



Today the judge considering the case between BNSF and the SMART-TD and BLET unions over the carrier's new "Hi-Viz" attendance policy ruled that the dispute was "minor" under the provisions of the Railway Labor Act (RLA).

### **What does this mean?**

It means that any further action to pursue a strike would be illegal, exposing the Unions and their members to serious legal attacks as well as Carrier discipline up to and including dismissal. But this is only the first round in our fight against the Hi-Viz policy. In the coming days, the Unions will determine if the best course of action is to appeal today's decision, or to move swiftly to arbitrate the policy before it can be used to terminate any employees. An arbitrator can strike down the policy. If that path is chosen, the Unions will move swiftly to make their case there instead of in the courtroom or on the picket lines.

Rest assured that we are all infuriated. One of the largest and richest corporations in America has been given a free pass to continue forcing its employees to work even when they or their families are sick, and when they are fatigued beyond the point of being able to work safely. BNSF is essentially thumbing its nose at the employees who make them billions of dollars in revenue.

SMART-TD and BLET are considering all legal possibilities to continue to challenge BNSF and its anti-worker, anti-family and unsafe attendance policy. In the coming weeks, the Union's options are:

- Appeal the District Court decision, but delay arbitration of the policy by doing so
- Aggressively pursue arbitration to challenge every possible aspect of the "Hi-Viz" policy. This is where the actual impact of the policy will become crucial to the Union's case.
- Demand that state and federal lawmakers pass laws which would protect employees from retaliation for laying off for legitimate reasons.
- Work with federal agencies to end draconian attendance policies on **ALL** railroad carriers — not just BNSF.
- Call on Congress to amend the Railway Labor Act, to give rail workers freedom to fight back against the carriers' abuse.

**What can you do?**

— *Contact your General Chairperson.* Your union needs to be able to explain how and why this attendance policy affects real workers. Examples of how this policy **could** affect you and your family, or how it **did** affect you after February 1 should be shared with your General Chairperson. These will empower your union to make its best case possible in arbitration.

— *Contact your Congresspeople and Senators.* Find your members of Congress and demand that they hear the concerns of the rail workers who are the backbone of this nation's supply chain and that they should back the people who do the work rather than the financial overlords who have implemented these draconian policies.

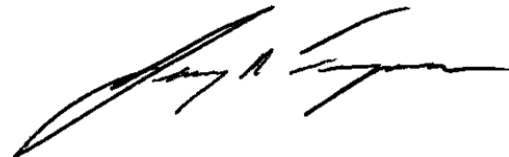
— *Sign up for action alerts.* Our strength is in our collective voice. Action alerts from your union will send you to petitions to sign, elected officials to email, and social media posts to share. We are all angry, but we need to channel that anger into effective and legal action. Both the SMART-TD and the BLET will make sure that members are informed, educated, and empowered, just as rail unions have done in this country for more than a century.

If you have questions, do not hesitate to reach out to your union leadership.

In solidarity,



National President, BLET



President, SMART Transportation Division