

**Brotherhood of Maintenance of Way  
Employees Division - IBT**  
702 Annin Street  
Philadelphia, PA 19147



**Jed Dodd**  
**Vice President at Large**

UPS Overnight Mail

June 11, 2020

To:	Stephen J. Gardner Senior Executive Vice President	Scot Naparstek Executive Vice President Chief Operating Officer	DJ Stadtler Executive Vice President Chief Admin Officer
	Eleanor D. Acheson Executive Vice President and General Counsel	Dennis Newman Executive Vice President Planning and Strategy	Tracie Winbigler Executive Vice President Chief Financial Officer
	Roger Harris Executive Vice President Chief Marketing Officer	Steve Predmore Executive Vice President Chief Safety Officer	Christian Zacariassen Executive Vice President Chief Info Officer

Dear Sir and Madam:

**Re: Amtrak Management Negligence Puts Workers  
and Passengers in Danger of Covid 19 Infection**

Amtrak management has a legal obligation to provide a safe workplace to its employees. As a passenger rail company, Amtrak management also has the obligation to provide a safe environment to the riding public. This includes providing a safe workplace and riding environment that are free of infectious diseases or persons with infectious disease. Amtrak management's refusal to adopt necessary practices to protect the employees and passengers from Covid 19 is alarming. It is further compounded by Amtrak's refusal to engage with the Union regarding these life and death matters. As a senior officer of the company the buck stops with you and you are directly responsible for this situation.

Attached is a letter dated June 6, 2020 with various attachments that detail this negligence. For essential workers maintaining self-isolation is impossible. We are keeping the railroad operational but at tremendous risk. We are demanding that you immediately implement a policy that contains the following:

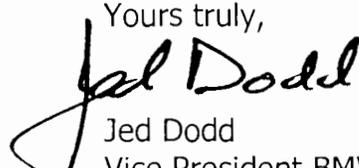
1. **Testing.** All BMWED members are tested for the Covid 19 virus once a

month and if they test positive they are quarantined under the Covid Paid Leave policy.

2. **Tracing.** That if the member tests positive for the Covid 19 virus that their activities are traced and all members who had contact with these members quarantined under the Covid Paid Leave policy and must test negative before they return to work.
3. **Temperature Testing.** That at the start of each work shift every member should have their temperature taken and if they are running a fever that they should be sent home under the Covid Paid Leave policy and tested with a negative result before they are permitted to report for work.
4. **Holiday Pay.** In general we think that the Covid Paid Leave policy is positive but it does penalize an employee from holiday pay because the paid leave is not considered by Amtrak to be bridging the holiday. While we respectfully disagree, we would urge you to reconsider Amtrak's position on this matter and save us a lot of time and trouble with the grievance arbitration procedure and the further erosion of good will between management and the employees.

Amtrak management's relationship with its unionized workers can only be described as Neanderthal. This is a shame because the employees and passengers are who will suffer from these policies. There are examples of best practices where management's good relations with their Unions produce a much better outcome for all. Enclosed is a white paper regarding Covid 19 protocols that has been hammered out by the Motion Picture industry and representatives of Teamsters, IATSE, SAG-AFTRA, DGA. It is a comprehensive program that will significantly reduce employee and public exposure to Covid 19.

Transit workers around the country are on the front lines of this crisis as essential workers and we have had a disproportionate share of infections and deaths due to Covid 19. You need to take a direct role in protecting Amtrak workers and Amtrak passengers from Covid 19. This is your responsibility and duty under law. BMWED is ready to meet with you and assist Amtrak to discuss and implement the policies of testing, tracing, temperature taking and fair holiday pay. We will continue to show up for America and perform this essential service. You need to start showing up for the workers and riding public to ensure that all steps are taken to protect us from this terrible disease.

Yours truly,  
  
Jed Dodd  
Vice President BMWED-IBT

cc Amtrak Board of Directors  
All Amtrak Committees

**Brotherhood of Maintenance of Way  
Employees Division - IBT**  
702 Annin Street  
Philadelphia, PA 19147



**Jed Dodd**  
**Vice President at Large**

UPS Overnight Mail

June 6, 2020

Amtrak Board of Directors

Dear Sir or Madam:

**Re: Amtrak Management Negligence Puts Workers  
and Passengers in Danger of Covid 19 Infection**

Amtrak management has a legal obligation to provide a safe workplace to its employees. As a passenger rail company, Amtrak management also has the obligation to provide a safe environment to the riding public. This includes providing a safe workplace and riding environment that are free of infectious diseases or persons with infectious disease. Amtrak management's refusal to adopt necessary practices or even to engage in a dialog with the Union regarding the containment of Covid 19 is negligent. As a Director of the company the buck stops with you and you are directly responsible for this situation.

Attached is a letter from the BMWED dated May 12, 2020, to Amtrak President William Flynn asking that Amtrak 1) start testing employees for Covid 19 and quarantine those that test positive; 2) trace and quarantine employees exposed to employees with positive tests; 3) take temperature tests before employees are permitted to start work; and 4) interpret the holiday pay requirements to pay employees who are off work because of Covid 19 quarantining. It also asked to sit down and have discussions regarding these ideas.

President Flynn did not answer the letter. Instead this letter was answered by Vice President, Labor Relations Andrea Gansen on May 27, 2020. The concerns of the Union were all denied, given short shrift and glossed over. In her letter we learn that a management Recovery and Transformation Team has been established to implement Covid 19 containment protocols for Amtrak. This letter was followed up by the BMWED in an email dated May 27, 2020 asking that we have a representative on this Recovery and Transformation Team. Unfortunately the corporate culture at Amtrak management is not conducive to implementing solutions that work. When deliberating to reach consensus the management teams either agree to do nothing or issue more requirements for behavioral change in the employees. The driver for the management teams is never to have personal responsibility for managing the railroad. We were hoping that with Union involvement we could move this off dead center and implement real reform to protect the employees and passengers from this deadly virus. Classroom technical training is starting up again on Amtrak and in our follow up email we

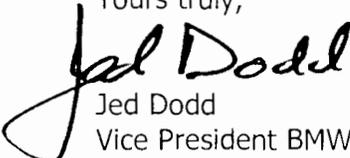
further requested that Amtrak start temperature testing of employees who are scheduled for this training. This is not novel and the Union Pacific Railroad has already implemented this reform with the renewal of its classroom training.

Amtrak responded to our May 27, 2020 email in an email on June 4, 2020. We were informed that Amtrak does not agree with temperature testing because their vendor, who apparently tests other than BMWED workers, did it wrong once and they were disappointed with the result. We were also informed that employees should wash their hands, maintain 6 foot distances, which is often unrealistic in railroad maintenance and construction, and wear a mask. Finally we were told that our participation in the Recovery and Transformation Team was not wanted but we could bring out concerns to the Chief Engineer. Really? How can the Chief Engineer implement the necessary containment strategies that are necessary and have been expressly rejected by Amtrak? Both letters and both emails are attached for your ready reference.

The most effective way to ensure that employees are not contaminating each other and the riding public with Covid 19 infection is to test them all, take daily temperature tests and trace those found positive too further test and quarantine them. Amtrak waits for employees to have symptoms and to self report. This ignores the fact that many people infected with Covid 19 show no symptoms but are still capable of infecting those around them with the disease. Amtrak is no stranger to testing as they routinely test for marijuana in our urine - randomly, for cause and for return to work physicals employees. Amtrak knows how to test when they want to test.

These are not novel ideas and are finding their way into the general workplace to ensure protection from Covid 19. As an example, the State of Michigan is requiring employers to establish daily temperature tests of their employees before they are permitted to reopen. Major League baseball has tested all of their employees for Covid 19. Amazon is performing temperature testing and has announced spending one billion dollars to test its employees for Covid 19. The auto companies are opening and providing temperature testing and further Covid 19 testing. Before Las Vegas is going to open up, the entire workforce will be tested for Covid 19 and daily temperature testing will be routine.

Transit workers around the country are on the front lines of this crisis as essential workers and we have had a disproportionate share of infections and deaths due to Covid 19. You need to take a direct role in protecting Amtrak workers and Amtrak passengers from Covid 19. This is your responsibility and duty under law. BMWED is ready to meet with you and assist Amtrak to discuss and implement the policies of testing, tracing, temperature taking and fair holiday pay. We will continue to show up for America and perform this essential service. You need to start showing up for the workers and riding public to ensure that all steps are taken to protect us from this terrible disease.

Yours truly,  
  
Jed Dodd  
Vice President BMWED-IBT

cc All Amtrak Committees

# Pennsylvania Federation Northeastern System Federation



Anthony Sessa  
General Chairperson  
Pennsylvania Federation

Dale Bogart  
General Chairperson  
Northeastern System Federation

UPS Overnight Mail

May 12, 2020

National Railroad Passenger Corporation  
William Flynn, President  
1 Massachusetts Avenue, NW  
Washington, D.C. 20001

Dear Mr. Flynn:

Re: Covid 19 Testing Procedures

We are writing to you regarding our members and your employees who are essential workers who put themselves at risk every day in their efforts to maintain the railroad infrastructure. We are at risk as a result of the pandemic, Covid 19, which is highly contagious and as of this writing has taken the lives of more than 70,000 American citizens with no end in sight. Despite this extreme risk to ourselves and our families we are proud to perform this vital service to Amtrak and to America but as this crisis deepens we must do more to protect essential workers and the public.

For essential workers maintaining self-isolation is impossible. We are keeping the railroad operational but at tremendous risk. We are calling upon you to immediately implement a policy that contains the following:

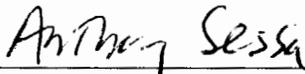
1. **Testing.** All BMWED members are tested for the Covid 19 virus once a month and if they test positive they are quarantined under the Covid Paid Leave policy (attached).
2. **Tracing.** That if the member tests positive for the Covid 19 virus that their activities are traced and all members who had contact with these members quarantined under the Covid Paid Leave policy and must test negative before they return to work.
3. **Temperature Testing.** That at the start of each work shift every member

should have their temperature taken and if they are running a fever that they should be sent home under the Covid Paid Leave policy and tested with a negative result before they are permitted to report for work.

4. **Holiday Pay.** In general we think that the Covid Paid Leave policy is positive but it does penalize an employee from holiday pay because the paid leave is not considered by Amtrak to be bridging the holiday. While we respectfully disagree, we would urge you to reconsider Amtrak's position on this matter and save us a lot of time and trouble with the grievance arbitration procedure and the further erosion of good will between management and the employees.

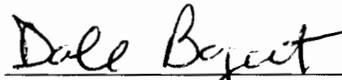
We are available to meet any time to further discuss these very important issues of life and death for our members with you.

Yours truly,



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Anthony Sessa, General Chairperson  
Pennsylvania Federation  
Brotherhood of Maintenance of Way  
Employes Division - IBT



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Dale Bogart, General Chairperson  
Northeastern System Federation  
Brotherhood of Maintenance of Way  
Employes Division - IBT

cc Fred Simpson, President BMWED  
Jed Dodd, Vice President BMWED

## COVID Paid Leave

The purpose of COVID paid leave is to provide relief for employees who are sick or who need to be isolated due to COVID19. Amtrak outlined conditions for paid COV leave up to 14-days in March 2020 (COV paid leave grid). As the pandemic evolved, so did individual circumstances. The following grid is intended to clarify the application of the COV paid leave.

SCENARIO	RESPONSE
Employee is out on COV leave due to being a close contact of a COVID positive person, then tests positive during this time.	Employee will receive additional COV leave once tested until meet CDC clearance up to a max of 14-days.  The second COV leave starts when symptoms develop or test is positive for 14-days.
Employee is sick and in quarantine and does not get tested until the end of the 14-day period and test results are not back on day 14.	Transition to MLOA pending the results.
Employee is in quarantine due to being a close contact, does not have symptoms and gets tested toward the end of the 14-day period. No symptoms when the incubation period is over but test not back.	Employee is cleared to return to work.
Employee is waiting for COVID test results but is not sick and not a close contact of a COVID positive person.	Employee can continue to work. No COV leave.
Employee on COV leave, sick and is COVID POS, then meets CDC criteria to stop isolation and returns to work. After this time, the employee develops new symptoms.	MLOA. Employee needs to produce medical documentation linking new symptoms to COVID in order to get additional COV paid leave.
Employee is sick, tests COVID POS, recovers and returns to work. Employee is retested for other reasons, no symptoms but is still POS.	Additional COV leave but will apply CDC criteria for asymptomatic person which is 10 days, not 14 days.
Employee on COV leave for symptoms, tests negative, returns to work and wants COV leave for underlying health condition.	No COV leave should remain out from first leave and move to MDQ/MLOA
Employee tests positive after 14 days and has not been able to return to work	Move to MLOA
Employee has COV leave, has a negative test and returned to work. Now has new symptoms.	Second COV leave and follow process as per usual.
Employee out on MLOA for non-related issue and is cleared to return to work. Requests additional 14-day paid leave for underlying health conditions.	No. RTW clearance means employee can return to work.
Employee received 14 day paid COV leave due to underlying health conditions which is supposed to transition to unpaid, protected leave status. Presented medical documentation to return to work.	Employee returned to work but forfeits further COV leave during this round of the pandemic.



May 27, 2020

USPS Mail and E-Mail

Anthony Sessa  
BMWED General Chairman  
Pennsylvania Federation  
421 North 7<sup>th</sup> Street, Suite 299  
Philadelphia, PA 19123

Dale Bogart  
BMWED General Chairman  
Northeastern System Federation  
3321 B. Vestal Parkway East  
Vestal, NY 13850

Dear Gentlemen:

This letter is in response to your correspondence addressed to Mr. Flynn, dated May 12, 2020, requesting that Amtrak implement additional measures to its current policies regarding work during this COVID-19 pandemic. Specifically, the Organization has requested mandatory monthly COVID-19 testing, tracing of contacts for positive COVID-19 employees, temperature testing each work day and bridging or payment of holiday pay if an employee is under COVID-19 pay during the holiday.

Your concerns for your members are no different than Amtrak's concerns for all of its employees who are essential workers with job requirements that necessitate working with others and being in public spaces. We have evaluated the items you have requested with a view that there are limited resources and we need to be respectful of the prioritization of scarce resources.

To this end, we have established a Recovery & Transformation Team. This group of cross-functional leaders will develop future plans for our product attributes, operational cadence, workforce and worksites. We have been and will continue to monitor the guidelines from local, state and federal agencies as well as Centers for Disease Control and Prevention (CDC) recommendations to inform our business decisions, and we will chart our own recovery based on returning demand for our services as well as our own business metrics. Some of the measures they will assist in implementing may well include things you requested, such as some type of temperature testing. However, we also want to be cautious about investing in a measure – such as thermal reading equipment – that isn't effective. For example, carriers of COVID-19 can be infectious prior to having any symptoms.

I will share your concerns with the Recovery & Transformation Team. Furthermore, we will continue to regularly share details on our recovery and transformation plans as they unfold. At this time, we will not be implementing a monthly test for any Amtrak employees. We currently do tracing of contacts when employees test positive, although not every person who had contact needs to quarantine, per the CDC guidelines. We do temperature testing and have put in greater distancing at our dispatching and other work locations and are continuing to assess other opportunities and means for proactive detection. We are also looking how antibody testing may be a useful tool.

Finally, our policy regarding pay for COVID-19-related absences was specific about being a benefit of pay protection for what employees are guaranteed – a 40 hour work week, a 150 hour month or a 180 hour month. We have been consistent in our application of this across the business.

Sessa and Bogart

May 27, 2020

Page 2

We will keep you apprised as our policies in response to COVID-19 evolve and the progress of the Recovery & Transformation Team.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Gansen". The signature is fluid and cursive, with the first name "Andrea" written in a larger, more prominent script than the last name "Gansen".

Andrea Gansen

*Vice President, Labor Relations*

CC via e-mail: Bill Flynn  
Scot Naparstek  
DJ Stadtler  
Freddie Simpson  
Jed Dodd

## Jed Dodd

---

**From:** Jed Dodd <doddjed@verizon.net>  
**Sent:** Wednesday, May 27, 2020 3:26 PM  
**To:** 'Gansen, Andrea R'; 'asesabmw@gmail.com'; 'Dale Bogart BMWED'  
**Cc:** 'Stadtler, DJ'; 'Naparstek, Scot L'; 'Freddie N. Simpson'; 'Leonard, Scott'; 'Flynn, Bill'  
**Subject:** RE: Response to May 12, 2020 letter

Ms. Gansen,

Thank you for Amtrak's letter regarding taking steps to contain the Corona virus from Amtrak work places. Currently we do not think the containment protocols on Amtrak are sufficient which is why we wrote Chairperson Flynn the letter. You indicated that there was a committee of managers who are actively developing further protocols to contain the virus and this committee will be considering some of BMWED's suggestions made in our May 12, 2020 letter. BMWED would like to serve on this committee and actively collaborate with management as we work through these issues. Please advise us if this possible and President Simpson will appoint a representative from BMWED to fill this role.

As a starting point however we understand that Amtrak is starting up its safety and technical training and has developed an additional protocol for containment of the Corona virus. We do not think the protocols go far enough. For instance, the Union Pacific railroad has recently begun to restart the same training and in addition to the Amtrak protocols the railroad is requiring daily temperature testing before employees are allowed to the classroom. Hopefully Amtrak can consider this additional feature immediately with their training start up while it works to implement more effective containment procedures.

Jed Dodd  
Vice President BMWED

**From:** Gansen, Andrea R [mailto:Andrea.Gansen@amtrak.com]  
**Sent:** Wednesday, May 27, 2020 8:34 AM  
**To:** asesabmw@gmail.com; Dale Bogart BMWED <cptrackman@yahoo.com>  
**Cc:** Stadtler, DJ <DJ.Stadtler@amtrak.com>; Naparstek, Scot L <Scot.Naparstek@amtrak.com>; Jed Dodd <doddjed@verizon.net>; Freddie N. Simpson <fns@bmwe.org>; Leonard, Scott <leonars@amtrak.com>; Flynn, Bill <Bill.Flynn11@amtrak.com>  
**Subject:** Response to May 12, 2020 letter

Gentlemen –

Good morning. Please find attached my response to your letter of May 12, 2020, on behalf of Mr. Flynn.

Thanks – stay safe – Andrea

## Jed Dodd

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**From:** Gansen, Andrea R <Andrea.Gansen@amtrak.com>  
**Sent:** Thursday, June 4, 2020 3:02 PM  
**To:** Jed Dodd; assessabmwe@gmail.com; 'Dale Bogart BMWED'  
**Cc:** Stadtler, DJ; Naparstek, Scot L; 'Freddie N. Simpson'; Leonard, Scott; Flynn, Bill; Williams, Gerhard  
**Subject:** RE: Response to May 12, 2020 letter

Mr. Dodd –

Thanks for your response and I'd like to address your last point first, regarding temperature protocols.

Temperature screening was an important part of the influenza pandemic plans which was the starting point for most companies' response to the current pandemic. At the start of the COVID19 pandemic, the main symptoms were fever, dry cough and shortness of breath and thought to be transmitted by prolonged close contact with an infected person. Much has changed since February. Existing pandemic plans were the starting point and it seemed reasonable at the time. It remains in CDC and state guidance to "consider" temperature checks as well as the 4/8/2020 CDC guidance for allowing critical workers who are close contacts to remain at work, thus setting the expectation or perception that this is an effective strategy.

We now understand the diseases are different. Influenza has a sudden onset with fever, cough, muscle aches and can be transmissible up to 24 hours before sudden symptoms onset. COVID19 can be transmitted we think as early as 48 hours before symptoms onset to 14 days afterwards with a variety of symptoms ranging from none to critical illness. The differences between the diseases introduces a reduction in efficacy of temperature screening to prevent the spread of COVID19.

Then there are issues with the process itself. Non-contact or infra-red temperature screening seems like a reasonable thing to do, however there are complexities here too based on the user. It is known that ambient environmental temperature can impact the reading unless there is an equilibration period from the time the person enters from outside. In fact, we had such a case last week when an employee was outside in the sun for 10 minutes on a day in the upper 70s, came in and was screened within one minute and registered a "fever" of 102 which quickly came down to 98 once the person was inside. He was sent home nonetheless. This was particularly disappointing because the vendor was instructed to wait a few minutes before taking the temperature.

Effective strategies remain behavioral -- frequent hand washing with soap and water, keeping at least 6 feet away from others and wearing a face covering. The Company's Recovery and Transformation team is looking at measures that are global and company-wide. Rather, Gery Williams has expressed that his monthly General Chairman meetings would be a good venue to discuss ideas that are more specific to the work and workplace of Engineering employees.

Thanks, Jed - Andrea

**From:** Jed Dodd <doddjed@verizon.net>  
**Sent:** Wednesday, May 27, 2020 3:26 PM  
**To:** Gansen, Andrea R <Andrea.Gansen@amtrak.com>; assessabmwe@gmail.com; 'Dale Bogart BMWED' <cptrackman@yahoo.com>  
**Cc:** Stadtler, DJ <DJ.Stadtler@amtrak.com>; Naparstek, Scot L <Scot.Naparstek@amtrak.com>; 'Freddie N. Simpson' <fns@bmwe.org>; Leonard, Scott <leonars@amtrak.com>; Flynn, Bill <Bill.Flynn11@amtrak.com>  
**Subject:** RE: Response to May 12, 2020 letter