

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



October 9, 2021

(Sent via electronic mail and USPS Certified Mail)

Certified Mail: 7020 0090 0000 4355 6119

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

Dear Sir

We are writing concerning one of the most complicated and polarizing issues in our country today. This issue transcends to railroad employees, including the many essential BMWED Members represented by the Allied Federation, Unified System Division, Pennsylvania Federation, Alliance System Federation and the Northeastern System Federation. This is the issue of the COVID-19 Vaccination Mandates.

Some of the nation's railroads have withheld from enforcing the mandated vaccinations where others have not, such as Amtrak. We appreciate those railroads who have supported each employee's individual rights and we do not support Amtrak's current vaccine mandates whereby you have rolled back the initially offered weekly testing for those that have chosen not to get one and only provided that option for those granted accommodations (Religious or Medical) subject to panel reviews partially made up of the Amtrak Senior Leadership team who

have input on these requests from our members. Some of these same leaders, to date, have not provided a timeline from the time the exemption applications are submitted that they would even be answered timely enough to allow for those denied, the proper and adequate time to be vaccinated before the November 22, 2021 cut-off date that you plan on inhumanely start terminating your employees who have not complied. As of October 5, 2021 Amtrak senior leadership also then stated that even those that are granted an accommodation may not be allowed to continue performing service even with a weekly negative test because as Amtrak put it, that may not be part of the accommodation if granted, and that those granted such accommodations may still not necessarily be allowed to work essentially terminating their employment with the Carrier via other means.

These same leaders also stated that that Amtrak's contingency plan if they are required to let large numbers of employees go for non-compliance or being unable to work even if accommodated (where weekly testing is not offered), that Amtrak would cut services across the network where it could not adequately staff to provide service. This seems very shortsighted on the Leadership's part that at a time that you are trying to recover ridership from pre-pandemic levels, that Amtrak would consider cutting service only further alienating the riding public that is on the fence about returning. While we understand that Amtrak is trying to take steps to ensure it is mitigating the potential of the spread, ignorance cannot be substituted for pride, especially when there are other models that Amtrak could employ similar to those being utilized elsewhere in the industry such as the MTA model that Amtrak initially lauded when it made the announcement it was going down this road.

In any event, the railroads that are actively enforcing COVID -19 Vaccine mandates, such as Amtrak, who are providing no other options other than threatening our members of termination for insubordination, will be opposed. All necessary action will be taken to prevent such Vaccine Mandates and carriers, such as Amtrak, that elect to impose such mandate on BMWED represented employees will be held accountable for any adversities that could result from such action.

We fully support those BMWED Members who willfully choose or have already chosen to receive the COVID-19 Vaccination. We also fully support those members who have chosen not to receive the COVID 19 Vaccination. Our members have performed services that were essential to both the government infrastructure and commerce from the onset of the pandemic. These are the essential working class that kept your infrastructure safe and in-service. Their essential services were performed throughout the pandemic while both non-essential management and union leaders restricted our travel, worked from home and other safe and controlled environments that in some instances still continue on Amtrak with its management personnel.

The Organization strongly believes the choice to receive or to not receive the COVID-19 Vaccination is the choice of an individual, and "God Given" choice, that should not be infringed upon by any other individual, corporation, local, state, or federal government and any action to

do so would be in violation of one's constitutional rights. Therefore, we strongly oppose any attempt of the Carrier to mandate the COVID-19 Vaccination or to force the COVID-19 Vaccination upon BMWED represented employees by way of threat or coercion which Amtrak's current stance clearly is. We the Organization do not believe it is possible to meet the following list of minimum requirements that it would be necessary in any mandate situation:

1. The Carrier must assure mandatory requirements are not made under threat, duress and/or coercion of potential discipline and/or termination, and further;
2. By mandating Vaccinations, it is possible that the Carrier is committing a crime by attempting to extort from our members personal, private property and medical information by resorting to threat, duress, and/or coercion, and further;
3. The Carrier must provide evidence all Vaccination Policies are not unconstitutional as applied to our members through or as a result of Governmental Vaccine Mandates, and further;
4. The Carrier shall be reminded that this country; The United States of America and our society is based upon the "rule of law," rather than arbitrary and capricious "orders," "rules," "dictates," or "mandates" which were not voted on or passed by a legislature, and further;
5. The Carrier must provide proof that any and all health "mandates" you promote, and impress are not an unlawful attempt to impose them upon our members, and further;
6. The Carrier must provide proof that the health "mandates" you promote and impress have been passed and signed through Congress as per Article I of the Constitution for the United States of America and/or the State Legislatures in which you operate in order to be true and actual Law, and further;
7. The Carrier must provide proof that any state "law," "measure," "policy," "order," "ordinance," "mandate," or "rule" is not null and void if it is in conflict with the State's Constitution and/or the Constitution for the United States of America and further;
8. The Carrier must provide proof that mandating an individual to declare their vaccination status and submit their vaccination documents as a condition of employment is not a violation of an individual's rights under the 4th Amendment of the Constitution for the United States of America, and further;
9. The Carrier must provide proof that our members do not have unalienable, God-given, and constitutionally secured and protected Rights, Privileges and Immunities that you cannot lawfully interfere with, and that you are not attempting to seize one's unalienable right to be secure in one's person and effects, and further;
10. The Organization believes you lack lawful authority to mandate forced release of private medical information in violation of H.I.P.A.A. or to impose medical interventions on our members, including injections as a condition of our members employment, and further;
11. The Carrier must provide proof that your policies are not in violation of federal anti-discrimination laws, including but not limited to The Americans with Disabilities Act of 1990, and further;

12. The Carrier is also responsible to thoroughly research the COVID- 19 injections in order to determine if they have been fully tested and proven entirely safe for each member, and further;
13. The Carrier must provide proof that mandating our members to undertake these medical interventions as condition of their employment, whether they are under an EUA designation OR full FDA approval, is not a violation of an individual's Constitutionally secured and protected rights and their God-given right to bodily sovereignty, and further;
14. The Carrier is willing to accept full liability in your personal capacities for any and all financial, physical and/or mental health problems that our members might personally experience as a result of complying with these "mandatory" requirements.

While these requirements are not all inclusive, they are one's that must have definitive answers before any carrier would choose to move forward with any sort of vaccine requirements and in addition would knowingly do so accepting liability.

Your timely response must be in affidavit, under your full commercial liability, rebutting each of the points of the undersigned, on a point-by-point basis, that the facts contained therein are true, correct, complete, and not misleading. Declarations are insufficient as declarations permit lying by omission, which no honorable draft may contain. With explicit reservation of all unalienable and constitutionally secured and protected Rights (Article 4:2:1), and any other Rights, Privileges, and Immunities one may have with none waived, and without prejudice.

Amtrak's approach has been nothing short of confusing, arbitrary, and ever changing that does not allow for any of its employes, specifically our members of the BMWED Craft, or their leaders frankly to fully understand what Amtrak's end game here is give that almost seven weeks since announcing its policy, Amtrak has not published a final policy on this matter because it does not seem to have made up its mind what this policy should look like. This is despite the fact that since Amtrak had initially taken its position on this matter, Amtrak initially stated that it would follow the MTA's plan which was referenced as follows:

The MTA announced Friday that all unvaccinated employees will be required to take weekly COVID-19 tests beginning Monday, October 4.

Vaccinations are available to employees at MTA facilities and other locations, and the MTA currently has 138 on-site locations for employees to get tested. Vaccinations are available to employees at MTA facilities as well as pharmacies, local health departments, clinics, Federally Qualified Health Centers and other locations.

While Amtrak's initial proposal and offer to require vaccinations of its employes or the option of providing a weekly negative test was not necessarily ideal to our members, it was at

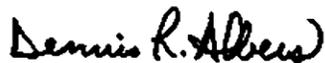
least in the realm of reasonability and something that the Organization was able to provide explanation thereto and offered them options which we were trying to work with the Carrier reach an understanding of how that model would have been administrated. However, since then, Amtrak has continually changed its policy willy-nilly only to make this matter even more confusing.

We strongly encourage Amtrak to reconsider and implement the Vaccination and weekly testing as part of its policy with regard to preventing the spread of COVID-19 whereby both vaccinated and unvaccinated can become infected and spread the virus. Testing remains a crucial part of preventing the spread whether people have or have not been vaccinated. By continuing to provide testing for your employes, and following the model provided under the MTA, such would be in line with what the Organization has asked for since the pandemic has started.

USD General Chairman, Tony Cardwell



Allied Fed General Chairman, Dennis Albers



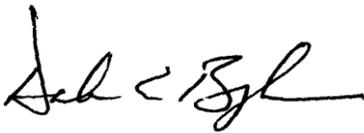
Pennsylvania Federation General Chairman, Anthony Sessa



Alliance System Federation General Chairman, Jason Graham



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



Cc: Stephen Gardner, President
General President BMWED Freddie Simpson
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