

## CIRCULAR LETTER NO. 18

October 11, 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.

#### **FRA Notice of Safety Advisory:**

Attached is a Notice of Safety Advisory from the FRA concerning the dangers of undiagnosed and/or untreated sleep disorders. The FRA recognizes that railroad workers can be affected by the irregular scheduling currently inherent in the industry. The report states:

**“Many of these employees work unpredictable schedules and long hours, making it difficult for them to achieve adequate rest even if otherwise healthy.”**

**“Railroad employees who typically work on-call are especially vulnerable to sleep disorders such as circadian rhythm disorders, and shift work sleep disorder, a relatively recent addition to sleep disorders listed in the Diagnostic and Statistical Manual of Mental Disorders... which cuts across all types of shift work jobs. Studies of on-call work schedules that lead to alterations in the timing or duration of sleep and the sleep-wake cycle have also been shown to lead to significant sleep and circadian rhythm disturbances in railroad workers.”**

While recognizing the causes underlying sleep disorders, and specifically identifying those causes in the rail industry, the FRA's recommendations fail to address those causes, or recommend any actions to alleviate the conditions causing the problem.

Instead, the recommendations place upon the employees the burden of recognizing, in

themselves or in other workers, the symptoms of sleep disorders and report the same to the carrier, which will result in a removal from service for that employee pending successful treatment of the condition. A further recommendation would require medical screening for sleep disorder conditions.

The intent of the FRA is clear in their statement:

**“Accordingly, in the fall of 2003, FRA awarded a contract for a comprehensive study to determine the need for, and options for implementing, medical standards for railroad employees in safety-critical occupations. Upon receipt of a final report from that study, FRA will evaluate the appropriate framework for addressing in greater detail the NTSB’s recommendations.”**

The response of the FRA to the fatigue problem in the industry is not to address the cause of the problem, but rather to “weed out” those employees who succumb to the stress and chaos of on-call schedules. The FRA recommendation makes no mention of mandatory scheduling, work/rest projects, of any type of fatigue abatement measures.

 **Engineer Training Program:**

The carrier has denied some Conductors a transfer to the engine craft based upon the carrier’s unpublished criteria. One of those criteria involves the current discipline level of the employee. Another criteria involves the employee’s status on the attendance policy matrix. If an employee is rejected for the engineer training program, an appeal should be filed requesting inclusion in the training and a seniority date relative to other employees consistent with the employee’s seniority in ground service. Please advise this office of such appeals with a copy. If the cause of the employee’s rejection is subsequently rescinded, the remedy must include the restoration of seniority and pay in engine service.

 **Holiday Scheduling:**

Attached is correspondence from President Paul Thompson regarding the observance of the Christmas and New Years holidays in 2005/2006. The information is being furnished at this early date to assist the employees in planning and scheduling their vacations for the upcoming year.

 **Election 2004:**

Please read the October 8, 2004 letter, from National Legislative Director Jim

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Brunkenhoefer regarding the Republican administrations plans to disrupt the national elections on November 2<sup>nd</sup>. Encourage all members to go to their courthouse before November 2<sup>nd</sup> and vote absentee. If anyone doubts the importance of this election, refer them to the first item in this circular letter. The policies of the FRA are directly influenced by the administration in office. In November 2000, the railroad carriers were engaged in many fatigue abatement projects at the urging of the unions and the FRA. Immediately after the Supreme Court secured the election for the Republican administration, the carrier abolished all work/rest projects. During the last four years not one fatigue abatement project for pools or extra boards has been initiated on the former C&NW property. With due respect to every individuals personal convictions, we as workers and union members must vote for a change in the administration.

*✍* **UP Requests Work Shift to Mexico:**

All members are urged to contact their representatives in the Congressional House to support the position of Rep. Oberstar (Minn.) in preventing the performance of air brake tests and inspections in Mexico rather than in the United States. The Union Pacific is attempting to replace U.S. workers (carmen) by authorizing the work to be performed in Mexico, where there are no inspection and testing regulations comparable to North American standards.

*✍* **UTU the Leader in Washington:**

Enclosed is a report dated September 13, 2004, from the Federal Elections Commission, which identified PAC contributions to candidates for Federal office by various unions. Among transportation unions the UTU contributed more than all other railroad unions combined. While others talk, the UTU "walks the walk" in Washington. Every member should be proud of the leadership role this union plays in the rail industry.

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

Fraternal ly yours,



Michael J. Reedy  
General Chairman, G. C. A.

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cc: Paul Thompson, President - UTU

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Rick Marceau, Assistant President - UTU

Dan Johnson, III - General Secretary/Treasurer - UTU