

September 5, 2002

Michael Doyle
General Chairman
ACRE Local Division 9
420 Lexington Avenue
Suite 215
New York, NY 10017

Dear Mike:

Just when I think that ACRE and it's officers could not sink any lower they defy all odds and prove once again just how low ACRE will go to try to personally burn me. First I had to deal with your ludicrous assertion that I beat my wife. Now my salary information for the past two years is open for discussion among New Haven engineers. "What's he crying about look how much money Jim has earned these past two years." If I did not release this salary information and Metro-North did not release this salary information and the IRS did not release this salary information. Then that leaves just ACRE.

See I made a big mistake. When I wrote these letters about the short comings of ACRE I figured that ACRE and it's officers would have some degree of integrity. Disagreements would and should be focused on principles and not on personalities. Once again you and your officers proved me wrong and failed this membership. When an organization has no principles which to stand on then I guess they must resort to these types of tactics.

How hypocritical can ACRE officers be in releasing my personal salary information. ACRE has stonewalled every attempt for over two years now in releasing their employment agreement with MTA Metro-North. When we met on August 29 I asked you face to face to reveal the details about this agreement. You informed me that it was done with the CMS agreement. Then you went on to try to justify it by saying that the Transit Authority has an agreement so we can have one too. In case you do not know the Transit Authority and Metro-North are two different organizations and come under two different sets of rules. You even hinted that you do not really know when the Department of Labor rules if this agreement will be upheld.

Since you are bent on releasing my salary information without my permission I will make it easy for you. I work Job E 718 which has Sunday and Monday as relief days. It pays \$1860.55 plus certification. I work a 9 hour and 58 minute day. I run 6 trains a day. Now it's your turn. Inform this membership for the second time of your earnings, days and hours worked, benefits and responsibilities associated with your job ES 32 and Ronald DeAndrus job ES 31.

For me to make this kind of money I have to work overtime. This would include working longer than 8 hours a day, my relief days and holidays. Inform us as to the last holiday which you worked? Under your leadership Metro-North has implemented some of the worst holiday schedules lasting up to 10 hours long. How do these runs give us any quality time with our families on these important holidays? I will not even attempt to get into the New Years Eve schedules. Is the Doyle family more important than the families of your membership?

Attached are my pay stubs for 2002, 2001 and 2000. This way no mistakes can be made. Let's review my regular earnings for these three years. My estimate for regular earnings in 2002 is \$57,311.52 Regular earnings for 2001 was \$55,523.04 Regular earnings for 2000 was \$53,336.31. When you factor out the salary increases we have received over the past three years you see that my earnings really did not change. What did change was my overtime. By now everyone should know that overtime is not a given and can be phased out of our runs at any time and you can do nothing to stop it. Overtime fluctuates from year to year depending on my decision on how hard I want to work and sacrifice my time away from my family. Metro-North gives me nothing. I have to come in and work for these earnings.

To have my personal information made available to the membership without my permission is a violation of ethics on the part of you or your officers. I guess that those who make the rules are exempt from following them. To add

insult to injury we have Ronald DeAndrus marking up on his rest days. He doesn't run a train all week but will come out on the weekend and take work away from this membership. When is enough really enough? What happened to Mike King when he tried this while he was working special duty? He got a talking and stopped this practice. I guess Ronald DeAndrus has ACRE immunity.

Now that you and your officers have made my salary an issue I ask that I be given the same courtesy. I request that all ACRE officers total salaries (Metro-North, local and executive divisions) be released to this membership for 2002, 2001 and 2000. I request the listing of salaries for all engineers for the past two years be released to me. Let's keep the playing field equal. Or is ACRE a one way street? How can Acre justify the use of this personal information in an attempt to discredit a member? ACRE then has the nerve to refuse to release any of their own personal information which is required by law.

You said to me during our conversation on August 29 that you would rather see ten \$1,900.00 jobs rather than our current system of five \$2,200 jobs and five \$1,500.00 jobs. You have been in office now for over ten years and have done nothing to accomplish this goal. You said that you will not put money into the New York runs due to the fact the money would have to come out of the other terminals. You did not want to deal with these other engineers complaining. I guess the concerns of New York engineers do not count in your master plan. GCT engineers are generally the most qualified engineers on this property. We can operate trains on all three divisions on any given day. How are we rewarded for keeping up our qualifications and taking on these huge responsibilities? Metro-North with the blessing of ACRE rewards us with the lowest paying jobs system wide. I can not understand why everyone around here sticks their head in the ground like an ostrich. If they do not see any danger then no danger exists? If some one wants to speak up and get kicked around then fine. If he wins then we all benefit. If he loses and gets burned we still survive since we did not speak out. If this membership does not organize itself and speak up for what is right around here we will never get anywhere. Individuals will be the only ones who benefit and this union as a whole will go down in flames and take who ever is left with it.

You challenged me on August 29 if I did not like the way you and ACRE operate that I should get 35% of the membership to sign a petition and bring this to a union meeting to institute a system wide vote. Then I would need 51% of the membership for any changes to occur. You said I could petition for a recall of our officers or for an Amendment to our Constitution. You advised me that the membership should not re-elect any officer which they are not happy with. If this membership re-elects some of these officers than they deserve everything they get. I will accept your challenge. I will get both the 35% and 51% of this membership to wake up and make the necessary changes.

Mike you were elected as a General Chairman for ACRE. The rest of your team was elected as officers for ACRE. Tell me when are you and your officers going to start acting the parts. Elected officials are supposed to act and lead by example. What type of example does ACRE set by reverting to these types of tactics?

To date the only information which I have received from Joe Lindenberg is a copy of our Constitution and By-Laws. What about all of the other information which I had requested from him? I wrote to you over a month ago. You informed me that Mike McCarthy would respond to any "legitimate issues which I raised." I have not received anything back from Mike. Does this mean that ACRE has deemed everything which I wrote about was illegitimate or that he has just not taken the time to respond to me yet?

Sincerely,

James W. Ekberg

Attachments-1
Sent via certified mail