



GENERAL COMMITTEE OF ADJUSTMENT

united transportation union

UNION PACIFIC RAILROAD COMPANY
(Former C&NW Railway Co.)

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CIRCULAR LETTER NO. 7

December 23, 2008

TO ALL LOCAL CHAIRPERSONS:

Dear Sirs and Brothers:

As an ongoing 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.

◆ Mandatory Hearing Tests:

The FRA has modified its occupational noise standards for employees, including a mandate for hearing conservation practices. Under the provisions of 49 CFR 227.109 each railroad carrier is required to establish a baseline audiogram for every employee in train and engine service. Employees who hold locomotive engineer licenses have already undergone the hearing test as part of the certification process. Those employees who do not hold certificates, and have not had a hearing test, will be required to have a hearing test prior to February 26, 2009. Those employees who have not taken a hearing examination must do so to remain in service.

Employees affected will receive a letter, advising them of the local facility where tests may be obtained. In some cases, the Occupational Health Nurse on the Service Unit may be qualified to administer the test, or a mobile testing van may be available. Employees should request to take the test at a time that will not conflict with scheduled working hours. If that is not possible, the carrier should be so notified. The railroad carrier is obligated to pay for the cost of the test. If an employee is required to lose time or to incur expenses as a result of taking the test, a claim for the lost time and/or expense should be submitted to the carrier.

Some, if not all, of the employees who report for the audio examination are being instructed to fill out a "Hearing Test Case History" form and to sign a "Medical Consent Form", which authorizes the release of medical information not addressed by the FRA regulation. Neither the FRA or the carrier may require an employee to waive protections granted under HIPPA. Advise your members that they are under no obligation to complete such forms and waivers. Those who have previously completed these forms may rescind the release in writing.

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CIRCULAR LETTER NO. 7

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December 23, 2008

◆ **Auto Expense Mileage Rates:**

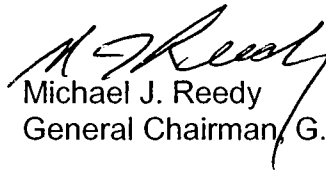
Attached is a letter from the International office regarding the reimbursement rate for private automobile use. Effective January 1, 2009, the automobile rate will be reduced to 55 cents per mile.

◆ **Holiday Schedule:**

The General Committee office will be closed in observance of the holidays on December 24th and 25th; also December 31st and January 1st. In these economically difficult times please remember those less fortunate, in particular those Brothers and Sisters who are furloughed. On behalf of the General Committee officers and staff we wish you all a joyous holiday season, and a happy and prosperous New Year.

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

Fraternally yours,


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

MJR:jg

cc: Mike Futhey, President - UTU
Arty Martin, III, Assistant President - UTU
Kim Thompson, General Secretary/Treasurer - UTU
Joe Szabo, Director Illinois State Legislative Board - UTU
Pat Hendricks, Director Iowa State Legislative Board - UTU
Phil Qualy, Director Minnesota State Legislative Board - UTU
Ray Lineweber, Director Nebraska State Legislative Board - UTU
Tim Deneen, Director Wisconsin State Legislative Board - UTU

[Code of Federal Regulations]
[Title 49, Volume 4]
[Revised as of October 1, 2007]
From the U.S. Government Printing Office via GPO Access
[CITE: 49CFR227.109]

[Page 390-392]

TITLE 49--TRANSPORTATION

CHAPTER II--FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION

PART 227_OCCUPATIONAL NOISE EXPOSURE--Table of Contents

Subpart B_Occupational Noise Exposure for Railroad Operating Employees.

Sec. 227.109 Audiometric testing program.

(a) Each railroad shall establish and maintain an audiometric testing program as set forth in this section and include employees who are required to be included in a hearing conservation program pursuant to Sec. 227.107.

(b) Cost. The audiometric tests shall be provided at no cost to employees.

(c) Tests. Audiometric tests shall be performed by:

(1) An audiologist, otolaryngologist, or other physician who has experience and expertise in hearing and hearing loss; or

(2) A qualified technician.

(d) [Reserved]

(e) Baseline audiogram. This paragraph (e) applies to employees who are required by Sec. 227.107 to be included in a hearing conservation program.

(1) New employees.

(i) Except as provided in paragraph (e)(1)(ii), for employees hired after February 26, 2007, the railroad shall establish a valid baseline audiogram within 6 months of the new employee's first tour of duty.

(ii) Where mobile test vans are used to meet the requirement in paragraph (e)(1)(i), the railroad shall establish a valid baseline audiogram within one

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year of the new employee's first tour of duty.

(2) Existing employees.

(i) For all employees without a baseline audiogram as of February 26, 2007, Class 1, passenger, and commuter railroads, and railroads with 400,000 or more annual employee hours shall establish a valid baseline audiogram by February 26, 2009; and railroads with less than 400,000 annual employee hours shall establish a valid baseline audiogram by February 26, 2010.

(ii) If an employee has had a baseline audiogram as of February 26, 2007, and it was obtained under conditions that satisfy the requirements found in 29 CFR 1910.95(h), the railroad must use that baseline audiogram.

(iii) If the employee has had a baseline audiogram as of February 26, 2007, and it was obtained under conditions that satisfy the requirements in 29 CFR 1910.95(h)(1), but not the requirements found in 29 CFR 1910.95(h)(2) through (5), the railroad may elect to use that

baseline audiogram provided that the Professional Supervisor of the Audiometric Monitoring Program makes a reasonable determination that the baseline audiogram is valid and is clinically consistent with other materials in the employee's medical file.

(3) Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to occupational noise in excess of the action level. Hearing protectors may be used as a substitute for the requirement that baseline audiograms be preceded by 14 hours without exposure to occupational noise.

(4) The railroad shall notify its employees of the need to avoid high levels of non-occupational noise exposure during the 14-hour period immediately preceding the audiometric examination.

(f) Periodic audiogram.

(1) The railroad shall offer an audiometric test to each employee included in the hearing conservation program at least once each calendar year. The interval between the date offered to any employee for a test in a calendar year and the date offered in the subsequent calendar year shall be no more than 450 days and no less than 280 days.

(2) The railroad shall require each employee included in the hearing conservation program to take an audiometric test at least once every 1095 days.

(g) Evaluation of audiogram.

(1) Each employee's periodic audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and to determine if a standard threshold shift has occurred. This comparison may be done by a qualified technician.

(2) If the periodic audiogram demonstrates a standard threshold shift, a railroad may obtain a retest within 90 days. The railroad may consider the results of the retest as the periodic audiogram.

(3) The audiologist, otolaryngologist, or physician shall review problem audiograms and shall determine whether there is a need for further evaluation. A railroad shall provide all of the following information to the person performing this review:

(i) The baseline audiogram of the employee to be evaluated;

(ii) The most recent audiogram of the employee to be evaluated;

(iii) Measurements of background sound pressure levels in the audiometric test room as required in appendix D of this part: Audiometric Test Rooms; and

(iv) Records of audiometer calibrations required by Sec. 227.111.

(h) Follow-up procedures.

(1) If a comparison of the periodic audiogram to the baseline audiogram indicates that a standard threshold shift has occurred, the railroad shall inform the employee in writing within 30 days of the determination.

(2) Unless a physician or audiologist determines that the standard threshold shift is not work-related or aggravated by occupational noise exposure, the railroad shall ensure that the following steps are taken:

(i) Employees not using hearing protectors shall be fitted with hearing protectors, shall be trained in their use and care, and shall be required to use them.

(ii) Employees already provided with hearing protectors shall be refitted, shall be retrained in the use of hearing

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protectors offering greater attenuation, if necessary, and shall be required to use them.

(iii) If subsequent audiometric testing is necessary or if the railroad suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors, the railroad shall

refer the employee for a clinical audiological evaluation or an otological examination.

(iv) If the railroad suspects that a medical pathology of the ear unrelated to the use of hearing protectors is present, the railroad shall inform the employee of the need for an otological examination.

(3) If subsequent audiometric testing of an employee, whose exposure to noise is less than an 8-hour TWA of 90 dB, indicates that a standard threshold shift is not persistent, the railroad shall inform the employee of the new audiometric interpretation and may discontinue the required use of hearing protectors for that employee.

(i) Revised baseline. A railroad shall use the following methods for revising baseline audiograms:

(1) Periodic audiograms from audiometric tests conducted through February 26, 2009, may be substituted for the baseline measurement by the Professional Supervisor of the Audiometric Monitoring Program who is evaluating the audiogram if:

(i) The standard threshold shift revealed by the audiogram is persistent; or

(ii) The hearing threshold shown in the periodic audiogram indicates significant improvement over the baseline audiogram.

(2) Baseline audiograms from audiometric tests conducted after February 26, 2009, shall be revised in accordance with the method specified in appendix C of this part: Audiometric Baseline Revision.

(j) Standard threshold shift. In determining whether a standard threshold shift has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level by correcting the annual audiogram according to the procedure described in appendix F of this part: Calculation and Application of Age Correction to Audiograms.

M.B. FUTHEY JR.
International President

ARTHUR MARTIN III
Assistant President

KIM N. THOMPSON
General Secretary and Treasurer



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November 26, 2008

International Officers
Chairpersons and Secretaries, General Committees of Adjustment
Director and Secretaries, State Legislative Boards
Secretaries and Treasurers, All Locals
UTUIA Field Supervisors & All Special Representatives
UNITED STATES

RECEIVED

DEC 03 2008

UTU GENL. COMM-PROPER
U.I. (CNP)

Re: Authorized Maximum Mileage Rate

Dear Sisters and Brothers:

The Internal Revenue service today issued the 2009 option standard mileage rates used to calculate the deductible costs of operating an automobile for business. Beginning on January 1, 2009, the standard rates for the use of a car will be 55 cents per mile for business miles driven.

Therefore, I am authorizing automobile mileage allowance consistent with the maximum rate set by the Internal Revenue Service (Revenue Procedure 2008-72), effective January 1, 2009. The automobile rate will be decreased to 55 cents a mile down from 58.5 cents a mile.

Fraternally yours,

A handwritten signature in cursive script that reads "M.B. Futhey Jr.".

M. B. Futhey Jr.
International President

cc: A. Martin, III, Assistant President
K. N. Thompson, General Secretary - Treasurer
S. L. Collins, Executive Director of Finance/Human Resources

