

Cooperating
Railway
Labor
Organizations

Health and
Welfare Committee

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Workers

SMART Mechanical
Department

International Brotherhood of
Boilermakers, Iron
Shipbuilders,
Blacksmiths, Forgers and
Helpers

International Brotherhood of
Electrical Workers

National Conference of
Firemen & Oilers/SEIU

Transport Workers Union

Transportation
Communications Union/IAM

SMART Transportation
Division



United We Stand



September 18, 2013

Via Email and First Class Mail

A. Kenneth Gradia, Chairman
National Carriers' Conference Committee
1901 L Street, NW, Suite 500
Washington, DC 20036
kgradia@rrnrlc.org

RE: National Health and Welfare Plan

Dear Ken:

On behalf of the Cooperating Railway Labor Organizations ("CRLO"), I am writing to request that the Joint Plan Committee ("JPC"), consisting of both the CRLO and the National Carriers' Conference Committee ("NCCC"), immediately address the matter of extending spousal benefits under the National Health and Welfare Plan to same-sex married couples. Rail labor firmly believes that all families deserve equal treatment under the benefit plans which we co-sponsor. To this end, all changes to existing plan documents and policy statements necessary to extend equal treatment should be executed by the JPC as expeditiously as possible.

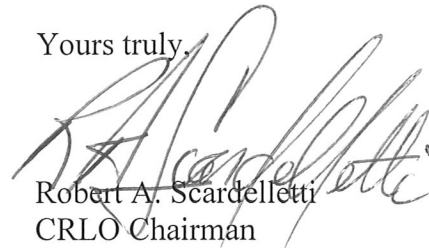
On June 26, 2013, the U.S. Supreme Court issued its historic decision in *United States v. Windsor* finding that Section 3 of the Defense of Marriage Act ("DOMA") unconstitutionally discriminated against same-sex married couples. Since that ruling, the Internal Revenue Service has issued regulations extending certain employee benefits to same-sex couples, and various federal and state courts have issued decisions finding that same-sex marriages are entitled to equal treatment under the law in a variety of contexts. Although CRLO is not aware of any current regulation or legal ruling that would require the Health and Welfare Plan to provide spousal benefits to same-sex married couples, the law is quickly evolving in this area and steadily expanding the entitlements afforded to same-sex marriages. Aside from the legal requirements, however, the CRLO strongly believes that affording equal treatment to same-sex marriages is the proper course of action at this time.

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We are aware that the NCCC has been reviewing the possible legal impact of the *Windsor* decision since its issuance, but the CRLO believes that the time has now come for the JPC to act. The need to take prompt action is all the more urgent in light of Union Pacific Railroad's recent announcement that same-sex spouses will now have the opportunity to elect medical coverage in UP's health plan for non-agreement employees. Understandably, UP's announcement has prompted questions from represented employees as to whether the same treatment will be afforded to them. We should act promptly to put these questions to rest.

I look forward to your prompt response to this request and to working cooperatively through the JPC to take all steps necessary to implement this policy change.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Scardelletti", is written over the typed name and title.

Robert A. Scardelletti
CRLO Chairman

cc: CRLO Chiefs