

CIRCULAR LETTER NO. 11

September 29, 2006

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.

Expanded Drug Testing on Union Pacific :

The Union Pacific has announced that effective October 1, 2006, company drug tests will include five (5) additional categories of drugs. This action is taken pursuant to 49 CFR 219.1(b) which reads: "This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part."

The additional categories include some controlled substances available by medical prescription. Employees who are taking prescription medications containing the substances should obtain a statement from the prescribing physician that the substance will not interfere with their employment duties. The additional categories are barbituates, benzodiazepines, methadone, oxycodone, and ecstasy.

Discipline Policy Change:

The carrier is planning to implement a revised discipline policy to be effective system-wide. The new policy will eliminate Behavior Modification and establish increased penalties for violations of various rules. The carrier has served notice to cancel the Continuing Operating Rules Education (CORE) agreement, effective October 5, 2006, or concurrent with the effective date of the new discipline policy, whichever is later. Until the CORE agreement is cancelled the employees may still utilize that option.

Return to Work (RTW) Program:

On several service units the carrier has implemented a new program allegedly intended to "assist with work re-entry for UP TE&Y employees temporarily injured or ill". The program

appears to be a re-packaging of previous programs with monikers such as "light duty", or "Temporary Productive Work Program", etc. General Committee files indicate various schemes dating back to at least 1981, involving the same basic program.

Several issues are raised by the concept of "light duty". The duties of ground service employees are specified in the collective bargaining agreement; assigning work outside of those duties to an employee constitutes a change in working conditions. The carrier has no right to amend, negate, change, or restrict an employees' rate of pay or working conditions without agreement. If a "light duty" assignment is performing work within the craft, the collective bargaining agreements provide for the exercise of seniority to the position, not an appointment by the "coordinator".

Employees should also be cautious of performing duties assigned to other crafts; virtually any type of work in the rail industry is reserved to craft employees. The type of work to be performed should also be considered. Committee files record an instance of the carrier attempting to "require an injured member of our organization to patrol the switching confines of Clinton yard with a water bucket picking up scrap iron and other debris". Such work could hardly be considered "light" or "productive".

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
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