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Newark, NJ 07105-2246
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October 23, 2019

Mr. Jerome Johnson, General Chairman
United Transportation Union
644 West 7th Street
Plainfield, NJ 07060

Re: Letter of Agreement regarding Election Day 2019 and Amended New York Election Law §3-110

Dear Sir:

This letter reflects the agreement reached between New Jersey Transit Rail Operations ("NJTRO") and the labor organization ("Organization") regarding New York State's General Election Day on November 5, 2019 and the recent amendment to § 3-1110 of the New York State Election Law.

As we discussed, the law states that a New York State registered voter who requires time off to vote during their workday may request up to three (3) hours of time off, without a loss of pay, to enable that employee to vote. The law also requires that an eligible employee provide an employer at least two (2) days' advance notice of the need for time off to vote. As per the New York State Board of Elections, all polls will be open that day from 6:00a.m to 9:00p.m. There will also be nine (9) days of Early Voting between October 26, 2019 and November 3, 2019.

NJTRO and the Organization have a mutual goal to ensure safe and reliable service for our customers, while also ensuring that our employees have the time they require to vote. As a result, we have reached an agreement to meet those mutual goals as follows:

- Employees who are: (1) essential operating employees, (2) residents and registered voters in New York and (3) scheduled to work on Tuesday, November 5, 2019 may voluntarily opt out of their right to three (3) hours of leave pursuant to §3-110 of the New York State Election Law on November 5, 2019. In doing so, these employees may take advantage of early voting or voting on Election Day on their own time and will have waived their right to take time off on November 5, 2019.
- Employees who opt out of the right to three (3) hours leave pursuant to §3-110 of the New York State Election Law on November 5, 2019 and who work their entire assignment on that day will receive four (4) hours at the straight rate of pay of the position they hold on that day.
- It is understood that an employee's decision to opt out of the leave for November 5, 2019 will be on a strictly voluntary basis and is not intended to prevent an individual from voting opportunities prior to November 5, 2019.

Mr. Jerome Johnson

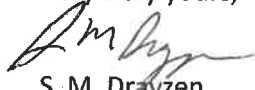
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- An employee who decides to opt out of the leave for November 5, 2019, must provide notice to NJTRO of their intention to do so by Friday, November 1, 2019. An employee should complete the attached form and submit it by the above referenced deadline to the appropriate manager/supervisor pursuant to their department's normal leave request protocol.
- As per §3-110 of the New York State Election Law, an eligible employee who requests the three (3) hours of leave on November 5, 2019 must notify NJTRO no later than Sunday, November 3, 2019. NJTRO will make the determination with respect to scheduling the three (3) hours of leave for each employee, and whether it is to be taken at the beginning or the end of the employee's scheduled tour of duty. All employees who elect to take the three (3) hours leave on November 5, 2019 are expected to work the remainder of their tour of duty as scheduled and will be given assignments to perform during their regular working hours.
- An employee who has not provided advanced notice of their decision to opt out of the leave for November 5, 2019, or who opts out of the three (3) hours of leave, but fails to work their entire tour of duty on November 5, 2019 as scheduled, will not receive four (4) hours at the straight rate of pay as provided by the terms of this agreement.

Employees are encouraged to notify NJTRO of their decision with respect to Election Day as soon as possible, whether the decision is to opt out or request the leave pursuant §3-110 of the New York State Election Law. Prompt notification will enable NJTRO to appropriately plan leave schedules, as well as meet service needs for November 5, 2019. We appreciate your cooperation in distributing this information to your members and encouraging their action to notify us accordingly.

Please indicate your concurrence with this agreement below and return a fully executed copy of this letter to my office.

Very truly yours,



S. M. Drayzen

DGM- Labor Relations and Administration

Enclosure

I concur:

Mr. Jerome Johnson, General Chairman
United Transportation Union

Date

**NEW JERSEY TRANSIT RAIL OPERATIONS
ALL REPRESENTED ESSENTIAL OPERATION EMPLOYEES**

**WAIVER AND OPT-OUT FORM FOR ELECTION DAY 2019
§3-110 OF THE NEW YORK STATE ELECTION LAW**

The form applies to any represented essential operation employee who is a New York State resident and whose labor organization has agreed to the terms and conditions with New Jersey Transit Rail Operations ("NJTRO") providing for a waiver and opt out of the three hours of leave for November 5, 2019 provided by §3-110 of the New York State Election Law. Please complete this form and submit it by **November 1, 2019** to the appropriate manager/ supervisor pursuant to your department's normal leave request protocol if you agree to opt out of this leave on November 5, 2019.

NAME: _____

NJTRO EMPLOYEE #: _____

POSITION: _____

HEADQUARTERS: _____

By signing this form, I attest to the following:

1. I reside and am a registered voter in New York.
2. I am scheduled to work my regular tour of duty on Tuesday, November 5, 2019.
3. I hereby waive my right to three hours of leave on November 5, 2019 pursuant to §3-110 of the New York State Law, and agree to opt out of this statutory right knowingly and voluntarily. I understand that opting out of this statutory right commits me to report for duty and work as scheduled on November 5, 2019.
4. I acknowledge and understand by opting out, I will have the opportunity to exercise my right to vote on my own time during the New York State Board of Elections polling hours, which include nine (9) days of Early Voting between October 26, 2019 and November 3, 2019. In turn, I will receive four (4) hours at the straight rate of pay for the position that I own on November 5, 2019
5. I understand that if I fail to work my full tour of duty on November 5, 2019 as scheduled, I will not receive four (4) hours at the straight rate of pay provided in the previous paragraph.

Employee Signature

Date