

International Brotherhood of Electrical Workers

System Council No. 2



16614 Oakville Street, Fontana, CA 92336 Cell 626-705-9750

Rick Reynoso
General Chairman
I.B.E.W. S.C. No. 2

June 13, 2025

ELIZABETH DEWALD
DIRECTOR LABOR RELATIONS
UNION PACIFIC RAILROAD CO.
1400 DOUGLAS STREET, STOP 0710
OMAHA, NE 68179-0710

Re: Unilateral Imposition of Work Task Time/Efficiency Requirements

Dear Ms. Dewald:

This letter concerns the Carrier's use of the MAPS discipline program and/or its COMMIT coaching program to discipline/"coach" employees for "lack of efficiency" or lack of work hours signed off. As explained below, coaching or otherwise disciplining employees for lack of efficiency or for failing to meet the Carrier's imposed work task time requirements constitutes the unilateral implementation of a new work rule in violation of the status quo provisions of the Railway Labor Act, as amended. The Organization therefore demands that the Carrier cease and desist from requiring employees to complete work tasks within specified time requirements and from disciplining employees for failing to meet such time requirements.

It has come to the Organization's attention that the Carrier has started imposing discipline or coaching employees for "lack of efficiency" – specifically, for not completing assigned work tasks within a specified time period. Importantly, whether an employee is provided "coaching" as opposed to being formally reprimanded or suspended for "lack of efficiency" is irrelevant – coaching is a form of discipline because coaching is one of the first steps of the Carrier's progressive discipline policy.

As you know, the Carrier and Organization have exchanged Section 6 notices and are currently engaged in ongoing negotiations for a new agreement. Under Section 6, once a carrier and a union exchange notices, "rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon . . . by the Mediation Board." 45 U.S.C. § 156. As the Supreme Court has explained, the "obligation of both parties . . . is to preserve and maintain unchanged those actual, objective working conditions and practices, broadly conceived, which were in effect prior

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to the time pending dispute arose.” *Detroit & Toledo Shore Line R.R. Co. v. United Transp. Union*, 396 U.S. 142, 152-53 (1969).

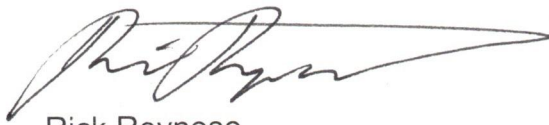
It is an established working condition on the Union Pacific that electrical workers are not required to satisfy work task time requirements and are not disciplined for failing to meet such standards or for lack of efficiency. Indeed, in the attached 2012 letter, the Organization voiced similar concerns regarding the Carrier’s supposed implementation of work task time standards. In response, Andrea Gansen, the Carrier’s AVP for Labor Relations, advised the Organization that the Carrier’s use of time standards was solely “to estimate a time of completion resulting in better work scheduling,” and “and to use as a barometer for determining whether assistance is needed or the process needs further refining.” According to Ms. Gansen, employees were never required to meet specified time standards for completing certain tasks and discipline was never imposed against employees for failing to meet such time standards. As such, for more than 10 years, consistent with Ms. Gansen’s 2012 letter, the Carrier has never imposed time requirements that employees must satisfy, nor have employees been disciplined or coached for “lack of efficiency” or for failing to complete assigned tasks within a specified time period. The RLA’s status quo obligations therefore require the Carrier to maintain these objective working conditions that have existed for more than a decade. That is, employees are not required to complete work tasks within specified time periods and may not be disciplined for failing to do so.

If the Carrier wishes to create a new work rule requiring employees to complete assigned tasks within specified time periods and subject employees to coaching/discipline for lack of efficiency for failing to meet those requirements, then the Carrier must bargain with the Organization over that new work rule. The Carrier has had every opportunity over the past months to propose and negotiate changes to the work rules, including a work rule implementing work task time/efficiency requirements.

The Organization demands that the Carrier cease and desist from requiring employees to complete work tasks within a specified time and disciplining employees for “lack of efficiency” or for failing to meet such time requirements. The Organization further demands that the Carrier restore the status quo and rescind any formal policy or instructions directing managers to impose efficiency requirements and/or discipline employees for failing to complete assigned tasks within a certain timeframe. The Organization is prepared to take any and all actions it deems necessary to protect employees’ rights under the RLA and the Agreement.

Thank you for your prompt attention to this matter. If you have any questions or wish to discuss this issue further, please do not hesitate to contact me.

Sincerely yours,

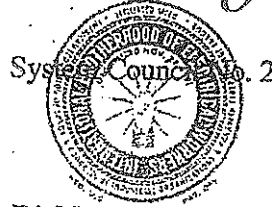


Rick Reynoso
General Chairman
System Council No. 2, IBEW

Attachments

cc: Stephanie Gier, Labor Relations - UPRR
Kenneth Krause, GC – IAM District 19
Tom Modica, VGC – IBEW SC2
David Starkjohann, AGC – IBEW SC2
Local Chairs, IBEW SC2

International Brotherhood of Electrical Workers



8000 Main Street, Suite A North Richland Hills, Texas 76180 Phone/Fax 817-281-4580

Jim Wisniski
General Chairman
I.B.E.W. S.C. No. 2

July 16, 2012

ANDREA GANSEN
AVP LABOR RELATIONS
UNION PACIFIC RAILROAD CO.
1400 DOUGLAS STREET, STOP 0710
OMAHA, NE 68179

Re: "UP Way" (work task time standards)

Ms. Gansen:

This has reference to the Carrier's lean work process entitled "UP Way" and the recent implementation of time standards associated with various work tasks.

During the Carrier's implementation and roll-out of "UP Way", this Organization was advised that its purpose was to create a standard work process as well as to eliminate barriers which impede routine work tasks.

During our various meetings over the past two years, the Carrier has indicated that the "UP Way" program was not intended as a time study, or as a means to implement work task time standards. Nonetheless, it has recently been brought to my attention that the Carrier has now included time expectations associated with various work tasks within the locomotive MCS work order forms.

Based on the foregoing, this will advise that the employees represented by the International Brotherhood of Electrical Workers are not contractually, or by any other means, subject to regulated time guidelines associated with electrician work tasks. The Collective Bargaining Agreement's specifically set forth the "Qualifications" and "Classification of Work" rules governing electrical workers, which are controlling. I therefore, request that the Carrier remove any and all time expectations associated with the MCS electrical work order tasks.

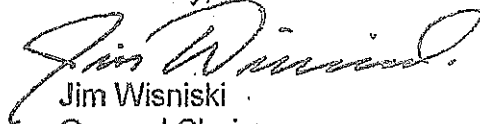
Furthermore, it is this Organization's position that if an IBEW represented employee is disciplined for failure to adhere to Carrier's work task time expectations, this matter will be considered a unilateral change in working rules and violation of the

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status quo provision set forth by the Railway Labor Act, as amended. The Organization is prepared to take whatever action it deems necessary.

If you have any questions or need to discuss this matter further please contact this office.

Yours truly,



Jim Wisniski
General Chairman
System Council 2 – IBEW

Cc: Don Tortorice, VGC SC2
Randy Shell, AGC SC2
Dave Starkjohann, AGC SC2
Local Chairmen, SC2

August 1, 2012

230-General

Mr. Jim Wisniski
General Chairman IBEW
8000 Main Street, Suite A
North Richland Hills, TX 76810

RE: The UP Way and Time Standards

Dear Jim:

I am in receipt of your letter dated July 16, 2012, regarding the use of time standards in MCS and for standard work. I hope that I can share information with you that will address your concerns.

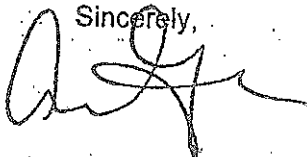
MCS was incorporated into the work process in the late 1990s and has always included a time component. This was done in order to estimate a time of completion resulting in better work scheduling. Likewise, a time measurement is included in standard work forms to use as a barometer for determining whether assistance is needed or the process needs further refining.

During a presentation at the October 11, 2011, Union Leadership meeting, I was asked whether employees would potentially be assessed discipline associated with standard work time measurements. By letter dated December 29, 2011, I stated that discipline is not part of the standard work process. I have enclosed a copy of that letter for your records. The Carrier's position regarding this has not changed. No employee has been subject to discipline associated with standard work.

I understand your position regarding discipline for not meeting the time guidelines of standard work. However, these time guidelines have been in place since the late 1990s and no electrician has been disciplined for failing to meet them. I trust that you will understand that I cannot agree that removing the time guidelines from standard work and MCS is required or appropriate. The concerns of your members and our employees indicates to me that we need to improve our communication regarding standard work processes, but not that we need to remove the time element from standard work or MCS.

If you would like to discuss this further, I am willing to do so. Please let me know.

Sincerely,



Enclosure

CC: Don Tortorice, IBEW
Randy Shell, IBEW
Dave Starkjohann, IBEW
Mark Bendon, Mechanical
Jeremy Givens, Mechanical
Sharon F. Boone, Labor Relations
Toby Rees, Labor Relations
Marques Wilson, Labor Relations