

Kevin

UNION PACIFIC RAILROAD COMPANY

Western Region - Transportation

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FEB 13 2006
10:10 AM
COMMUNICATIONS

February 7, 2006

J. Kevin Klein, General Chairman
United Transportation Union
UP-Western Lines
501 Mission Street, Suite A
Santa Cruz, CA 95060

Dear Mr. Klein:

This refers to your letter dated January 5, 2006, concerning eligibility of the employees you represent for the benefits of the "Companion Agreement".

As a matter of Company policy, both the rehab and return to service benefits of the Companion Agreement are available only to those employees who are covered by a signed Companion Agreement. A Companion Agreement has been presented to you, and so far, you have continued to decline to sign it. In a second effort to make the Companion Agreement assessable to the employees you represent, the standard waiver agreement presented to employees electing to use the Companion Agreement, was modified by adding a signature slot for you to sign off. If you sign off on the waiver agreement, then the employee in question can proceed into rehabilitation and a return to service monitored by the Employee Assistance Program. Thus far, you have declined to sign off on the waiver agreements and have not permitted your Local Chairman to sign on your behalf.

There is also an additional problem. The standard "Waiver/Agreement Letter" in use on the entire system contains a second paragraph stating as follows:

"I wish to waive my right to a formal hearing and accept dismissal in connection with the charges of _____, for my violation of GCOR Rule 1.5 and Union Pacific's Drug and Alcohol Policy."

Your labor contract specifically prohibits employees from signing waivers accepting dismissal. Therefore, until or unless we make agreements to the contrary, your constituents are contractually prohibited from signing the "Waiver/Agreement Letter". Article 57, "Discipline-Investigations", as revised, states in Section J2b, "A trainman may waive, in writing, his right to an investigation and accept for his responsibility, a specified number of days' suspension not to exceed 30 days." In other words, the contract specifically says that the employees you represent cannot sign a waiver accepting dismissal.

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J. K. Klein, General Chairman

UTU

I look forward to meeting with you and Vice President Babler on February 8, and hope that we will be able to resolve these contractual issues.

Sincerely,

A handwritten signature in cursive script that reads "Al Hallberg".

Al Hallberg

Director, Labor Relations

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