

CIRCULAR LETTER NO. 5

March 4, 2004

TO ALL LOCAL CHAIRPERSONS:

Dear Sirs and Brothers:

As an on-going process - in the General Chairman's office, we send out Circular Letters as circumstances dictate in regard to issues that are of importance to all of our Membership. We are requesting that you read these documents at your Union Meetings for the Membership's benefit and also place them on bulletin boards for those Members who cannot attend the Union Meeting. Incorporated below are issues of importance for our Membership.

◆ Questions and Answers - November 1, 2003 Memorandum of Agreement

Attached hereto for your review are twenty-eight (28) agreed upon Questions and Answers and one Side Letter pertaining to the November 1, 2003 Memorandum of Agreement. The Questions and Answers and Side Letter are also reproduced in booklet form for your Local Chairman's Manual.

◆ Family and Medical Leave Act vs. Compensated Leave Time and Carrier's FMLA Policies.

On January 9, 2004, the UTU and various other Rail Unions filed in District Court in Chicago, IL, to overturn the implementation of the Carriers' in-house Family and Medical Leave Policies, which require vacation time and PL days to be observed during an absence under FMLA. After extensive research, we have found two (2) Department of Labor (DOL) Opinion Letters, which have held when an employee qualifies for disability income payments from an insurance policy, or Railroad Retirement Sickness Benefits, the Carrier cannot force the employee to observe vacation time or PL days during a FMLA absence for sickness or injury. Attached hereto are the DOL Opinion Letters FMLA-52 and FMLA-92 for your perusal. Meanwhile, the case is still being pursued by our Attorneys.

If a Member has been forced to observe vacation time, or PL days during a FMLA absence and qualified for disability income payments, or Railroad Retirement Sickness Benefits, the Carrier must credit that vacation time or PL days back to that

individual.

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◆ **Paul C. Thompson Elevated to UTU International President**

As the result of the UTU's International Executive Board's decision on March 2, 2004, Byron Boyd, Jr., has been placed on an unpaid suspension for the duration of his term as President of the UTU. Assistant President Paul C. Thompson is elevated, and assumes the role and duties as International President. Mr. Boyd remains President of the UTU Insurance Association (UTUIA). Subsequent to the November 13, 2003 indictments, Mr. Boyd has a March 22, 2004 trial date in Houston, TX. If Mr. Boyd, is found not guilty, or if all charges are dismissed at the criminal proceeding in Houston, he will be reinstated as International President with all UTU back wages. Attached for your perusal is the Executive Board's March 2, 2004 findings and the press release.

Trusting this information will aid you in keeping our Membership informed of issues confronting us. With best personal wishes, I remain

Fraternal ly yours,

John W. Babler
General Chairman, G. C. A.

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cc: Paul Thompson, President - UTU
Dan Johnson, III - General Secretary/Treasurer - UTU