

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

NATIONAL DIVISION

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DENNIS R. PIERCE

National President

VIA FACSIMILE AND OVERNIGHT MAIL

October 18, 2017

Mr. James P. Hoffa
General President
International Brotherhood of Teamsters
25 Louisiana Avenue, NW
Washington, DC 20001

Re: Interference with BLET Bargaining Rights and Internal Ratification Process by IBT International Vice President at Large F. N. Simpson

Dear Sir and Brother:

I am writing to you concerning a matter of the utmost urgency. As you may be aware, on October 5th the Rail Unions that make up the Coordinated Bargaining Group ("CBG"), which includes the BLET, reached Tentative Agreements with the National Carriers' Conference Committee ("NCCC") on behalf of more than 85,000 railroad workers represented by those Unions, comprising 58% of the workforce that will be impacted by the outcome of the bargaining round that began in late 2014. The BLET's Tentative Agreement has been unanimously endorsed by the Brotherhood's National Wage Committee, our Advisory Board, the General Chairmen on the properties covered by the Tentative Agreement, and the National Association of State Legislative Board Chairmen.

I regret to inform you that, immediately following that announcement, International Vice President at Large F. N. Simpson orchestrated and is leading an effort by non-BLET members to interfere with BLET's bargaining rights and internal democratic ratification process. With International Vice President Simpson's public encouragement and support, this group is attempting to poison the ratification well via false and misleading claims and documents that are being distributed to BLET members via social media and flyers being handed out at railroad locations where BLET members report for work, including letters written and sent directly from International Vice President Simpson and other Officers of BMWED's Executive Board.

In this regard, I wish to draw your attention to several provisions of the Merger Agreement between the International Brotherhood of Locomotive Engineers ("IBLE") and the International Brotherhood of Teamsters ("IBT"). Among the purposes of the Merger Agreement are "to maintain for the IBLE the *maximum autonomy* available within the structure established by the IBT Constitution" and "to enable IBLE to better serve its members, to better represent its members

and to secure stronger contracts for its members.” IBT-IBLE Merger Agreement at § 1 (emphasis added). To this end, it was agreed that “[t]he IBLE and its subordinate bodies will maintain the *same control* over their assets, contracts and affairs *that they have prior to the merger* limited only by the specific provisions of this Merger Agreement and the applicable bylaws for the BLET and the IBT Rail Conference.” *Id.* at § 2.1 (emphasis added).

With respect to the IBT Rail Conference, the Merger Agreement expressly provides that “[t]he Craft Divisions within the Rail Conference shall have jurisdiction in accord with traditional craft lines with the BLET representing all locomotive engineers, all trainmen and all related operating personnel within the United States.” *Id.* at § 3.2. In order to effectuate this general jurisdiction, it was agreed that the specific “jurisdiction of the BLET shall consist of the jurisdiction of the IBLE within the United States and shall include all locomotive engineers, all trainmen and all related operating personnel within the United States.” *Id.* at § 4.2. Thus, it was agreed that the “*BLET* shall be the successor to and shall continue to hold the certifications currently held by the IBLE and *shall have complete authority to negotiate and administer collective bargaining agreements* pursuant to those certifications.” *Id.* at § 4.7.4 (emphasis added). Moreover, it was agreed that “Collective bargaining agreements within the BLET ... shall be ratified in accord with the provisions of the BLET ... Bylaws.” *Id.* at § 6.12. Similar autonomy and jurisdiction protections are set forth in the Merger Agreement between the IBT and the Brotherhood of Maintenance of Way Employees. IBT-BMWE Merger Agreement at §1.2.

In application, BLET is within its rights to negotiate contracts on behalf of its members without interference from BMWED and, more importantly, without interference from a sitting Officer of the IBT General Executive Board. At the same time, BMWED is free to do the same on behalf of its members. *Id.* at § 3.2. While both are Divisions of the Teamsters Rail Conference, it is BLET and BMWED individually that hold the bargaining certifications. The Rail Conference itself has no authority to bargain for either Division and I have fully respected that Division autonomy in the performance of my duties as President of the Conference.

The same cannot be said of International Vice President Simpson. I have enclosed herewith five (5) documents that prove International Vice President Simpson’s leadership and direction of efforts by non-BLET members to interfere with the rights of the BLET to represent its membership and bargain on their behalf, as well as the BLET members’ own rights and interest in participating in contract ratification processes that are free from outside interference. The first is an internal email sent by the Internal Organizing Coordinator of the Brotherhood of Maintenance of Way Employees Division of the Rail Conference, which has been redacted to de-identify other persons from BLET and the other CBG Unions. This email states that non-BLET members under International Vice President Simpson’s leadership and direction “will conduct rolling pickets in various parts of the country to warm up for a national day of Informational Picketing on November 8.”

The second is the flyer filled with false claims and misinformation that is being distributed to BLET members, which plainly bears the BMWED logo. The third is International Vice President Simpson’s October 14th letter attacking the Tentative Agreement. The fourth document is

an email in which International Vice President Simpson has the audacity to tell me that it is his duty as a sitting Officer of the IBT General Executive Board to interfere in BLET's bargaining rights and ratification process when he disagrees with the outcome of the bargaining. The fifth and final document, issued by a BMWED Pennsylvania Federation General Chairman who also is a member of the BMWED Executive Board, falsely and outrageously accuses BLET Officers and staff, and other members of the CBG, all Officers of International Unions that are affiliated with the AFL-CIO, of corruption and bribery in the conduct of our negotiations with the carriers.

Brother Hoffa, when International Vice President Simpson was sworn into office he took an oath promising that he would "at all times, by example, promote harmony and preserve the dignity of this Union." The shameful attack on BLET bargaining rights and our ratification process that is being organized and led by International Vice President Simpson sows seeds of disharmony and holds both BLET and IBT, and labor organizations in general, up to public ridicule. Under cover of his position as an International Union Officer, International Vice President Simpson is engaging in conduct which is disruptive of and interferes with — and which induces others to disrupt or interfere with — BLET's rights under the IBT-IBL Merger Agreement and IBT/BLET law, as well as with the performance of BLET's legal and contractual rights and obligations. This outrageous violation of the solemn oath we have all taken as Teamsters now includes completely baseless personal attacks on myself and the principal officers of the five (5) other Rail Unions bargaining as part of the Coordinated Bargaining Group, all clearly intended to undermine the contract ratification process of all of our Unions. This unbecoming conduct jeopardizes the interests of the International Union and the BLET because it is disruptive of and interferes with the performance of the legal and contractual obligations of the BLET, and because it interferes with and is designed to prevent BLET officers and members from carrying out legitimate objectives of the BLET.

Finally, you are well aware that Article XIX, Section 7 of the IBT Constitution states, in pertinent part, as follows:

(b) The basis for charges against members, officers..., Local Unions, ... or other subordinate bodies for which he or it shall stand trial shall consist of, but not be limited to, the following:

(1) Violation of any specific provision of the Constitution ... or failure to perform any of the duties specified thereunder.

(2) Violation of oath of office

* * *

(5) *Conduct which is disruptive of, interferes with, or induces others to disrupt or interfere with, the performance of any union's legal or contractual obligations.*

...

(emphasis added)

I find it incredible that a long-standing officer of the General Executive Board, the International Union's governing body between conventions, would intentionally or recklessly violate his oath and obligations as International Vice President Simpson has done. Having attended almost every meeting of the General Executive Board since becoming President of the Teamsters Rail Conference, I am keenly aware of your high expectations insofar as International Officer conduct is concerned; they are held, as most would expect, to a higher standard of conduct within our great Union. The conduct described herein is far from the standard that you have set, and, accordingly, I respectfully request that you exercise your judicial powers as set forth in Article VI, Section 2(a) of the IBT Constitution and order the BMWED, and specifically International Vice President Simpson and all BMWED Officers acting in concert with him, to immediately cease and desist their blatant and outrageous interference with BLET bargaining rights and our internal ratification process. Thanking you in advance for your prompt attention to this matter, and with warmest personal regards, I remain

Fraternally yours,



National President

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cc: Ken Hall, IBT General Secretary-Treasurer (w/encls.)
J. F. Murphy, IBT Vice President and Rail Conference Director (w/encls.)
E. L. Pruitt, First Vice President (w/encls.)
S. J. Bruno, National Secretary-Treasurer (w/encls.)
B. T. Raymond, Esquire, IBT General Counsel (w/encls.)
G. S. Witlen, Esquire, Director – IBT Legal Department (w/encls.)
M. S. Wolley, Esquire, BLET General Counsel (w/encls.)