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Congress of the United States
House of Representatives
Washington, DC 20515-3207

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September 5, 2002

Secretary Elaine L. Chao
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chao,

I respectfully request a Department of Labor investigation into the organization named the Association of Commuter Rail Employees (ACRE)—specifically into ACRE's arrangements with Metro-North Commuter Railroad.

ACRE was established in 1999 by former officers of the Brotherhood of Locomotive Engineers (BLE) and the United Transportation Union (UTU). BLE and UTU had represented Metro-North employees, but ACRE quietly supplanted both groups. While it is perfectly acceptable for a group of workers to simply choose a new union, the ACRE situation appears to potentially be more dubious.

In the fall of 1999, ACRE executives were placed on full pay status by Metro-North, despite the fact the executives were no longer performing rail work. One ACRE executive, per Metro-North's request, was placed on Metro-North's "light duty" payroll, a classification reserved for injured employees. This ACRE executive was not injured. In addition to Metro-North wages, executives received payments from the union treasury during these same time periods. Allowing rail union leaders to receive these "double salaries" is at the very least unorthodox. More troubling, however, is the fact that no other union that represents Metro-North employees gets such a deal.

As a result, ACRE, with the financial backing of Metro-North, has been able to replace unions that do not have access to the same Metro-North dollars. UTU and BLE have been replaced by ACRE. ACRE is also courting Brotherhood of Railroad Signalmen (BRS) members. ACRE holds it can provide the same quality of member service that BRS provides while having less expensive dues. Of course, ACRE is able to provide the same service at a lower cost because it is being subsidized by Metro-North.

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It is fine for workers to choose a new union to represent them. It is not fine for one union to have an unfair advantage because it receives funding from the employer.

Currently, according to ACRE, four ACRE officers get money from Metro-North for performing union work. No non-ACRE union officers have this deal. The overall situation has too many unanswered questions, such as:

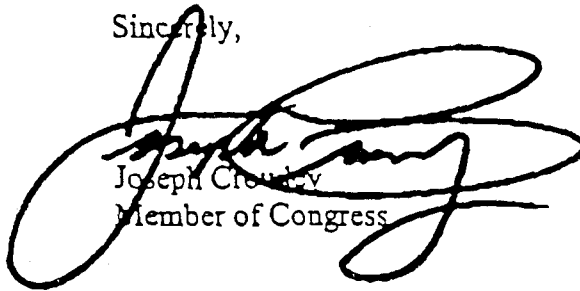
- What is Metro-North's incentive to subsidize ACRE?
- How did Metro-North choose ACRE over other unions?
- What, if anything, are ACRE members giving up by selecting a Metro-North subsidized union?

This deal is potentially and unjustly hurting American rail workers and the other organizations seeking to protect their interests.

When a labor organization is representing or asking to represent American workers, the workers deserve to know that the organization is disclosing all relevant information. Certainly Metro-North employees deserve to have the above questions answered. That is why I respectfully ask you to investigate the ACRE-Metro North relationship.

I thank you in advance for your response to my inquiry. If you have any questions, please feel free contact me or my staff person, Angela Ramirez, at (202) 225-3965.

Sincerely,



Joseph Crowley
Member of Congress

United States Senate

WASHINGTON, DC 20540-5000

September 30, 2002

The Honorable Elaine L. Chao
Secretary, U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretary Chao,

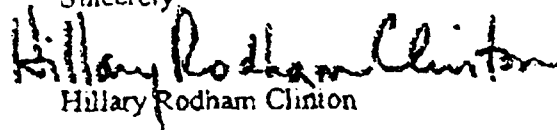
Enclosed you will find material provided to me that concerns the representation of engineers, conductors and assistant conductors on New York's Metro North Railroad. It is my understanding that these employees were certified to be represented by an independent union known as the Association for Commuter Rail Employees (ACRE) in the spring of 2000. ACRE was formed in 1999 by former officers of the Brotherhood of Locomotive Engineers (BLE) and the United Transportation Union (UTU). The information I am enclosing was forwarded to my office by the United Transportation Union and the Brotherhood of Locomotive Engineers, and the Brotherhood of Railroad Signalmen, each of whom have lost representation to ACRE and have communicated their concerns about the practices and activities of ACRE with a number of New York's elected officials.

The enclosed material raises serious questions about ACRE's arrangement with Metro North, and asserts concerns regarding ACRE's compliance with labor laws and regulations. Because ACRE is an organization that represents, and is seeking to represent additional workers in New York, I believe it is critical that all relevant information be disclosed with regard to their arrangement with and benefit from Metro North Railroad, a taxpayer-supported public authority.

As Secretary of Labor, you are in the best position to conduct a thorough review of the questions raised in the enclosed material and to ensure that the interests of the unions and workers associated with Metro North are properly served and represented.

I respectfully request that your office review the enclosed material and take any and all appropriate. Thank you for your consideration of my request and your attention to this matter. I look forward to hearing from you, and your office can contact Sean Sweeney in my office at 202-224-3450 to discuss this further.

Sincerely,


Hillary Rodham Clinton

JACK QUINN
10TH DISTRICT, NEW YORK

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Congress of the United States

House of Representatives

Washington, D.C. 20515-3230

October 25, 2002

PLEASE REPLY TO:

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The Honorable Elaine L. Chao
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Chao:

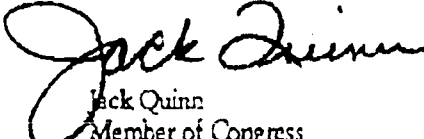
I am writing to respectfully request an investigation into the practices of the Association of Commuter Rail Employees (ACRE). In particular, please review ACRE's status as a company union and their failure to file timely labor management reports.

Over one-third of ACRE's budget is provided by the Metro-North Railroad. The Metro-North Railroad receives taxpayer money in the form of federal and state funding provided by the New York Metropolitan Transportation Authority. This improper funding is a matter of great concern to me, as it would allow for a union to be unfairly influenced by a company.

In addition to receiving a majority of funding from the Metro-North Railroad, it has been brought to my attention that ACRE has failed to properly file federally mandated labor management reports to the Department of Labor. As a result, ACRE has misrepresented itself to the Labor Department, but more importantly to its members and the public. In addition, ACRE continues to reach out to other crafts and rail unions seeking new members based on misleading information.

Madame Secretary, thank you for your consideration of my request, and I look forward to reviewing the findings of your investigation.

Sincerely,


Jack Quinn
Member of Congress

Reply To:

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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

July 31, 2002

Reply To:

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(712) 322-7100

The Honorable Elaine L. Chao
Secretary, U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

CONFIDENTIAL

Dear Secretary Chao:

Enclosed you will find information concerning the representation of engineers, conductors and assistant conductors on New York's Metropolitan Transit Authority's subsidiary Metro-North Railroad. These employees were certified to be represented by an independent union known as the Association for Commuter Rail Employees (ACRE) in the spring of 2000. The information I'm enclosing appears to be compiled by the two unions who lost representation of this group, the United Transportation Union and the Brotherhood of Locomotive Engineers. It is my understanding that the representation rights of a third union, the Brotherhood of Railroad Signalmen, is currently being challenged by ACRE.

I believe the information I'm enclosing may raise questions concerning financial actions by the officers of the ACRE group, as well as questions concerning their relationship with Metro North Railroad's management. The material may also raise concerns regarding the use of taxpayer funds and the possible violation of labor laws and regulations. Lastly, there may be a possibility that the individuals involved received improper benefits without making the proper declarations.

I would respectfully request that your office review the enclosed material and take any necessary action. Thank you for your consideration of my request.

Sincerely,

Charles E. Grassley
United States Senator

FINANCING,
FINANCE

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JUDICIARY

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CONTROL CAUCUS