

**Testimony of
Dwayne Bateman
Amtrak Food and Beverage Worker**

**Before
Committee on Oversight and Government Reform
Subcommittee on Government Operations**

“Reviewing Alternatives to Amtrak’s Annual Losses in Food and Beverage Services”

November 14, 2013

Chairman Mica, Ranking Member Connelly and members of the committee, I thank you and welcome this opportunity to participate in this hearing on Amtrak food and beverage service.

My name is Dwayne Bateman and I am a Lead Service Attendant currently working on Amtrak’s Northeast Corridor route between Washington, D.C. and New York City. I am also Vice General Chairman for Unite-HERE Local 43, one of the three unions that represents Amtrak’s on-board service workers. I have been an on-board food and beverage worker for over 36 years, working in virtually every position associated with this service including Train Attendant, Service Attendant, Food Specialist, and Lead Service Attendant. During my career I have worked on several Amtrak routes including the Capitol Limited and the Cardinal between Washington, D.C. and Chicago; the Crescent between Washington, D.C. and New Orleans; the Montrealer between Washington, D.C. and Montreal, Quebec; and the Northeast Corridor.

Having worked as an on-board employee for all of these years, I am in a position to shed light on Amtrak’s food and beverage services from a worker’s vantage point. To begin, I need to point out that comparing Amtrak food and beverage services to a fast food restaurant, such as McDonalds, completely ignores the requirements and responsibilities of on-board service workers. The comparison reveals a lack of understanding concerning the job functions and Amtrak’s strict safety standards. I hope this hearing will not continue to rely on these types of faulty comparisons.

Amtrak On-board Service Worker Job Functions

The job duties are unique, demanding, and require training to perform multiple functions, as I described in detail in my written testimony for an August 2, 2012, House Transportation and Infrastructure Committee hearing.

Safety and Security Functions

On-board Amtrak service workers are responsible for the safety of the riding public. They are required to take several training modules that prepare them to respond to a wide range of potential events that may occur on a train, from a derailment, to a medical emergency, to a security breach. Given the railroad environment, emergencies can occur in remote locations that are difficult for emergency responders to access. Fire and rescue personnel cannot always arrive on the scene immediately. This means on-board workers are the first responders in the event of an emergency. Employees are trained in emergency evacuation procedures and in fire suppression. They get Red Cross first aid training, special training to assist passengers with disabilities, and they are trained to handle bomb threats and suspect packages. (Appendix 1 provides a brief summary of safety and security training on-board workers receive.)

Job Functions

On-board workers perform their food and beverage functions aboard a moving train. This is a unique environment. In addition to the safety, security and food and beverage functions, on-board service workers have to be intimately familiar with the design, layout, and safety features in every type of car in the train. In an emergency, they have to open and lower traps, make train-to-train passenger transfers, and direct emergency evacuation.

Work responsibilities include on-board accounting procedures, announcements, signage, service recovery procedures, baggage handling, customer service, and uniform requirements. All of this work is governed by extensive policies, procedures and standards, as illustrated in the Service Standards Manual Table of Contents. (Please refer to Appendix 4.)

They must comply with extensive policies, procedures, and instructions that govern the delivery of food and customer services, many of which require specialized training to perform. They comply with U.S. FDA regulations governing Amtrak food service.

A single shift on the Northeast Corridor usually lasts 12 to 18 hours. On long distance trains, the job functions and environment are even more demanding. During three- to six-day trips, on-board workers generally work 16 hours each day. If a trip lasts one week or more, on-board workers may work as many as 46 hours in a 68-hour window. (In appendix 2, tables 1-3 provide a snapshot of a Lead Service Attendant's workday on the Northeast Corridor. Appendix 3 offers information on a Lead Service Attendant's schedule aboard a long distance train.)

Unlike many workers, on-board employees do not make overtime pay after working eight hours in a day or even 40 hours in a week. It is common for on-board attendants to work 17- or 18-hour days with a minimal crew. But overtime pay kicks in only after they have worked 185 hours in a month. In negotiations, the Service Workers Council has asked Amtrak for overtime pay after 16 hours of work in a day, and Amtrak has said that it could not afford it.

These employees not only work away from their homes, but their schedules are erratic. Up to 20 percent of these employees do not have established rest days and they are subject to call for assignment at any time day or night.

In addition, their hourly rates of pay are designed to cover the many hours for which they receive no compensation whatsoever. A look at schedules for service attendants, as an example, shows that on the Capitol Limited and the Cardinal they are only paid 29 hours 15 minutes per trip, but they are required to spend an additional 21 hours 40 minutes of unpaid time on the trains or at away-from-home terminals—that is, 42 percent of the employee's time is unpaid. On other trains, the percentage of unpaid time is similar.

In negotiations, Amtrak management has preferred to grant incremental wage increases rather than to agree to work rule changes such as overtime pay after 16 hours of work, or payment for more of the time on the job that is currently unpaid. For anyone familiar with these matters to now tell us that those pay rates are excessive is to stand that bargaining history on its head.

In recent years, some reformers have proposed the privatization of food and beverage services. A provision in H.R. 7 would have provided corporate welfare to private contractors while eliminating decent middle class Amtrak jobs like mine. Those sorts of proposals are simply not credible and they do not offer a positive contribution to any effort to improve Amtrak services.

The effort by some members of Congress to justify contracting out food and beverage service on Amtrak ignores these unique working conditions and its trained and specialized on-board workforce. It also ignores the failed attempts to contract out this service in the past.

Amtrak has explored contracting out this service. And some union members have lost their jobs as a result. All of its efforts have either failed to get off the ground or did not generate profits. Amtrak has attempted to contract out the use of food carts on the trains and experimented with installing vending machines. It privatized the commissaries, but profits never poured in. When the states of Maine and North Carolina hired vendors to operate cafe cars on short routes, they were forced to provide subsidies to the private companies even though they hired workers at significantly lower rates of pay. Despite proponents' promises, contracting out does not offer any easy answers.

Amtrak Inspector General Report

Last month, the Amtrak Inspector General released a report on the food and beverage service. The study has some serious flaws. In contrasting our work to on-board services at Alaska Railroad, Rocky Mountaineer, and the Downeaster, the Inspector General made ill-informed and misleading comparisons. None of the services the Inspector General compared to Amtrak's food and beverage service even begin to mirror Amtrak's operations and services.

The Rocky Mountaineer offers scenic railroad service that is marketed to tourists. The schedules are seasonal in nature and get curtailed during the winter months. It does not offer sleeper berths and passengers are apparently expected to sleep in hotels during trips that last more than a single day. Additionally, because the Rocky Mountaineer runs almost exclusively in Canada it operates under a completely different set of legal requirements. Health care costs for employers are dramatically different because of Canada's nationalized system of health care. The pension systems are also different. In the United States, the Railroad Retirement system is privately funded by contributions from employers and employees. Additionally, members of Congress should think twice before embracing the Canadian rail safety regime, which allowed one-person crews and contributed to the tragic accident at Lac-Mégantic, Quebec in which dozens of innocent people were killed by an unattended 74-car runaway train.

Like the Rocky Mountaineer, the Alaska Railroad limits its service during the winter months. Additionally because it does not operate interstate service, the railroad is subject to a different set of transportation, safety, and labor laws. Rail labor supports the Alaska Railroad and its hard working employees, but it does not provide the extensive intercity passenger rail services that make up the national network operated by Amtrak.

The Inspector General also used the Downeaster as a basis of comparison. The Downeaster is a state supported Amtrak route between Boston and Brunswick, Maine. The service is significantly different from most Amtrak routes. The trips are relatively brief, with a one-way trip lasting less than three-and-one-half hours. The Downeaster's food and beverage service was examined in some detail in a 2012 Transportation and Infrastructure Committee hearing, which revealed that even the Downeaster cannot make a profit on its cafe. According to Patricia Quinn, the Executive Director of The Northern New England Passenger Rail Authority, which operates the Downeaster, "The Downeaster achieves the cost and recovery rate of 75 percent in our fiscal year, which runs from July through June. In our fiscal year 2012, our total cafe sales were about \$575,000. Cafe expenses were about \$770,000, which is a net loss of \$195,000."

Downeaster cafe employees do not meet the same wage or safety standards as those on other Amtrak routes. During the hearing, Rep. Nick Rahall's (D-WV) questions to Ms. Patricia Quinn revealed that workers on the Downeaster meet much different safety, training, and work duty criteria.

Mr. RAHALL. What are your food and beverage workers paid? And what kind of benefits do they receive, what sort of training do they receive? And do they receive background checks?

Ms. QUINN. Our food and beverage workers have different job descriptions and duties than the Amtrak LSAs do. They generally are food service workers, and their role and responsibility is to get on the train and manage the cafe. The conductor stays as the person who is in charge of the train. They go through a regular employment review, not necessarily a background check.

Mr. RAHALL. Training?

Ms. QUINN. And training is in food service and the operation of the cafe, but not in the operation of the train. So it is not as extensive as what the Amtrak LSAs receive.

Additionally, in responding to Rep. Corrine Brown's (D-FL) questions, Ms. Quinn said, "You know, our operation is pretty barebones. There are about 15 or 18 employees, food service employees."

Rather than offering faulty comparisons between Amtrak and the three rail services outlined above, the Inspector General should have looked at other national railroads or the aviation sector. Flight attendants on U.S. airlines provide food and beverage service every day. But they are also subject to a strong set of safety standards mandated by the federal government. And, like Amtrak workers, many flight attendants earn middle class salaries.

Without factoring in revenue, the total cost of Amtrak's food service has averaged \$6.95 per passenger since 2008.¹ Over the same period, American, Delta/Northwest, and Continental/United spent an average of \$5.33-\$6.46 per passenger on food service supplies alone, prior to the labor costs of service, which represented over 50 percent of the Amtrak total.

Premium fare passengers expect Amtrak, like any other transport operator, to provide food and beverage service as an amenity included in the price of their tickets. While the past decade has seen commercial airlines take extreme measures to cut meal service to their coach passengers, they have continued to recognize that culinary amenities are essential to maintaining competitiveness in the premium market.

In addition, unlike most commercial airlines, Amtrak has established and maintains a substantial, functioning retail business in on-board food and beverage sales. Based on the proportion of Amtrak's food and beverage revenue that came from cash sales in 2005, sales have likely averaged well over \$2.00 per passenger in recent years.² By comparison, industry reporting suggests average food and beverage sales for commercial airlines were less than \$1.00 per passenger in 2009. In fact, at a 2010 airline industry conference, one consultant used Amtrak's

¹ 2011 constant dollars

² 2011 constant dollars. Assumes 50-60% of total food and beverage revenues are generated through cash sales. (See 2006 National Rail Passenger Association Economic White Paper http://www.narprail.org/cms/images/uploads/whitepaper_food_06.pdf)

in-seat sales program as a model of service and salesmanship for airlines struggling to establish on-board retail operations, describing the Amtrak program as “perfecting an on-board at-seat sales tradition.”³

The unions representing on-board food and service workers are continually working with Amtrak to uphold the highest levels of safety, improve the customer experience, and increase the cost recovery. However, ill informed comparisons from the Inspector General contribute absolutely nothing to this effort.

Conclusion

I have spent my life working for Amtrak with a promise of earning a fair wage and getting a decent Railroad Retirement pension, which is funded solely by contributions from railroads and their employees. When I joined Amtrak, I had no expectation this job would make me a rich man. But it is honest and respectable work with long hours. It allowed me to provide for my family, help send my two girls to college, and live a middle class life. I have invested over three decades into this career. I work hard, earn a decent living and I expect to retire with dignity. I urge you to consider this before eliminating these good American jobs.

Again, I thank you for the opportunity to testify before this committee.

³ *Ideaworks, Inc., “Airline Information Mega Event 2010”*

**APPENDIX 1 – SUMMARY OF ON-BOARD WORKER TRAINING REQUIREMENTS
(DOES NOT INCLUDE ALL REQUIRED TRAINING)**

Emergency Preparedness Training: We receive training to be prepared to respond to any emergency situation, such as a derailment, service interruption or fire. We are also required to have emergency preparedness training to respond to injuries and illnesses, which includes emergency care that covers CPR and the use of automatic defibrillators. This training is required every two years and we are not permitted to work if our training is not current.

First Aid Training: We receive training to be prepared to respond to an on-board injury or illness of a passenger or co-worker and are governed by first aid procedures.

On-Board Passenger Safety Training: We receive training to be prepared to assist passengers with on-board safety while on the train. We assist passengers with basic but important requirements while on board, such as wearing shoes at all times, not standing in vestibules, no running, using seatbacks and luggage racks for stability, and safe boarding and exit.

Training to Assist Passengers with Disabilities: We receive training to assist passengers with disabilities, both non-wheelchair and wheel-chair assistance, and service animals.

Emergency Evacuation Training: We receive training to evacuate passengers from trains in the event of an emergency, to use emergency on-board equipment and to respond to particular types of accidents, such as train emergencies in tunnels.

Training on Responding Bomb Threats/Unattended Items: We receive training to be prepared to respond in the event of a bomb threat or other terrorist activity, and training to be vigilant for unattended items and how to respond.

Training on FDA Rules and Inspections: We receive training on FDA rules and inspections. We are governed by policies and procedures for the safe handling of food, the inspection and monitoring of food service equipment, including refrigerators and freezers, and safe procedures for supplying coaches with water and refilling storage tanks.

APPENDIX 2 – ON-BOARD WORKER JOB FUNCTIONS

LSA-Café Work Day on Northeast Corridor Pre-Departure Work		Table 1
5:15 AM	Report For Work	(Washington to Boston Trip)
	<ul style="list-style-type: none"> * Sign in and receive safety briefing, uniform inspection with possible bank and tool check * Confer with supervisor regarding unusual occurrences, conditions or schedule changes * Check bulletin board for recent operation or service memos * Review manifest to identify business class customers, or if there are groups, special requests * Inventory stock, report shortages, and submit backorders to vendor * Check stock to make sure it is usable, in-date * Complete paperwork * Properly store stock * Inspect equipment and report any defects to mechanical department * Check HVAC, water, doors, lighting, seating, contact surfaces, etc. * Check food service equipment and temperatures of refrigerators and freezers * Verify cash register or POS is installed and functioning properly * Set up credit card machine * Inspect interior of café car for cleanliness and defects * Inspect bathroom for cleanliness/properly stocked * Check wall menus * Check to confirm that the required forms, tools and supplies are on board * Set-up service display on the counter * Set-up bar-back display * Prepare support materials * Fill condiment trays * Make coffee * Greet and assist passengers 	
LSA-Café Work Day on Northeast Corridor En-Route Work		Table 2
	7:00 AM Depart on Train No. 2154 – Destination Boston	
	<ul style="list-style-type: none"> * Maintain a professional demeanor and appearance * Provide high level customer service * Make required service announcements * Greet and assist passengers * Provide customer information * Prepare and serve food and beverages * Maintain and control inventory * Secure company funds * Monitor refrigeration * Monitor restrooms, clean, re-stock when necessary * Monitor, clean tables and seats when necessary * Continuous observance for unusual, suspicious passenger activity * Continuous monitoring for unattended luggage * Continuous monitoring of luggage racks to ensure luggage properly secured * Continuous monitoring of walkways to ensure no obstructions * Continuous monitoring of trash receptacles and replacement when necessary 	
LSA-Café Work Day on Northeast Corridor End of Trip Work		Table 3
11:30 PM	Arrive on Train No. 2173 - Washington	
	<ul style="list-style-type: none"> * Inventory supplies and separate condemnation * Close out cash register * Close out credit card machine * Complete inventory and sales report form (Transfer Out Form) * Reconcile Transfer Out Form and cash register report * Note defects on the mechanical report * Clean work areas 	

APPENDIX 3 – ON-BOARD WORKER JOB FUNCTIONS / LONG DISTANCE

LSA-Café Trip on California Zephyr	Pre Trip Work	Train No. 5
DAY 1		
11:00 AM	Report For Work	(Chicago to California)
<ul style="list-style-type: none"> * Sign in and receive safety briefing, uniform inspection with possible bank and tool check * Confer with supervisor regarding unusual occurrences, conditions or schedule changes * Check bulletin board for recent operation or service memos * Review manifest * Inventory stock, report shortages, and submit back orders to vendor * Check stock to make sure it is usable and in-date * Complete paperwork * Properly store stock * Inspect equipment and report any defects to mechanical department * Check HVAC, water, doors, lighting, seating, contact surfaces, etc. * Check food service equipment and temperatures of refrigerators and freezers * Verify cash register or POS is installed and functioning properly * Set up credit card machine * Inspect interior of café car for cleanliness and defects. * Inspect bathroom for cleanliness/properly stocked * Check wall menus * Check to confirm that the required Forms, tools and supplies are on-board * Set-up service display on the counter * Set-up bar-back display * Prepare support materials * Fill condiment trays * Make coffee 		

↓ Trip Continuation (Day 1)

LSA-Café Trip on California Zephyr	En-Route Work	Train No. 5
DAY 1		
2:00 PM Depart on Train No. 5		
(On Duty from 11:00 AM – 11:00 PM)	12 Hours on Duty / 6.5 Hours Rest on Train	
<ul style="list-style-type: none"> * Maintain a professional demeanor and appearance * Provide high level customer service * Make required service announcements * Greet and assist passengers * Provide customer information * Prepare and serve food and beverages * Maintain and control inventory * Secure company funds * Monitor refrigeration * Monitor restrooms, clean, re-stock when necessary * Monitor, clean tables and seats when necessary * Continuous observance for unusual, suspicious passenger activity * Continuous monitoring for unattended luggage * Continuous monitoring of luggage racks to ensure luggage properly secured * Continuous monitoring of walkways to ensure no obstructions * Continuous monitoring of trash receptacles and replacement when necessary 		
<p>NOTE</p> <p>Job Functions Applicable to All On-Duty Shifts During Trip</p>		

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↓ Trip Continuation (Day 2)

LSA-Café Trip on California Zephyr	En-Route Work	Train No. 5
DAY 2		
Shift Starts at 5:30 AM (On Duty from 5:30 AM – 11:00 PM)	17.5 Hours on Duty / 7 Hours Rest on Train	
NOTE En-route Job functions Continue		

↓ Trip Continuation (Day 3)

LSA-Café Trip on California Zephyr	En-Route Work	Train No. 5
DAY 3		
Shift Starts at 6:00 AM (On Duty from 6:00 AM – 5:00 PM)	11 Hours on Duty / 13 Hours Rest in Hotel	
Scheduled Arrival at Destination (Emeryville, CA)		
NOTE En-route Job functions Continue		
LSA-Café Trip on California Zephyr	Post Trip Work	
4:10 PM	Arrive on Train No. 5 – Emeryville, CA	
<ul style="list-style-type: none">* Inventory supplies and separate condemnation* Close out cash register* Close out credit card machine* Complete inventory and sales report form (Transfer Out Form)* Reconcile Transfer Out Form and cash register report* Note defects on the mechanical report* Clean work areas		
Off Duty 5:00 PM		

↓ Trip Continuation (Day 4)

LSA-Café Trip on California Zephyr	Return Trip to Chicago	Train No. 6
DAY 4		
6:00 AM	Report For Duty	(California to Chicago)
9:10 AM Depart on Train No. 6 (On Duty from 6:00 AM – 11:00 PM)	17 Hours on Duty / 7 Hours Rest on Train	
NOTE Same Pre-Trip Job Functions as Train 5 – Chicago to California		

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↓ Trip Continuation (Day 5)

LSA-Café Trip on California Zephyr	Return Trip to Chicago	Train No. 6
DAY 5		
Shift Starts at 6:00 AM (On Duty from 6:00 AM – 11:00 PM)		17 Hours on Duty / 7 Hours Rest on Train
NOTE Same Pre-Trip Job Functions as Train 5 – Chicago to California		

↓ Trip Continuation (Day 6)

LSA-Café Trip on California Zephyr	Enroute Work	Train No. 6
DAY 6		
Shift Starts at 6:00 AM (On Duty from 6:00 AM – 4:00 PM)		10 Hours on Duty
Scheduled Arrival at Destination (Emeryville, CA)		
NOTE Enroute Job functions Continue		
LSA-Café Trip on California Zephyr	Post Trip Work	
2:50 PM	Arrive on Train No. 6 – Chicago, IL	
NOTE Same Post trip Work as Train 5 –Chicago to California		
Off Duty 4:00 PM		

Daily Summary-California Zephyr				Trains 5/6
<u>DAY</u>	<u>TIME ON</u>	<u>TIME OFF</u>	<u>COMPENSATED TIME</u>	<u>UNPAID AFH REST</u>
1	11:00 AM	11:00 PM	12 HOURS	6.5 HOURS
2	5:30 AM	11:00 PM	17.5 HOURS	7 HOURS
3	6:00 AM	5:00 PM	11 HOURS	13 HOURS
4	6:00 AM	11:00 PM	17 HOURS	7 HOURS
5	6:00 AM	11:00 PM	17 HOURS	7 HOURS
6	6:00 AM	4:00 PM	10 HOURS	N/A
			<u>COMPENSATED</u>	<u>NON-COMPENSATED</u>
TOTAL HOURS			84 HOURS	40.4

TRIP SUMMARY FOR CALIFORNIA ZEPHYR – TRAINS 5 & 6

Total Days Away from Home (AFH):	6 Days
Total Trip Hours:	124.5
Total Compensated Hours	84
Total Uncompensated Hours	40.5
Percentage of Trip (Away from Home & Non-Compensated)	32.5%

OTHER FACTORS:

- Hours may be extended due to delays
- 4 out of the 5 nights, the rest period is short, and on-board a train
- Workers get only one extended rest period (Day 3) in a hotel

APPENDIX 4 - AMTRAK SERVICE STANDARDS MANUAL – TABLE OF CONTENTS

Definitions & Abbreviations

- C1** - **Safety & Security**
 Section 1: Safety
 Section 2: Passenger Train Emergency Preparedness
 Section 3: Terrorist Activity
- C2** - **Injury, Illness and Reporting**
- C3** - **FDA Rules & Inspections**
- C4** - **Baggage Handling**
- C5** - **Uniform & Grooming**
- C6** - **Crew Functions & Responsibilities**
- C7** - **Policies & Procedures**
- C8** - **Accounting**
 Section 2: On-Board Service Accounting Procedures
- C9** - **Service Recovery**
- C-10** - **On-Board Announcements and Signage**
- C-11** **Assisting Passengers with Disabilities**
- C-12** - **Equipment**
- C-13** - **Phone Numbers**
- C-14** **Assisting Passengers with Disabilities**

AMTRAK ON-BOARD FOOD and BEVERAGE WORKERS

TRAINING

Extensive Safety & Security Training

- Emergency Preparedness Training
- First Aid Training
- On-Board Passenger Safety Training
- Training to assist Passengers with Disabilities
- Training on Responding to Bomb Threats- Unattended Items
- Training on FDA Rules & Inspections
- Employee Security Awareness Training
- Block Training-Safety, Security & Customer Service Training

DUTIES

Wide Range of Responsibilities

- Providing Food & Beverages – including preparing meals, cooking and selling
- On-Board Accounting Procedures
- Announcements and Signage
- Service Recovery Procedures
- Baggage Handling
- Extensive Pre-Departure, En-route and End-of-Trip Responsibilities
- Tend to any medical or safety emergency, service disruptions or train failures
- Shifts from 12-18 hours, and on Long-Distance trains trips that encompass as much as a week away from home

Dwayne Bateman
Biography

Dwayne Bateman started working for Amtrak in January 1977. He is also the Vice General Chairman for Unite-HERE Local 43, which represents Amtrak's on-board service workers. He has been a union official since 1998.

Dwayne has worked in virtually every position associated with Amtrak's on-board service including train attendant, service attendant, food specialist and lead service attendant. He has worked on several routes including: the Capitol Limited and the Cardinal between Washington, D.C. and Chicago; the Crescent between Washington, D.C. and New Orleans; and the Montrealer between Washington, D.C. and Montreal, Quebec. Today, he works on the Acela between Washington, D.C. and Boston.

Dwayne lives in Maryland with his wife, Anita. He is the proud father of three children and four grandchildren.

Committee on Oversight and Government Reform
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name: DWAYNE BATEMAN

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2010. Include the source and amount of each grant or contract.

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2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Amtrak / UNITE-HERE : EMPLOYEE / UNION REP

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

Ø

I certify that the above information is true and correct.

Signature:

Dwayne Bateman

Date:

11/12/13