

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

EX PARTE No. 770 (Sub. No. 1)

URGENT ISSUES IN FREIGHT RAIL SERVICE

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**UNIONS' COMMENT REGARDING UNION PACIFIC'S
SECOND EMPLOYMENT DATA REPORT FEBRAURY 29, 2024**

After Union Pacific Railroad ("UP") filed its motion for a protective order regarding the employment data reporting required by the Board's January 31, 2024 Order, UP then submitted its publicly filed January employment report which contained no data, but assumed that the Board would grant UP's separately filed motion for a protective order; the filing also contained argument and included a verified statement in support of UP's refusal to publicly report the employment data. The Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Maintenance of Way Employees Division/IBT; Brotherhood of Railroad Signalmen; International Association Of Boilermakers; International Association Of Machinists And Aerospace Workers District #19; International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU ("Unions") responded to UP's actual motion by urging the Board to deny the motion. UP has now filed a second employment data report that was so redacted that only a second chance hiring program, an educational assistance program and publicly known paid sick leave agreements and a work/rest agreement were disclosed; a heavily redacted description of an ESOP program was provided. The rest of the report was either denoted as confidential and not publicly disclosed or commercially confidential, meaning it is not available to anyone other than the Board; and it is

not apparent which items in the report were covered by which designation. And UP has again submitted with its report argument and verified statements (which offer only conclusory assertions, not real evidence in support of the arguments made) in support of UP's motion for a protective order --which contained neither.

Once again, it was improper for UP to attempt to provide support for its motion in the employment report. UP was obligated to support its motion with facts and argument; it did not do so. The argument and "evidence" appended to UP's employment data report, should therefore not be considered by the Board in ruling on UP's motion. If, and when, UP files a proper motion the Unions will respond on the merits of the motion as they deem appropriate.

Respectfully submitted,

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