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LEON M. DESPRES (1908-2009)
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February 9, 2020

Via Email and First Class Post

Mr. Rodney Doerr (rndoerr@up.com)
Vice President Labor Relations
Union Pacific Railroad
1400 Douglas St.
Mail Stop/Rm: 0710
Omaha, NE 68179

Re: Proposed change to Attendance Policy

Dear Mr. Doerr,

I represent the following General Committees of Adjustment of the BLET who object to Union Pacific's proposed changes to its attendance policy:

- UP Central Region (Ronnie Rhodes, *General Chairman*)
- UP Western Lines (B.P. Carr, *General Chairman*)
- UP Eastern District (David Geisler, *General Chairman*)
- UP Southern Region (Dana Marlow, *General Chairman*)
- UP Western Region (Steven A. Leyshon, *General Chairman*)

My clients have sent me Union Pacific's recent proposal to change work rules, *i.e.*, your attendance policy. The purpose of this letter is to direct you to cease and desist from any attempts to unilaterally implement that change outside of bargaining.

You are obligated to maintain the status quo of all work rules until you are able to bargain for a change. There is no agreement known to me by which my clients have waived their rights to require such changes be made through bargaining and no agreement known to me which gives you the right to make these changes. If you believe I am mistaken, please direct me to any agreements you believe give Union Pacific the right to implement this change unilaterally.

Without such agreement Union Pacific must bargain for either the desired change, or for an agreement that would give it the right to make that change. The United States Court of Appeals for the Seventh Circuit stated this exact point: **"any change to pay, rules, or conditions must be authorized by contract or as the result of bargaining."** *Bhd. of Locomotive Eng'rs & Trainmen (Gen. Comm. of Adjustment, Ctr. Region) v. Union Pac. R.R. Co.*, 879 F.3d 754, 757 (7th Cir. 2017).

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Please confirm receipt of this letter and indicate whether you will comply or if you intend to pursue your unilateral action, which absent new information, my clients would view as causing a Major Dispute.

Truly,

A handwritten signature in dark ink, appearing to be 'MP' followed by a long horizontal line extending to the right.

Michael P. Persoon

cc Leonard C. Sherer (lcsherer@up.com)