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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

July 29, 2021

RE: Crew Consist Arbitration Award Update

Brothers,

We've received some unfortunate news regarding the Crew Consist Arbitration that was held last month in Sacramento. The Neutral, who was appointed by the National Mediation Board, issued his preliminary ruling and found that on certain railroad properties, the current moratoria does not prohibit the railroads from serving a Section 6 Notice regarding crew size. The properties affected on our Committee are the Eastern District, Pacific Northwest and Idaho. The former C&NW is not affected by this award but may be included in the future as moratoriums naturally expire.

The award is still in the process of being finalized therefore we are unable to share it with everyone. Once the award has been finalized, within the next few days or by the end of next week, we will provide each of you with a copy. The finalized version will have all the parties signatures and contain each parties concurrence or dissent to the Neutral's ruling.

The ruling comes after a nearly two-year battle between SMART-TD and the National Railway Labor Conference over the moratoria provisions and their effect. The arbitration was one of the largest conducted by SMART-TD and its predecessor union, UTU, in decades. The moratoria that previously prevented any mandatory bargaining on crew consist was predicated on the last remaining employees having hired on the railroad previous to the 1980's. Today, less than 50 of these employees remain and most are at, or near retirement age.

It is very important that our members understand that this ruling does not eliminate any current crew consist provision or requirement but opens the door for Section 6 bargaining. The parties are required to maintain the status quo throughout the Section 6 bargaining process.

Under the Railway Labor Act, a Section 6 notice requires both parties to engage in mandatory bargaining. The Act does not mandate any particular outcome in such negotiations, it merely provides a process. In the event parties reach an impasse, the Act contains methods to avoid disruption to commerce through mandatory mediation and possibly intervention from the President of the United States and the U.S. Congress.

The General Committee remains committed to protecting the jobs of today, our members livelihoods and securing work in the future. While only some General Committees will be involved in bargaining, the full support and effort of the International in assisting our Committees will continue. More updates will be given over the next few weeks. If you have any questions, please don't hesitate to contact this office.

Fraternally,

Luke Edington
General Chairman