

Memorandum



Metro-North Railroad

Date February 28, 2002

To P. A. Cannito

From

C. J. Wytenus

A handwritten signature in cursive script, appearing to read "C. J. Wytenus".

Re UTU Letter to the Connecticut Department of Transportation

I have reviewed the correspondence forwarded to you by Harry Harris from the Connecticut Department of Transportation. The material contained in the letter and attachment are identical in many respects to a number of anonymous complaints that have been forwarded to us by MTA's Inspector General over the past two years. These anonymous complaints and the letter to CDOT essentially allege collusion between Metro-North and ACRE in an effort to oust the UTU and the BLE as collective bargaining representatives of train and engine employees. Our investigation of the matters raised in the complaints to the MTA IG and repeated in the letter to CDOT found that these allegations are without merit.

Basically, the allegations are the outgrowth of the ongoing conflict between the UTU, BLE and ACRE, which began with ACRE's efforts to gain certification as the representative of the employees who were then represented by the UTU and BLE. That effort culminated with ACRE's election in February 2000 as the collective bargaining representative of those employees.

The attached Exhibits, consisting of the complaints made to the MTA IG and the Metro-North's response, are cross-referenced to each point raised in the letter to CDOT.

Exhibit A MNR Response to MTA IG re Anonymous Complaint - September 12, 2000

Exhibit B MNR Response to MTA IG re Anonymous Complaint - March 13, 2001

Exhibit C MNR Response to FOIL Request by Mr. Brian Gallagher - April 9, 2001

Exhibit D MNR Response to MTA IG re Anonymous Complaint - June 15, 2001

Exhibit E MNR Response to MTA IG re Anonymous Complaint - July 18, 2001

#1: The balloting process for election for union representation was sponsored and conducted by the National Mediation Board. The same federal agency certified the results of the election, notwithstanding claims of impropriety asserted by the UTU and the BLE.

- #2: Allegations raised concerning job assignment for union officials (both prior to and subsequent to the February 2000 representation election) are addressed in Exhibit A. All of the persons involved were assigned to, and worked on various aspects of, the design, testing, training and implementation of the new Crew Management System (CMS) for train service personnel.

Allegations concerning Metro-North sponsorship of organizational meetings held by ACRE at the Roosevelt Hotel are false.

The ballot tabulations at the National Mediation Board in Washington, D. C. were held on February 28, 2000 for the conductors and February 29, 2000 for the engineers. Metro-North's Director of Labor Relations attended the tabulation of the ballots. Metro-North did not sponsor the attendance of any union personnel.

- #3: The job assignments for Anthony Bottalico and Michael Doyle are addressed in Exhibit A, which enumerates their duties and responsibilities with regard to their release from regular train service. Exhibit B addresses the job assignments of Ralph Sanzari and Ronald DeAndrus. As demonstrated in Exhibits A and B, Metro-North benefited from the job assignments, which resulted in substantial cost savings to the company. The characterization of these jobs as "no show" and "non service" is incorrect.

Union compensation for ACRE officials is solely a union issue.

- #4: The complaint made to the MTA IG regarding improper payments to ACRE officials was investigated by Metro-North. No evidence of impropriety was found. All payroll records were substantiated. Exhibits A, B and D address these issues.

The statement that Metro-North has "stymied" any Inspector General investigation is false. Metro-North has always cooperated with the MTA IG's staff and all of Metro-North's records were available for their inspection, as they deemed necessary. We have responded to every complaint forwarded on these issues and we believe the Inspector General's office has been satisfied with our responses.

- #5: The issue of office space is addressed in Exhibits A and D. No office space was provided to ACRE officials.

- #6: What may have been said by ACRE officials to their members is not something we can comment upon. What we do know is that compensation to these officials for services performed for Metro-North is in our interests, as previously noted.