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January 14, 2008

E-mail/Regular Mail

All General Chairpersons-U.S.-Rail

Dear Sirs:

The Supreme Court today denied the carriers' petition for *certiorari* to the Supreme Court in the Family and Medical Leave Act case, *CSX Transportation, Inc. et al. v. BMW, et al.* Consequently, all of the carriers' judicial avenues have now been closed. This final result means each individual committee must now arbitrate any disputes it has with the appropriate carrier about whether or not the collective-bargaining agreement prohibits the carrier from forcing a person to use paid vacation leave for unpaid FMLA leave in alleged violation of the collective-bargaining agreement i.e., when vacation leave is already scheduled in advance under the CBA. Your time limits on this issue commence today, January 14, 2008, the date of denial of *certiorari*, to bring any grievances which have already occurred and have been held in abeyance during the litigation.

If you have any thoughts on how to handle this complex group of arbitration cases procedurally, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. R. Elliott, III".

Daniel R. Elliott, III
General Counsel

cc: M. B. Futhey, Jr., International President
Arthur Martin, III, Assistant President
All International Officers
C. J. Miller, III, General Counsel