

December 7, 2002

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

Dear Mike:

Your letter to the membership in News By The ACRE Division 9 Fall 2002 provides no factual information and as usual portrays the ACRE as a victim of some conspiracy by the AFL-CIO family of organized labor. You claim "the AFL-CIO made every possible effort to influence the signalmen vote going so far as to solicit members of our own craft to attack us." The only thing which I have seen on the property are letters full of quotations from ACRE officers. These letters were seeking clarification and information which is supposedly guaranteed to its members under the ACRE Constitution. If you consider this an attack upon the ACRE, what does it really say about our officers and "democratic user friendly organization"? I have yet to see a single qualified response from any ACRE officer. This list would include Jim Fahey, Mike Doyle, Mike McCarthy, Jack Gaines or Joe Lindenberg. The ACRE must be under the assumption that if you simply ignore the facts long enough they will go away.

Unfortunately for the ACRE, this will not happen. I solicited the AFL-CIO to find out the truth behind ACRE's statement "The Board is exploring the advantages and requirements of affiliating with the AFL-CIO. This can be a long process and can take up to two years before final approval. We have been in contact with their state offices and hope to have more to report in the future". This statement was made in the Spring of 2000 and no further updates have been made. I had requested proof of this claim from you in my certified letter dated August 1st. To date, I have received no reply. Attached are two truthful, factual letters from the AFL-CIO about ACRE's claim for affiliation within the AFL-CIO family of organized labor. One is from John J. Sweeney, President of the AFL-CIO and the other is from Sonny Hall, International President of the Transit Workers Union. Clearly a significant different picture has been portrayed than the one which the ACRE has lead this membership to believe. The ACRE will never be accepted into the AFL-CIO because of the activities and actions of our officers. Were you ever going to inform the membership about these facts? Where do we stand and go from here? What implications does this have for and on our ACRE organization and membership? Is the only possible way for the ACRE to survive and gain any creditability within organized labor is for us to go under the Taylor Law? Possibility raid a few more unions to acquire a larger membership base to support your salaries and expenses. Then declare the ACRE as its own International with yourselves officers? We all know that as soon as the MTA gets what they want out of our ACRE officers and the concessions needed from our membership, their "strictly business decision" to pay your salaries will be terminated.

You claim "because we are independent, we will not have to suffer the indignity of seeing an international officer fly into town and sign agreements that they do not understand or initiate seniority rosters that continue to generate dissension twenty years after the fact." If I recall correctly, the 70% pay scale for junior engineers was instituted while you were a Local Chairman. As General Chairman you instituted a two tier pension system for junior engineers. Now you expect and want us to be fearful of an international officer who you claim would create dissension among engineers! Enough dissension has already been created close to home. Maybe your track record should be looked into a little more closely.

You continue "instead we are in a position to protect all of our interests and we pledge that we will fulfill the trust which you have placed in each of us." Whose interest were you protecting with the formation of the ACRE? The ACRE officers have shown no trust for this membership. They are afraid to provide this membership with the facts so we can make up our own minds about their activities and intentions. They have refused to answer any questions directed at them. They refuse to provide any guaranteed information afforded to its membership under our Constitution. ACRE officers violated their oath of office while working under the BLE International. They stabbed

the BLE in the back. This process continues today under the ACRE. Behind our membership backs they negotiated a salary agreement with MTA Metro-North. To date they have refused to release its details. The ACRE would have kept this membership in the dark about these officers salaries except for an unsigned mailing. ACRE officers have and continue to put their own political interests ahead of this membership, while claiming to work for our benefit.

The ACRE spends more time and efforts in their newsletters reporting on the activities of the AFL-CIO, BLE and UTU than in providing this membership with useful, factual information. Now that the ACRE has separated and created an independent organization, why should you constantly remind and concern us with the daily activities of the AFL-CIO, BLE and UTU? Are ACRE officers afraid of these organizations? Should we as ACRE members be concerned with organized labor? None of these concerns was portrayed to this membership during the campaign and formation of the ACRE. Remember these Internationals were the problem all along. We did not need them or their resources, they were holding us back. Why bother sending them our money, we could keep it ourselves and get a "dues reduction". So now, why the constant barrage of misinformation from the ACRE concerning our old Internationals and unions?

Finally you state "we will be working together in the upcoming round of negotiations to secure the best agreement possible for you and your families." As we can see from the daily articles in the various newspapers concerning contract negotiations between the Transit Authority (TA) and the Metropolitan Transportation Authority (MTA). The ACRE will not set the pattern in negotiations with Metro-North (M-N). Whatever the MTA gives the TA is probably the best we can expect with M-N. As reported in these newspapers "the MTA would provide no salary increase in the first year and would tie any raises after that to productivity gains by workers. The authority is actually seeking a wage cut because it wants workers to begin deducting 2.3 percent of their annual salaries for pension benefits. The authority wants the workers pension contributions because of **stock market losses over the last few years**. Mr. Toussaint believes the MTA and the city were working together to **take a hard line in transit negotiations in an attempt to set a pattern of zeros for the whole labor movement for several years going forward**. The MTA's negotiators countered that **the only way it can contemplate raises is if the union agrees to sweeping rules changes**. The authority's officials said **raises anywhere near what the union is seeking were completely unrealistic** at a time when the city's transit system is facing a deficit of more than \$2 billion over the next two years. Mr. Toussaint stopped short of saying that a strike was imminent, and stressed that he understood the provisions of the state's Taylor Law, which would lead to huge fines for the union if workers walked off the job. Governor George W. Pataki warned sternly that a strike would be an illegal act with very grave consequences to those who break the law." If I remember correctly, in the last round of contract negotiations you offered our right to strike to the MTA and thankfully they turned it down. Under the Taylor Law the MTA does not have to bargain in good faith. The TA is totally powerless against the MTA. If they strike, huge penalties will be assessed against both the union and individual workers. Realistically what does the TA and its members have, and can use against the MTA in their negotiations? Once again the picture that our ACRE officers paints for its membership is completely different from the reality in which we have to live and work in.

Sincerely,

James W. Ekberg

Attachments - 2

Sent via certified mail

P.S. Since you and the other ACRE officers have always been forthcoming with any information requested, I trust that you will provide copies of Local 9 and M-N's Section Six notices served and keep us informed on the progress of our contract negotiations.