



ASSOCIATION OF COMMUTER RAIL EMPLOYEES

March 24 2006

Dear UTU Coordinator May:

Now that your efforts to have Amtrak conductors placed ahead of Metro-North conductors on the seniority roster have been fully exposed I expected you to put out some sort of feeble and confused effort at damage control and I wasn't disappointed. While I'll get into your fabrications later, I must address a rather startling admission on your part that has to do with the operation of the local you have apparently been appointed to run.

In your March 9, 2006 letter you clearly state that General Chairman Kevin O'Shea **"was not involved with the Shoreline East issue in any capacity"**. Wow ... give me a minute while I catch my breath... Let me get this straight, you are telling everybody that the elected General Chairman for UTU Local 77 (the committee you are running an A-card drive to return to representational authority on Metro-North) has been kept out of the loop on an issue that involves the seniority rights of the members he was elected to represent and instead, an officer appointed by the international in Cleveland (you) has been put in full control. I am shocked not just by the disregard for the rights of the local members who have put their trust in what they assumed was a democratic process but also by your willingness to admit that their rights have been trampled. I can only assume that this rare case of honesty on your part was unintentional.

Whatever the case, it is a rather startling insight into the UTU's operation. For years we have been telling our members that unions like the UTU often do things that hurt some members to benefit other members. Knowing that, it makes no sense to belong to a union that can and often will play members off against each other. The logic is really simple, if we don't need them why give them control over us and why send them money they can use to hurt us. While we can say it over and over again, there is nothing more effective than a clear and simple presentation of exactly how dangerous this self-imposed subjugation can be especially as it relates to seniority.

There are few things more important than an individual's seniority and there is virtually no issue more germane to a General Chairman's responsibilities than its protection. Under ACRE's constitution no one could ever take the elected General Chairman's authority away and award it to an appointed officer. As an independent union ACRE members control their own destiny, however if Metro-North conductors chose to become part of the UTU they would give up that control to appointed officers of the UTU.

This is exactly what the UTU international in Cleveland has done in this case. As an appointed UTU coordinator you were originally assigned to run an A-card drive on Metro-North. Now, by your own admission you are operating over the authority of the elected General Chairman and instead are operating in the interest of the international in

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Cleveland that employs you. It is very important that current UTU sympathizers on Metro-North fully understand what they have gotten themselves into and that anyone considering turning over their representational rights to the UTU fully understand what they could be getting themselves into. As was stated in the last ACRE newsletter to Local Division 1 members, "For those of you who think by sympathizing with the UTU you are protecting yourself you better think again. What you are really doing is jeopardizing your future."

As for the letter you wrote to explain away your efforts to take seniority away from Metro-North conductors, it's a second hand rehash of meetings you never attended, conversations you never participated in, telephone conversations other people had, and strategy sessions you were never part of. In reality, your knowledge is limited to your own sad attempts to do what your bosses in Cleveland have told you to do. In your own fantasy world I'm sure it's fun for you to pretend you know everything, you have been everywhere, and you have done everything. If you want to portray yourself as the Forrest Gump of Metro-North I can't stop you, but bear in mind you're not as smart as Forrest Gump. If you were, you never would have gotten involved in this ill conceived project in the first place.

What I will admit you have been successful in doing however, is poisoning the atmosphere we all have to work in. When the idea of creating ACRE was first proposed, we rehashed the old grievances we had with our internationals merely to lay a foundation for breaking away and place our efforts in historical perspective. We then went on to make a positive and optimistic presentation about the future. We told our members that by working together they could control their own destinies and by keeping our resources close to home we could use them where they could do the most good. We told them they would have an opportunity to establish a centralized office in New York and elect representatives who had the authority to represent them. We told them we could create an efficient modern computerized system they could access from the comfort of their own home that would be connected directly to the Metro-North system. We assured everyone we could establish a strong legislative presence by leveraging our importance to the economy of the metropolitan region. We further told our members that they could do all this while insulating themselves from the tragic effects of the war that was destroying the jobs of UTU and BLE members nationwide. Even though people like you and the organizations that finance your activities have tried to sabotage our efforts every step of the way, the support and dedication of ACRE members has made it all come true. It's an uplifting and very positive story every ACRE member can be proud of. I remember former Local Chairman, Kenny Mackey, writing a letter in which he told everyone it would be something they could tell their grandchildren about. I am delighted to say Kenny was 100% correct.

Now, compare what ACRE did to the way you have been running your organizing drive. Your drive is full of lies, distortions, misinformation and most of all negativity. Where is the positive message? Where is the bright future? What will be different under UTU leadership? Who will these new leaders be, what is their experience, and how will they improve on the job

ACRE representatives are doing? Your entire message is just so depressing but then I don't suppose much can be expected from a movement that is trying to return Metro-North conductors to the control of an international union that is steeped in corruption and struggling for its own survival. **If members are unhappy with the way they are being represented all they have to do is vote new officers into office. They don't have to go to all this trouble and they certainly don't have to take on the additional expense of UTU membership.** Incidentally, I understand you have actually gotten some people to unnecessarily pay real money to the dysfunctional UTU with the mistaken notion that they were somehow protecting their seniority. That might benefit Cleveland but I can't imagine how deceiving fellow employees can make you proud of yourself.

Be this as it may, what really bothers me is the very negative effect you have had on the people who have fallen victim to your lies and distortions. Before Kevin O'Shea got involved with you he was an active voice in the union and had the respect of his co-workers. Now life long friends say they don't know who he is anymore and have difficulty carrying on a civil conversation with him. Instead of an active union voice, you've shown him to be a disconnected officer totally out of the loop who doesn't even know what's going on in his own union. None of this can possibly be worth it.

And what have you done to poor Mike O'Connor. Mike was never a union activist. He really can't be expected to know that the Amtrak conductors represented by the UTU have been without a contract for 7 years or that CSX conductors represented by the UTU are struggling for their very existence on freight trains. Mike can't be expected to know that the UTU has negotiated agreements around the country that call for the co-pay of their medical coverage for all employees not just new hires or that entry rates are something the UTU negotiated on Metro-North in 1988 and everywhere else some time ago. He doesn't know that the UTU has illegally misused millions of dollars from its Job Benefit Fund Income Security Program (JBF/ISP) and has been cited by the Department of Labor. He can't be expected to know that the UTU has sold off all its assets over the past 3 years, borrowed \$7.5 million dollars just to stay afloat and that UTU members will be responsible to pay it off. He probably doesn't know that the top officers of the UTU have been jailed for RICO violations and he's certainly not responsible to know that the UTU has lost over 75% of its original membership and is becoming primarily a bus union.

Mike can't be expected to know all that but you can be expected to know it and you should know it. Furthermore, if you were any kind of a person you would have let Mike know it too. But then you wouldn't be a UTU coordinator for very long would you. So instead, you fill his head full of lies and send him out into the political arena with a letter full of bogus information that just makes him look foolish (did you really convince him we don't have a signed contract? unbelievable!). And for what, just to gratify your ego. Don't you have any sense of decency or shame. Don't you have any concern for the people you hurt or the carnage you leave in your wake.

Listen to me Artie; you will never get even with Tony Bottalico because under any circumstance Tony will always be 1,000 times the man you could ever hope to be. Furthermore, you cannot possibly believe that you, the dysfunctional UTU, and the little group you have put together can do a better job of representing Metro-North conductors than Tony and the extremely competent and hardworking people ACRE members have elected.

The vast majority of our members are sick and tired of all the garbage associated with you and your efforts to get them back in the UTU. Why don't you do everyone a favor. Make a public statement that you will continue your A-card drive until 1 full year has been completed. Then, if you have enough A-cards file them and if you don't resign as UTU coordinator and stop bothering everyone. You have had ample opportunity to do whatever it is you feel needs to be done and everyone has been subjected to this lunacy for long enough. It will give you one last opportunity to step up like a man and do the right thing. Give it a try, you might like it.

Sincerely,

Jack Gaines
ACRE Executive
Legislative Director

P.S. Nice try at damage control on the assault bill but no cigar. I'm including a copy of your August 31, 2001 letter to Assembly Majority Leader, Paul Tokasz, that predates the September 27, 2001 letter you actually want people to see. In it you clearly acknowledge ACRE's role in drafting the assault bill and express your displeasure. It wasn't until you found out we had this letter that you changed your tune. In the interest of honesty, why don't you post this August 31, 2001 letter on your vile UTU financed website with the one you wrote after being exposed. The truth can be a rather pesky thing but sometimes you just have to face it.



united transportation union

August 31, 2001

Honorable Paul Tokasz
Assemblyman/Majority Leader
LOB Room 926
Albany, NY 12247

Re: Association of Commuter Rail Employees ("ACRE")

Dear Mr. Tokasz:

I would like to offer my appreciation to your staff for their prompt response to my request for information on Bill A8636.

I am a Metro North Conductor with more than 25 years of service. I have also held office as a United Transportation Union ("UTU") officer for 14 years, until 1993. As you know, a new labor organization was formed last year on Metro North named ACRE. The organizers of this union held office in the prior UTU and Brotherhood of Locomotive Engineers ("BLE") locals and led the separation from both unions. Almost all of these former UTU and BLE officers currently hold office in ACRE. I was an ACRE member but returned to the UTU and accepted appointment from the UTU International as coordinator because of the existing situation on Metro North property.

Much to the chagrin of ACRE officials, the UTU and BLE have maintained a presence on Metro North consistent with provisions of the Railway Labor Act. A substantial number of employees in Train and Engine Services are not satisfied with ACRE's brand of unionism but feel compelled to remain with ACRE because this organization holds the rights to the collective bargaining agreement. You should be aware that four ACRE officers are provided full-time salaries from Metro North for no-show non-service assignments to the carrier. These officers also receive salaries from ACRE. This form of compensation by Metro North is a violation of the Railway Labor Act and the receipt of both salaries is double dipping. The Engineers' side of ACRE is under investigation by the US Department of Labor. This investigation is expected to envelop ACRE completely. ACRE's activities, past and present, are being reviewed by several governmental agencies for a variety of potential state and federal violations.

Also, as a point of information, ACRE is not AFL-CIO affiliated and a recent amendment to the AFL-CIO By-Laws will, in all likelihood, refuse to allow ACRE to affiliate.

Hon. Paul Tokasz
August 31, 2001
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For the past few months, ACRE has circulated material announcing their close working relationship with your office. I understand and appreciate that as Majority Leader you wish to serve your constituents' needs. Each conductor and trainman on Metro North is pleased A8636 was sponsored.

However, I remain skeptical of ACRE's timing for this request. This situation is long standing and overdue to be addressed through legislation. I mentioned previously that current ACRE officers held office in the UTU. Under the former UTU structure on the property, this request most likely would have been forwarded through UTU State Legislative Director Sam Nasca. If Mr. Nasca's office had advanced a request for legislation, this would have conflicted with these officers' ambitions. That scenario would have demonstrated the UTU's responsiveness to members' issues and it could have been more difficult to further their separation attempt.

The UTU and BLE have represented Metro North's operating employees in a reliable fashion with all members' best interest in mind. It is my understanding that both the UTU and BLE have always vigorously supported you in all areas and have been proactive in working toward your continued reelection. Both organizations have heralded your status and credibility throughout the State in various publications.

I write you now because most of the UTU and BLE members on Metro North have expressed discouragement with your efforts on ACRE's behalf. According to ACRE newsletters, your support extends beyond sponsorship of A8636. Hopefully this information is incorrect. If these statements are veracious, the UTU and BLE membership on Metro North and statewide will be severely disappointed.

Sincerely,

Art May

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cc: JM Brunkenhofer, UTU National Legislative Director
Sam Nasca, UTU NY State Legislative Director
C.A. Iamone, UTU Vice President Commuter Rail Service
John Collins, BLE NY State Legislative Director
Brian Gallagher, BLE NY State Legislative Board Sec/Treas.
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