

CIRCULAR LETTER NO. 12

May 27, 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.

BLE&T SOLICITATION OF TRAINMEN

Recently, this Office was advised that the BLE&T is scheduled to begin a campaign to solicit trainmen to join to BLE&T. The campaign will consist of engineers being provided pamphlets touting the BLE&T alleged accomplishments, and their baseless assertion that they can better represent train service employees. These pamphlets will be passed out by the BLE&T engineers while on the locomotives and at the yard offices.

It takes more than slick "Madison Avenue" publications, or pamphlets, and the usual rhetoric, to represent trainmen. It takes hard work and dedication, something the UTU is very familiar with. This Office must to remind the UTU members how hard the BLE worked to "represent" trainmen on Via Rail. The BLE, with the help of Via Rail management, did a genocide on the trainmen's craft and eliminated their positions. The BLE trainmen successfully sued BLE for their actions. The trainmen are still waiting for their money and jobs back.

Attached hereto is a list of 779 BLE&T trainmen files handle by the CNW/BLE Committee. These files expired under the time limit rules. The files contain multiple claimants and claim dates representing several hundred thousand dollars in claims. The 779 files are just the "tip of the iceberg" of BLE trainmen's claims mishandled by the BLE. The question that begs an answer is who benefitted from the BLE's failures? The BLE? The Carrier? The BLE trainmen? The answers are evident, the BLE did, they pocketed the dues dollars and did nothing, the Carrier did, they were relieved of the liability of several hundred thousand dollars of claims. The BLE trainmen did not, they ended up with a lot of empty promises, the usual BLE rhetoric, and if they were lucky, a few dues receipts.

Meanwhile, during the same time frame the BLE was mishandling trainmen's claims, this Office with the help of our membership, and Local Officers, collected over \$7 million dollars in claims, paid out \$11.3 million dollars in the Claim Settlement money, which provided our membership with over \$22 million dollars in compensation and benefits, when you include the Railroad Retirement benefits. \$22 million dollars in compensation and benefits over a six (6) year period is unheard of in this industry, and is unrivaled by anything the BLE&T has done.

During the past six (6) years, this Office, with the help of our Local Officers, has negotiated almost one hundred (100) collective bargaining agreements for trainmen. Not one of the Agreements were

concessionary in nature. The Agreements provided greater earnings and/or better working conditions. How many agreements did the BLE negotiate that benefitted trainmen? NONE. It must be noted the BLE was quick to "piggyback" on many of the UTU Agreements, and "me too" those agreements that management would dole out to them. Both the trainmen and engineers benefitted from the work of the UTU. The reverse cannot be said for the BLE, the trainmen did not benefit from the engineer's agreements, unless doing a genocide on the trainman's craft, crossing UTU picket lines, and their engineer only operations can be viewed as "benefits" for trainmen.

In the end, the BLE&T efforts to solicit trainmen to join the BLE&T only weakens the UTU's economic base needed to fight for the rights of both crafts. When this happens, both the trainmen and engineers lose, and the management wins. This does not sound like a plan that benefits rail labor. The reality of the situation is, the BLE only tolerates trainmen, and welcomes them for their dues dollars to finance the BLE master plan, often referred to as the Lake Erie Plan, or engineer only operations.

The BLE&T will attempt to focus on the recent indictment of four (4) UTU employees for their criminal activities. The Houston indictments are behind us, and demonstrated the "system" works. Pursuant to the UTU Constitution, the guilty parties were removed from office, and are now in the hands of the criminal justice system. New leadership has been put in place, who have already made the difficult decisions that put UTU back on track. Strict safeguards have been installed to ensure the situations leading to the indictments cannot happen in the future. UTU is now focused on the future, while learning from the past mistakes of a few.

We need to talk to our fellow members and workers, listen to their concerns, solicit their input and include them in the process, for this is the fabric that binds us all into one great brotherhood.

When the BLE&T solicits you to join them, just smile, and hand them a UTU application. Ask them what they have done for you and your fellow workers to ensure jobs for us all. You need to inform the BLE&T of the UTU's \$22 million dollars in compensation and benefits and the negotiation of almost one hundred (100) collective bargaining agreements in the past six (6) years. Ask the BLE&T about their accomplishments - it will be a short conversation. The BLE&T is not our enemy, they have been become victims of their hierarchies propaganda machine. The BLE&T membership is like the UTU membership, because they, like us, are proud workers who are seeking a better future. The problem is their union efforts are unsound and misguided. There is only one rail operating union that has sound practices and protects both the train and engine service crafts - UTU. UTU President Paul Thompson said it best "he's sticking with the union." Thus, we all should follow President Thompson's advice, we should be "sticking with the union" - UTU.

UTU 1972 NATIONAL AGREEMENT, WASHINGTON JOB CONDITIONS AND NEW YORK DOCK CONDITIONS

Many of our membership work under the terms and conditions of ID service implemented by the Carrier pursuant to the National ID service provisions. The ID service emanates from the 1972 UTU National Agreement, which makes references to Washington Job and New York Dock conditions. To better serve our Membership, enclosed herein are copies of the 1972 UTU National Agreement, 1972 Questions and Answers, Washington Job conditions, and the New York Dock conditions, reproduced in four (4) booklets for your Local Chairman's manual.

May 27, 2004

 **THANKS FOR YOUR SUPPORT**

This will be my last Circular Letter to you as your General Chairman. I would like to take this opportunity to thank each of you for the support and the dedication you have shown to me over the years. We have accomplished a great deal. The \$7 million in claim payments and \$11.3 million Claim Settlement and almost one hundred (100) agreements would not have been possible if it were not for the tenacity and dedication of our Membership, and each of you as Local Chairmen. I will always cherish that I was granted the privilege to serve as your General Chairman. In the end, all the credit for our accomplishments must go to each of you, the Membership, and the dedicated Officers and Staff of the General Committee. In closing, I will not say good bye, but I will say thank you. I do not feel I am leaving, I am moving to a new position, doing what I love - representing the Membership of the UTU.

I do have one request, I would ask that you give the new General Committee Officers the same dedication and support that you have shown me over the years.

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.

JWB: j g

cc: Paul Thompson, International President - UTU
Rick Marceau, Asst. President - UTU
Dan Johnson, III - General Secretary/Treasurer - UTU

Enclosure(s)