

"An Injury to One is an Injury to All"



United Passenger Rail Federation
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
International Brotherhood of Teamsters

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(Sent via Email)

Roger Harris
President
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001

Dear Mr. Harris,

I am writing to you as we are entering a very dangerous safety crossroads at Amtrak. Amtrak has adopted a faux safety policy that not only violates direct bargaining with employees but creates a policy that does the opposite of its intent. Amtrak has recently implemented an unpaid fatigue policy that requires employees to take time off preceding overtime *without* pay. This policy not only discourages employees from going home and getting their needed rest, but it punishes them for doing so by reducing their pay. While overtime can be the result of unplanned work, in most cases it is an improperly managed workforce in which neither should result in punishing the very workers who are left to do the actual work. Amtrak's 'fatigue policy' punishes your employees by ultimately reducing the employees' pay by requiring them to 'volunteer' to go home without pay. Our members are not hired to do volunteer work for Amtrak, nor should they be asked or expected to do so. As I hope you are aware, your employees are here to do a very dangerous job of building and maintaining a railroad under adverse conditions. They should not be penalized for doing so.

Amtrak, as well as the BMWED, are required to work within the confines of the BMWD/Amtrak Agreements. Amtrak has tried numerous times to circumvent the agreement such as the 14-hour rule, which arbitrators agreed was a violation of the agreement. The fact is it strips away one of the few protections our members have fought to preserve. It restricts seniority-based opportunities and increases the risk of accidents caused by exhaustion. Seniority, safety, and stability are not privileges; they are the foundations of trust that keep our workforce strong and our trains moving safely. This is why we have previously filed claims and grievances challenging this very issue and have been successful with these challenges in the past. Now, Amtrak is at it again with a volunteer, unpaid 'fatigue policy'.

In all our years, we have never witnessed such a poorly executed roll out or such widespread confusion among the rank and file, supervisors, and even managers. We have submitted more than two dozen questions for clarification to Labor Relations (LR) and are still awaiting answers that the members deserve. Your own managers and supervisors have reached out to the BMWED for clarification since your own Labor Relations department refuses to answer or provide meaningful clarification of this policy. Some are even confusing CDL DOT regulations with this policy that will have more adverse ramifications for Amtrak.

Amtrak required members to complete computer-based training on a policy the employees did not understand, only to attend "safety stand-downs" afterward that were vague and failed to provide meaningful clarification. Most questions remain unanswered because your staff fails to provide the answers.

Quite frankly, this policy was created to relieve Amtrak of their responsibility to their employees' safety. Amtrak offers the carrot of extra money and overtime only to tell our members that they must also sacrifice their 40-hour straight-time pay in exchange for the extra work assignment. Overtime is not a luxury. Overtime means working extra hours beyond your normal shift and hours, missing a family function or a child's ball game or school activity, leaving the family while being at work more hours than you are at home. Overtime adds stress to our family members by having their mother or father away from home when the whole reason they came to work in the first place was to provide for their families and enjoy the fruition of their work. Not to sacrifice, not only their time but, their hard-earned wages by being forced to use an 'unpaid volunteer fatigue policy'.

It is Amtrak's responsibility to assure the safety of its employees by managing their workforce properly. If overtime is offered, Amtrak should also consider the rest-time of the individuals that are asking to work that overtime, even if that requires paid rest-time. Further, Amtrak should not require their employees to sacrifice their straight-time pay for that rest-time.

At no point should Amtrak require employees to work where it reaches the degree of fatigue without proper rest. In fact, Amtrak has even tried to force our members to work overtime with the threat of bringing in contractors to work in case our members could not; even to the point of paying the contractors to sit on standby. That hardly shows any concern for fatigue. It does show blatant mismanagement as does this 'unpaid fatigue policy'.

Mr. Harris, we say this with genuine concern; this situation is a tragedy waiting to happen. Amtrak's desire to save money at the expense of their employee's safety is not something new. Amtrak's history clearly proves that and has resulted in multiple deaths. One look at the worker's memorial in Union Station proves that. On the flip side, over 50 years of Amtrak's history has shown the best safety results are obtained when Amtrak and the Unions representing their employees work together. Unfortunately, that is not the case today as some of your senior managers feel they 'know better' and as a result we fear Amtrak is putting our members in a very dangerous situation. This needs to be rectified and I am ready to meet to have a meaningful discussion to resolve these safety concerns. We respectfully request an immediate meeting with you to discuss this matter before another tragedy occurs.

Sincerely,

Anthony Sessa



United Passenger Federation
BMWED-IBT

CC: UPRF JPB Board
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