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## **Consolidated General Committee of Adjustment**

*Union Pacific Railroad Company  
(Eastern & Northwest Districts, former CNW Railway Co)  
Kyle Railroad, Nebraska Central Railroad,  
Portland Terminal Railroad & Wichita Terminal Assoc*

January 10, 2025

*Via email only*

Rana Abudayyeh  
Director, Labor Relations – Advocacy  
547 W. Jackson Blvd  
Chicago, IL 60661

Dear Mrs. Abudayyeh,

This letter is in reference to our discussions on January 9 & 10, 2025, regarding NIRCRC's decision to disqualify employees from Union Pacific Railroad from transferring to NIRCRC. During our discussion NIRCRC shared a list of current Union Pacific employees that were deemed "disqualified" by NIRCRC (see attached). However, under Section 2 of the October 18, 2024, UP Commuter Service/NIRCRC Implementation Agreement, Carriers' criteria for employment states:

### **Section 2. Transition to NIRCRC**

*a) Active UP employees will be notified in advance of the Change Over Date of the opportunity to place a bid based on UP Conductor seniority for employment at NIRCRC through the advertisement of positions. The format, timeline, and all aspects of these initial advertisements, and review of applications, will be determined by NIRCRC. For purposes of this MOA, "active UP employees" means employees in active service on the date of this MOA with seniority on one or more of the following UP seniority rosters: Northeastern No. 2, Eastern No. 1, Chicago Freight Terminal No. 7.*

*b) NIRCRC shall extend employment offers to active UP employees who apply for employment at NIRCRC under this MOA, however, all offers of employment are subject to the former UP employee satisfying the following conditions:*

- i. Must authorize UP to transfer their employee service and personnel records to NIRCRC at time of application. Including, but not limited to, latest operating rules exam results, skills performance results, annual check ride results, certification exam results, and hearing and vision results,*
- ii. Must submit a current Driving Record Abstract,*
- iii. Must authorize a background check, and*
- iv. Must successfully complete drug and alcohol testing. An employment offer will not be extended if an employee does not successfully pass the drug and alcohol testing, unless such employee agrees to enter the Rule "G" R/E*

*program and be subject to the requirements provided in the Rule "G" Prevention Program Companion Agreement attached as Attachment B of this MOA.*

- v. Must not have taken or received a fraudulent federal, state, or private loan that they were not entitled to.*

*Nothing in this MOA is intended or shall be construed to restrict NIRCRC's ability to adopt any hiring conditions with respect to new employees not covered by this MOA who may be hired by NIRCRC after the Change Over Date.*

The employees deemed disqualified by NIRCRC for "excessive customer complaints" have never been charged for a rule violation or disciplined for any action or offence under UPRR Rules and/or policies. Further, any employee previously disciplined by UPRR has either been restored to service by a sustaining award or agreed to the conditions of the disciplinary action.

NIRCRC's decision to disqualify the attached list of employees is not in accordance with the controlling Implementation Agreement, violates their right to due process under the controlling discipline agreement, and deprives them of their seniority at NIRCRC. It is also improper under the Tri-Party Agreement Governing the Transfer of Commuter Operations, in pertinent part:

**II. Eligibility:**

- A. The parties agree a train service employee will be eligible to apply for the initial transfer so long as the employee is actively working in train service on the E1, NE2, and/or CFT seniority districts on the effective date of the Implementation Agreement and is also actively working as a train service employee on the agreed to transfer date(s) to NIRCRC.*

It is the position of the Organization that Carrier must comply with the terms set forth in the Implementing Agreement and the Tri-Party Agreement and rescind its decision to disqualify the attached list of employees in active service, with sufficient bids and seniority, to transfer to NIRCRC. NIRCRC's position of disqualifying the listed employees is neither documented nor supported by agreement language. Should NIRCRC not allow these active UP employees to transfer through the application/bid process, the Organization will pursue the matter to a tribunal and seek restoration of seniority and wages. Your prompt response to this important matter is appreciated.

Respectfully,



Luke Edington  
General Chairperson

mdm

EID	LNAME	Rosters	Applicable Roster	Also on Opposite Roster	Reason DQed		
000010041	DATLS	DLCT and SMART-TD	CFT	CFT	Personal electronic device		
000436674	STONE	BLET and SMART-TD	E1	E1	Discipline events		
000157660	SCHMIDT	BLET and SMART TD	N2	N2	Physical altercation with passenger		
000016638	PELKE II	BLET and SMART-TD	N2	N2	Personal electronic device		
000061777	ZANDI	BLET and SMART-TD	N2	N2	Personal electronic device		
000451221	RAAB	BLET and SMART-TD	N2	N2	Excessive customer complaints	No Discipline	
000454989	GEORGE	BLET and SMART-TD	N2	N2	Decert events		
000410916	DUNCAN	SMART-TD	CFT	No	Discipline events	A-31319	Leniency
000418506	JETER	SMART-TD	CFT	No	Confirmed DQ after UP comments on discipline	No Discipline	
000442192	YOUNG	SMART-TD	F1	No	Cell phone violation and a derailing incident.	NODA 11-19-2024	
000515435	SILLS	SMART-TD	E1	No	Discipline events	MED-AWD_20240826-5	MED-AWD_20240826-6
000223971	WADSWORTH	SMART-TD	N2	No	Excessive customer complaints	No Discipline	
000013231	SIMMONS	SMART TD	N2	No	Personal electronic device and excessive customer complaints	MED-AWD_9302022-43	
000404833	MCCARTHY	SMART-ID	N2	No	Excessive customer complaints	No Discipline	
000414103	SLUSHER	SMART-TD	N2	No	Excessive customer complaints	No Discipline	
000437208	WALKER	SMART-TD	N2	No	Discipline events	A-31691 Sustained in Part	
000448433	MULLINS	SMART-TD	N2	No	Discipline events	No Discipline	
000450447	SULLIVAN	SMART-TD	N2	No	Excessive customer complaints	No Discipline	
000464608	KOCHOPOLOUS	SMART-TD	N2	No	Excessive customer complaints	No Discipline	
000468627	STRICKLAND J	SMART-TD	N2	No	Excessive customer complaints	MED-AWD_9302022-44	
000476254	HENRICKSEN	SMART-TD	N2	No	Discipline events	A-31521 Sustained in Part	
000518254	DUHART	SMART-TD	N2	No	Personal electronic device and excessive customer complaints	MED-AWD_12192023	
000404854	WATTS	SMART-TD	N2	No	Excessive customer complaints	No Discipline	