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IN THE OFFICE OF
GENERAL CHAIRMAN UTU

Mr. Jim Young
President & CEO, Union Pacific Railroad
Union Pacific Center
1400 Douglas Street, 19th Flr.
Omaha, NE 68179

Dear Mr. Young:

The United Transportation Union has received numerous shocking reports indicating that Union Pacific under guise of an Employee Quality Management System (EQMS) is actively engaged in the stalking, harassment and intimidation of individually selected train and engine service crews. We further understand that senior UP officials have provided lower level supervisors with quotas to fill and they are endeavoring to meet these expectations using less than evenhanded methods.

The most obvious purpose of the stalking and harassment is to intimidate injured UP employees from reporting on-the-job injuries – actions the Federal Railroad Administration has condemned in the past and said would be turned over to the Justice Department for investigation and prosecution if found to continue. We further understand UP is also targeting employees who have marked off due to illness or for other reasons completely outside the realm of discipline by unilaterally and arbitrarily deducting points from their EQMS scores.

In recent months, my office become aware of several instances where UP harassed and intimidated injured and certain other employees at specific locations; but now we have learned that rather than these being isolated, these instances are part of a more coordinated effort. We understand that EQMS points are being deducted in injury cases when an employee was clearly blameless and moreover, was never accused or determined to be guilty of any misconduct. In our opinion, a reduced EQMS score immediately places the employee in a worse position with regard to discipline and training. The score is therefore being used as a form of discipline.

In one reported case, an on duty employee was taken to an emergency room where he was diagnosed with a heat related illness and treated with narcotic medications. He reports that he remains under doctor's care and UP has been cooperative. However, twenty five (25) points were deducted from his EQMS score for the ailment and his conduct was never formally or unofficially questioned by management.

Another case involves an employee with a spotless record evidencing no injuries, absenteeism, test failures, or other discipline during his entire career with UP. Currently, his EQMS score equals 938 points and in the future, he would be treated more severely than an employee with a less than perfect record for the same infraction.

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We are shocked by the fact that our members are not afforded the opportunity to challenge their EQMS score deductions and quite frankly, that a supervisor has the discretionary ability to make deductions, award bonus points, or take no action on the basis of personal prerogative. The EQMS score amounts to an arbitrary assessment made by individuals who know they will not be obligated to support their subjective determinations on the basis of actual fact, such as the information provided in the record developed during a hearing. There are many issues for which an employee may receive point deductions that do not fall within the scope or definition of discipline. Utilization of the EQMS score to justify a level of discipline for proven or admitted offenses is clearly inappropriate due to the subjective, discretionary, and arbitrary nature of the scoring system. This use of EQMS scoring for disciplinary purposes is also impermissible when, as in this case, the grading system violates the employees' right to due process under provisions of the collective bargaining agreement.

Until recently UP was held before the rail industry and regulatory agencies as an "industrial model" with regard to the treatment of employees. Now it appears that UP has taken a 180 degree turn and abandoned the standards previously established by a constructive, positive and progressive thinking rail carrier. The current EQMS process is nothing more than a stalking, harassment and intimidation adventure which will reap no benefits and prove to be destructive to all involved. The purpose and initial ground work for EQMS were most probably well intentioned, however the process now appears to be nothing more than a façade to circumvent an employee's right to an investigation prior to censure or discipline for misconduct.

Additionally, we have received reports indicating that your employees are being targeted specifically for random rules tests and being marked for investigation for any test failures.

We request your immediate involvement and investigation of this coordinated stalking, harassment and intimidation of operating employees.

Yours truly,



Paul C. Thompson
International President

cc: R.L. Marceau, Assistant President
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