

**URGENT NOTICE AND INSTRUCTIONS  
TO ALL NJT EMPLOYEES REPRESENTED BY THE  
BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN**

Today, on Sunday, June 19, 2022, the U.S. District Court for New Jersey issued a Temporary Restraining Order prohibiting BLET from calling, permitting, instigating, authorizing, encouraging, participating in, approving, or continuing any form of interference with NJT's operations, including, but not limited to, any strike, work stoppage, sick-out, slowdown, refusal to work overtime, or any concerted activity to perform normal transit operations consistent with the status quo, in violation of the Railway Labor Act (RLA) or acting in concert with, through or under any orders for same. A copy of the Court's Order is attached to this Notice.

To be clear, the BLET does not support or condone any employee marking off without a legitimate and authorized reason for doing so. The BLET strongly encourages all Engineers without a pre-approved authorized absence to report to work when scheduled. Under the status quo provisions of the RLA, any "job action" or "sick out" is unlawful and not supported by the leadership of the BLET. As you know, all employees are subject to disciplinary action for any unauthorized absence.

Further, pursuant to the Court's Order, BLET is hereby instructing all of its members employed by NJT that they must NOT engage in any self-help against the railroad. This means that members must NOT engage in any strikes, work stoppages, slowdowns, sickouts, or any other activity intended to disrupt the operations of the railroad in response to NJT's bargaining positions or refusal to extend the Juneteenth holiday to Engineers while the parties are still negotiating for a contract, and any members who are engaging in such actions MUST stop doing so immediately.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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NEW JERSEY TRANSIT RAIL  
OPERATIONS Inc.,

Plaintiff,

v.

BROTHERHOOD OF LOCOMOTIVE  
ENGINEERS AND TRAINMEN,

Defendant.

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No. 1:22-cv-04139

**ORDER**

**THIS MATTER** comes before the Court on Plaintiff New Jersey Transit Rail Operations Inc.’s (“NJT”) requests for the entry of temporary restraints through the June 21, 2022 preliminary injunction hearing as to Defendant Brotherhood of Locomotive Engineers and Trainmen (“BLE”) pursuant to Rules 65 and 26(d)(1) of the Federal Rules of Civil Procedure, (ECF Nos. 1, 4); and the Court having issued an Order to Show Cause, (ECF No. 9), and having heard argument on June 19, 2022; and

**WHEREAS**, Defendant BLE and NJT were subject to a collective bargaining agreement for the period of July 1, 2011 to December 31, 2019 and BLE and NJT are currently in status quo while actively engaged in negotiation and mediation to sign and ratify a new collective bargaining agreement, (Compl., ECF No. 1 ¶¶ 14, 16), which makes this a major dispute under the RLA; and

**WHEREAS**, NJT has provided statistical evidence of a substantial increase in the number of engineers calling out sick—specifically 205 on Friday June 17, 2022, “two and a half times the average Friday mark offs,” 143 on Saturday, June 18, 2022, “approximately 44% higher than the average number of mark offs for the prior six Saturdays,” and NJT advised the Court at the hearing at argument that there were approximately 133 mark offs today, Sunday, June 19, 2022, above the

average number of mark offs for Sundays, constituting now the third day of a pattern of such activity; and

**WHEREAS**, BLE General Chairman, Jim Brown, admittedly sent an email dated June 13, 2022 to all engineers stating that “NJT has made it clear that Engineers will not be paid for the holiday. Don’t let that deter you from celebrating THE HOLIDAY!!!”<sup>1</sup> (Compl., ECF No. 1 ¶ 21; NJT Supp. Motion, ECF No. 8); and

**WHEREAS**, at the hearing today, (1) BLE confirmed that the mark off rate for engineers has substantially increased everyday since Friday which can reasonably be construed as a job action, (2) BLE could not provide another reason for this phenomenon, and (3) BLE admittedly has made no efforts whatsoever to communicate to its members advising them of their legal obligation to maintain the status quo and refrain from such job action as required by the RLA despite NJT’s specific requests beginning on June 15, 2022 for it to do so,<sup>2</sup> and has inexplicably continued to fail to take any action despite the job action taken by its members on June 15, 2022 (which has now continued for two additional days), the filing of this lawsuit, and the issuance of two orders to show cause by this Court; and

**WHEREAS**, the Court has made specific factual and legal findings as to the illegal job action, BLE’s repeated and ongoing failure to take any reasonable measures to prevent or stop such conduct, and the significant public interest at stake;

**IT IS** on this 19th day of June, 2022,

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<sup>1</sup> In the hearing today, BLE General Chairman James Brown confirmed that the email was sent to all BLE engineers approximately one week ago.

<sup>2</sup> In the hearing today, BLE General Chairman James Brown admitted that such communications were made by NJT.

**ORDERED** that pending a determination of NJT's application for a preliminary injunction, BLE, its officers, agents, servants, members, employees or assigns shall be **TEMPORARILY RESTRAINED AND ENJOINED** from calling, permitting, instigating, authorizing, encouraging, participating in, approving, or continuing any form of interference with NJT's transit operations, including, but not limited to, any strike, work stoppage, sick-out, slowdown, refusal to work overtime, or any concerted activity to perform normal transit operations consistent with the status quo, in violation of the RLA or acting in concert with, through or under any orders for same; and

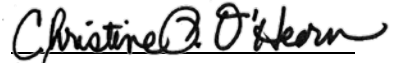
**IT IS FURTHER ORDERED** that BLE shall

1. **Immediately** notify all engineers represented by BLE and employed by NJT by the most expeditious means possible including but not limited to email, text messages, written postings, and/or verbal communications, of the issuance, contents, and meaning of this Order **within one hour of the issuance of the Order** and shall provide NJT and the Court with a copy of all such communications and a certification detailing any other efforts taken by it to effectuate the Order; and
2. Include in those communications an express directive from BLE to its members who are engaging in, or who may in the future engage in, any conduct enjoined by this Order to immediately cease and desist all such activity; and
3. Take all reasonable efforts to comply with its obligation to maintain the status quo and prevent any further disruption of the operations to NJT.

**IT IS FURTHER ORDERED** that the temporary restraints set forth above shall remain in place until the Court conducts a full hearing on the preliminary injunction on Tuesday, June 21, 2022, at 9:00 a.m.; and

**IT IS FURTHER ORDERED** that, because of the nature of this matter, expedited discovery is necessary and may be immediately served by NJT to permit NJT to discover what if any communications took place by, between, or among BLE and/or its members in relation to the alleged job action and shall be responded to by BLE and provided to NJT by 5:00 p.m. on January 20, 2022; and finally

**AS PREVIOUSLY ORDERED**, BLE shall appear before the Court located at the Mitchell H. Cohen Building and U.S. Courthouse on 4th and Cooper Streets in Camden, New Jersey, in Courtroom 5A, for a hearing on Tuesday, June 21, 2022, at 9:00 a.m., or as soon thereafter as counsel can be heard in accordance with this Court's prior Order to Show Cause, (ECF No. 3), which remains in effect.

  
**CHRISTINE P. O'HEARN**  
**United States District Judge**