

ALLIED FEDERATION
UNIFIED SYSTEM DIVISION
PENNSYLVANIA FEDERATION
ALLIANCE SYSTEM FEDERATION
NORTHEASTERN SYSTEM FEDERATION
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



October 15, 2021

(Sent via electronic mail and USPS Certified Mail)

Certified Mail: 7020 0090 0000 4355 6096

Mr. William J. Flynn
Chief Executive Officer
National Railroad Passenger Corp. (Amtrak)
1 Massachusetts Avenue, NW
Washington, DC 20001

Dear Sir,

Reference is made to your October 12, 2021 letter addressed to the undersigned in connection with our October 9, 2021 letter to you indicating our concerns and position on the mandatory vaccine mandates that Amtrak is and/or has implemented without a finalization on the policy that has since Day 1 been ever changing, confusing to Labor and Memberships, and causing unnecessary and chaotic stress to our respective membership/your employes and their families. We thank you for your prompt response; however, must address some of the matters set forth in your October 12, 2021 letter to correct the misleading narrative you assert therein.

In terms of your comments asserting that Amtrak is “following” a directive as given in two Executive Orders by President Biden and interpreted those in the “broadest sense” to your feeling that Amtrak would fall under the purview of the “Federal Contractor Executive Order”.

This is a problematic assertion by Amtrak given that at no point, through numerous discussions with your leadership team, your well-choreographed town hall meetings (*where you assert it is not your intention of getting rid of people you relied on last year as essential workers*

in one breath, and in then bully them to surrender to your purported authority in the next breath), and despite Labors' continued requests as to how has Amtrak identified what characterizes it as such a "federal contractor". We have been provided nothing substantial and left to guess that Amtrak's reliance on this policy position is solely based on its reliance on taxpayer funding through Congress that is provided outside of revenues earned at the fare box leaping to declare itself a Federal Contractor. Obviously you and your team could possibly clear this entire issue up with stepping up as a leader and providing information that led to this declaration opposed to the vagueness Amtrak has only provided to this point.

So with all due respect to your assertions, if Amtrak has some evidence supporting its unsupported self-declaration of being within the parameters of a Federal Contractor, please provide it to our Organization as to how this determination was made to help us understand other than having your subordinate leadership team state only that Amtrak's "legal department" says so. We know of no Federal Goods and Services that Amtrak is providing that would differentiate from other forms of passenger and commuter services across the Nation, such as MTA, Metra, SEPTA, NJ Transit, etc. who are not declaring Federal Contractor status to our knowledge at this point and who are not implementing such strict policy on their employes by way of offering their employes the alternative testing options under the other Presidential Executive Order dealing with employers with over 100 employes.

Next, we must address your comments about those that have been appointed to the Medical and Religious Exemption Accommodation Panels you assert have been on such for several years with experience and knowledge of the legal requirements for evaluating these types of requests. While we understand that Amtrak may have had to deal with a few one-offs and isolated cases from time to time with respect to Medical and Religious Accommodations at Amtrak for various reasons and non-COVID related issues. When Mr. Flynn, can you recall ever in a point in Amtrak's 50 year history that it has dealt with an issue of forced vaccinations due to a like or similar situation where the frequency and volume of such requests have ever been made? How do these "experienced" individuals qualify to make determinations on exemption requests (Medically or Religiously) on a Vaccination that has only been in existence for a mere ten (10) months to not only allegedly know, but to dictate what's best for the employes requesting them?

As far as the timeline you assert being between the close date of October 11, 2021 to seek such accommodations and assuring a response by November 1, 2021, time will tell if Amtrak will own that and meet its commitment; however, everything we have seen thus far from Amtrak has been disjointed, disorganized and chaotic which is self-evident given that you are governing these mandates under an ever changing "Draft Policy". We are not holding our breath for Amtrak to get this right either.

Finally we must draw our exception to the close of your October 12, 2021 letter where you suggest that the "draft" of the mandatory vaccination policy was shared with our Organization for input and suggestions pending finalization, and your blatant arrogance asserting our Organization proffered neither. Amtrak's ignorance to input and concerns raised by the Organization during numerous discussions, does not mean, as you have alleged, that our Organization was not providing what we and the other Labor Organizations (*of whom we are not*

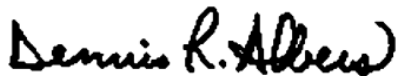
speaking for here) brought forth as input, issues, and concerns with the policy. Furthermore, even if your false contention that we provided no input, or at least input you and/or your leadership team chose not to hear or consider, Amtrak's ever-changing language of this policy that has changed and almost each passing week was obviously only being made by the empty suits whose was the only input it is evident that Amtrak was following or considering.

This lack of leadership and organization with Amtrak's "draft" policy falls directly on you as the Chief Executive Officer. While we thank you for the response of October 12, 2021, we reject that letter in its entirety given the falsehoods and misleading assertions you chose to insert into that letter opposed to any facts or information that would have been helpful to our members and your employees who you seem content to roll over.

Unified System Division General Chairman, Tony Cardwell



Allied Federation General Chairman, Dennis Albers



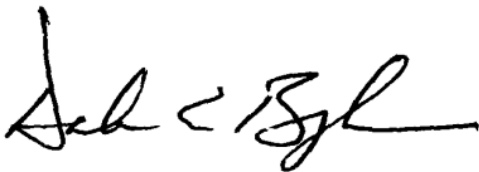
Pennsylvania Federation General Chairman, Anthony Sessa



Alliance System Federation General Chairman, Jason Graham



Northeastern System Federation General Chairman, Dale E. Bogart Jr.



Cc: Stephen Gardner, President
Anthony Coscia, Chairman, Amtrak Board of Directors
Freddie Simpson, General President BMWED
Andrea Gansen, Vice President Labor Relations
BMWED Vice Chairmen