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November 10, 2015

**Via First Class Post and Email**

Elizabeth Dewald (endewald@up.com)  
Director of Labor Relations  
1400 Douglas St- STOP 0710  
Omaha, NE 68179-0710

Re: MAPS policy

Dear Ms. Dewald,

This letter is a formal objection on behalf of BLET General Chairman Ronnie Rhodes to your unilateral implementation of the MAPS policy, in direct contravention of the 1996 System Agreement, Discipline Rule, which provides significant procedural and substantive rules that limit your managerial discretion with respect to discipline policies.

Under the Discipline Rule, "engineers will not be disciplined without first being given a fair and impartial investigation... [.]" Furthermore, you must give engineers written notice within ten days of your knowledge of the event, with the investigation occurring within ten days of that notice, and a written decision within ten days of the hearing. The engineer and the BLET have the right to present witnesses at the hearing. If the Superintendent does not issue a decision within ten days of the hearing, the discipline may not be imposed and the engineer's record must be cleared. Additionally, the BLET General Chairman has the right to appeal that written decision.

You cannot implement the substantive discipline you wrote in the MAPS policy at item number 35 on page 12, which states that an engineer is subject to termination if he or she has three FRA certification revocations throughout his or her career. This is an abrupt and severe change in the status, and the BLET has never acquiesced to your right to make such change.

**Under these provisions of the Discipline Rule, any "coaching," "conferencing," or "training" events recorded under the MAPS policy must be removed from the affected engineers' records unless to procedures of the Discipline Rule were followed, including the rolling ten day requirements of notice, hearing and decision.**

**You must continue to follow the Discipline Rule with respect to holding investigations and the ensuing process. You cannot terminate an engineer upon the third FRA certification revocation.**

The MAPS policy cannot replace the procedures that we negotiated and memorialized in the Discipline Rule, and which have been in continuous use since at least 1996. MAPS policy sections 3.4-3.53, and 3.7, among others, all violate the Discipline Rule. This letter is without waiver to our other objections to the terms of the MAPS policy, including whether any violate due process or constitute a major dispute by their implementation.

We demand that you immediately retract the MAPS policy and continue to act under the existing discipline rules and policies. Your failure to do so will be treated as an abrogation of rights created by the Discipline Rule, a violation of Section 2 (Seventh) and Section 6 of the Railway Labor Act, and a "Major Dispute."

Furthermore, we object that under the status quo you have the right to unilaterally implement any new term of discipline, substantive or procedural. Discipline is a mandatory subject of bargaining and any change in the status quo would trigger a duty to first bargain to impasse under Section 2 (First) of the Railway Labor Act, regardless of whether an existing contract specifically controls. Of course in this case, a specific contract does control. The BLET has not acquiesced to any such right on your part to unilaterally implement changes to wages, hours or working conditions except as specifically provided by agreement.

Please indicate your availability to conference this dispute.

Very truly yours,

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Michael P. Persoon

Cc Pat Kiscoan