

## CIRCULAR LETTER NO. 5

April 1, 2005

### 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.

#### **Status of National Negotiations :**

Attached is a letter from International President Paul Thompson regarding the ongoing negotiations with the National Carriers Conference Committee. The UTU has filed suit in the U.S. District Court for the Southern District of Illinois to prevent the carriers from progressing their Section 6 Wage and Rule Notices involving the abolishment of FELA, and abrogating local crew consist moratoriums. While the lawsuit is pending the UTU and the carriers have committed to continue negotiations on other subjects.

The carriers have touted their Positive Train Control systems as providing safe and productive alternatives to adequate manning levels. The UTU has learned that the technology available is totally inadequate to ensure safe operations. The system on each carrier is incompatible on other carriers, and is not capable of safely controlling the movement of trains and engines. Attached is information garnered at the Symposium on Positive Train Control sponsored by the National Transportation Safety Board which details the inadequacy of the carrier's attempts to implement the new technology.

#### **Enhanced Manpower Utilization:**

The carrier served notice to establish "a rule providing for the automatic mark up of employees for service after the expiration of any period of authorized or approved time off" in accord with Article VII, Section 1 of the August 20, 2002 National Agreement. The National Agreement required that the proposed rule "shall be consistent with validated current scientific data and findings regarding employee rest and fatigue abatement". The Organization and carrier representatives have agreed upon an interpretation of the required rule. Briefly, the rule will provide:

Employees will be automatically marked up for service upon expiration of any time off.

An absence will be for not less than twenty-four (24) hours, except where local rules provide a shorter time.

If an absence of seventy-two (72) hours or more expires between 10:30 p.m. and 6:00 a.m., an employee in unassigned freight service will not be called for an assignment that starts prior to 8:00 a.m.

The rest periods at the home and away-from-home terminals shall be ten (10) undisturbed hours for employees in unassigned freight service. Once yearly the Organization may select a rest period of eight (8) or ten (10) undisturbed hours at the away-from-home terminal of a pool. Local rules providing greater rest periods will still apply. The rest periods established under this rule will not offset protection payments or guarantees.

The interpretation of Article VII as agreed upon will be mailed when a completed, signed copy is available.

 **Employee Assistance and Peer Support Director:**

Mr. Ron Goodman has retired from the Union pacific. Mr. Mark Jones has been appointed the Director Employee Assistance and Peer Support. His address and phone:

Mark R. Jones  
Director Employee Assistance & Peer Support  
1400 Douglas Street, STOP 0710  
Omaha, NE 68179

(402) 544-0544

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.**

**MJR: j g**

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