

March 15, 2024

As requested, please find my final report regarding the efforts of SMART-TD to organize and then secure an agreement for the employees of the Arizona & Eastern (AZER), an affiliate of Genesee and Wyoming (G&W).

In 2022, I was the General Chairperson of GO887 (SP Western Lines). After SMART was duly elected by the employees working in the TE&Y crafts of the Arizona Eastern Railroad (AZER) as their representative, I was asked to negotiate an initial contract along with Vice President [REDACTED]. There were several meetings and rounds of negotiations which took place between our Organization and AZER Management.

[REDACTED] after the representation vote was taken by the NMB, there were two employees who were recalled to active duty from being furloughed by two separate class 1 railroads and another terminated for cause. Those three employees were the individuals who were pushing the hardest for becoming organized. Once they were no longer on property the interest in the union dropped considerably. In Fact, an anti-union faction started to gain traction on the property, stating that Arizona is a "Right to Work State", and therefore the employees believed they would **not** have to pay union dues. After explaining that would not be an option, further support for the Organization diminished.

On December 19, 2022, we reached a Tentative Agreement (TA) with AZER whereas the work rules were greatly improved and wages increased considerably. While we were under no obligation to vote the future membership, as they were not members in good standing until after the agreement was in place and dues were collected, we felt it was important for the employees working there to have a voice concerning the TA. I traveled to Safford, AZ on December 27, 2022, for a meeting to review the TA and answer any questions the employees may have had.

During the December 27, 2022 meeting, the majority anti-union employees insisted that we no longer pursue an agreement for them and asked if we would consider decertifying the election and walk away. Further, the employees asked if we would do so as soon as possible, as promises had been made by the carrier, including raises and they did not want to wait two years before filing with the NMB to collect on said promises. We did exactly what the employees asked of us and on February 16, 2023, we asked the NMB to decertify SMART on the AZER. This was done to allow the employees to receive the raises without delay. [REDACTED]



In closing, the Organization worked closely with and for the employees at AZER. The office of GO887 spent months and thousands of dollars working to get this small, short line property an agreement to be proud of. However, at the end of the day, we were asked to leave and let them return to dealing with the Carrier without representation. Anyone who claims that we walked away from this property, leaving the employees flailing, is disingenuous at best.





Transportation Division

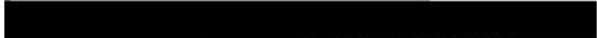
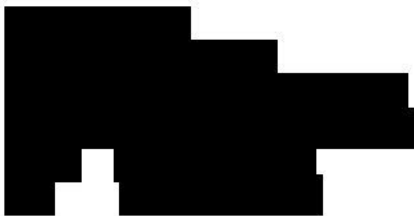


Date: January 6, 2023 at 2:54:00 PM PST
Subject: RE: AZER Wage Increase



You are correct on everything stated below. However, we will not be able to file for decertification until February 16, 2023. We will be filing on that date for decertification on AZER. We will not be taking any further action on this property prior to that time. Likewise we will not file any complaints against G&W for direct dealing prior to that date.

I hope this is an adequate answer.



Sent: Friday, January 6, 2023 1:26 PM



Wage Increase



I wanted to bring to your attention that in light of the Carrier's understanding that both the AZER employees and SMART TD are in agreement that AZER T&E employees will decertify, and that AZER and SMART have never executed an Agreement on behalf of the AZER T&E employees, and that per NMB Rule 1206.4, the employee's cannot decertify until two years following their original certification which occurred February 2022, the Carrier intends to treat the AZER T&E employees as if they are unrepresented so that the Carrier may unilaterally increase wages (and potentially bestow other benefits) without first bargaining them with SMART.

I would anticipate any wage increase to occur no earlier than February 2023.

Please let me know whether you have any questions or concerns.



Director, Labor Relations
Genesee & Wyoming Railroad Services, Inc.