B	N	T	W	L	G	P	H	D	Y	Y	P	W	E	L	N	P
P	Q	A	N	A	Y	T	R	H	I	K	U	R	I	F	N	V	Q	C	I
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NOVEMBER
HAM
POTATOES
THANKFUL
DINNER
PARADE
TURKEY
PUMPKINPIE
PECANPIE
MAYFLOWER
FAMILY
THANKFUL
STUFFING
CRANBERRIES
PILGRIMS
CORN
FEAST

Client Spotlight



Congratulations **Bear's Poboys** on opening another location at 3804 Veterans Blvd in Metairie, LA!

We would also like to thank Bear's Poboys for allowing Poolson|Oden to be a part of your great team in opening your new location.

We wish you the best of luck and we can't wait to stop in for lunch!

Bear's Poboys
3804 Veterans Blvd
Metairie, LA 70002
www.bearspoboys.com



We're Sleeping Out

Poolson Oden Law Firm has accepted Covenant House's challenge to spend a night sleeping on the street so homeless kids don't have to. The Sleep Out is November 21, 2019, and it is not about pretending to be homeless. It's an act of solidarity with the 4.2 million young people who experience homelessness each year. It's a decision that we can't stay indoors while so many kids remain outside.

Please help us help kids. Make a donation in support of our Sleep Out by visiting our page at

https://www.sleepout.org/team/Poolson-Oden



Covenant House
Opening Doors for Homeless Youth

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RAILROAD & SERIOUS INJURY ATTORNEYS



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Check us out on Social Media!

"Gratitude can transform common days into thanksgivings, turn routine jobs into joy, and change ordinary opportunities into blessings." - William Arthur Ward