

SURFACE TRANSPORTATION BOARD EXTENDS ORDER PREVENTING "UNION PACIFIC" ACTIONS PENDING CONSIDERATION OF "TRANSPORTATION • COMMUNICATIONS UNION" REQUEST FOR ARBITRATION AWARD ENFORCEMENT

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that, acting on behalf of the Board as Chairman, she has extended by 60 days a prior order directing the Union Pacific Railroad Company (UP) to take no action to abolish certain employee positions, transfer the work related to those positions to another location, or remove the positions or employees from coverage under their current collective bargaining agreement. The employees, "crew haulers" represented by the Transportation • Communications International Union (TCU), haul train crews between the points where they report to duty and the places where the trains they are to crew are located.

Today's action was taken in a case in which the TCU requested that the Board issue an order compelling UP to comply with Arbitrator Robert O'Brien's October 22, 1999 arbitration award (the O'Brien Award) pertaining to UP's consolidation of crew-hauling work as a result of the Board's 1996 decision approving UP's acquisition and control of the Southern Pacific Rail Corporation (SP). According to TCU, the O'Brien Award allowed UP to transfer crew-hauling work performed from, and crew-hauling employees working out of, Armourdale Yard in Kansas City, Kansas (an SP yard before the merger), to UP's Neff Yard facility 10 miles away in Kansas City, Missouri, subject to the condition that all of the crew-hauling work to be performed out of UP's Neff Yard facility would be performed under SP's collective bargaining agreement, rather than the UP collective bargaining agreement under which work at that location was performed prior to the consolidation of the work. TCU alleged that UP is contravening the O'Brien Award by its plans to abolish the positions of 12 clerks performing crew-hauling work out of the Armourdale facility, transfer their work to the Neff Yard without allowing them to follow their work, and require work to be performed under the allegedly less favorable UP collective bargaining agreement.

In the prior decision in this case issued on October 29, 1999, Chairman Morgan, on behalf of the Board, ordered UP to take no action to (1) abolish the positions of the 12 former SP clerks working out of the Armourdale Yard, (2) transfer their work to UP's Neff Yard facility, or (3) remove them from the SP collective bargaining agreement for a period of 60 days (until December 28, 1999). Today's decision extends that order for 60 more days (until February 26, 2000).

In its November 22, 1999 response to TCU's request, UP maintained that it has not violated the O'Brien Award; that it has canceled its notice announcing its intention to abolish the positions of the 12 former SP clerks working out of the Armourdale Yard; that, as a result, there is no outstanding notice to which the O'Brien Award would have any application; and that there is thus no basis for the Board to issue an order directing UP to comply with the O'Brien Award. In view of the important issues raised and UP's cancellation of the notice abolishing the positions, the Board found it appropriate to extend the order maintaining the status quo for 60 additional days to allow sufficient time to assess the parties' arguments on these issues. And, more importantly, as noted in the Board's decision, the Board understands that rail labor and rail management have been engaged in negotiations that, if concluded, could have an impact on the resolution of the issues presented here.

Today's decision was issued in *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (Petition for Enforcement of Arbitration Award)*, STB Finance Docket No. 32760 (Sub-No. 36).

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