

Brotherhood of Locomotive Engineers

General Committee of Adjustment

AMTRAK

Cherry Tree Corporate Center - Suite 125
535 Route 38
Cherry Hill, NJ 08002
Telephone (856) 488-7432
Fax (856) 488-7434

May 30, 2001

Mark B. Kenny
General Chairman

Ms. E. J. Scher
ERC/Local Chairman - Division 14
Brotherhood of Locomotive Engineers
17215 Whiteley Road
Monkton, MD 21111

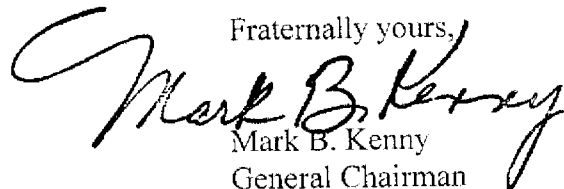
Dear Sister Scher:

As discussed and explained during our recent meeting, numerous complaints and recurring problems directly related to the evolved application of Agreement Rule 9(b) brought forward a clear need for the GCA and Amtrak Labor Relations to review the practical application of the subject rule. Several discussions on that issue have resulted in a renewed understanding as to the parties intent in applying same. Consequently, effective June 11, 2001, an Extra Board Passenger Engineer who places a holddown under the provisional language of that rule will remain on the assignment chosen for the entire duration of the vacancy, regardless of any intervening mark-off.

Attached please find a letter from Amtrak Labor Relations expressing that understanding. Moreover, under Attachment "A", eleven (11) Agreed Upon Questions and Answers have been developed to simplify questions that may arise. It should be noted and understood this is not a change of the existing agreement as contemplated by our Constitution and Bylaws. In fact, the agreement language has not been changed in the least. It is simply a "recapturing" of the originally intended application of Rule 9(b). I trust this renewed understanding will minimize some of the many problems experienced by yours and the respective offices of Local Chairmen throughout the system.

In closing, please make certain your Division Members fully understand the conditions that will be applied to this rule application on the aforesaid date. Additionally, your cooperation in reporting any known deviations from this understanding to your Regional Chairman or this office would be much appreciated. As always, please call should you have any questions or concerns. With kindest personal regards, I remain.

Fraternally yours,


Mark B. Kenny
General Chairman

Enclosures (1)

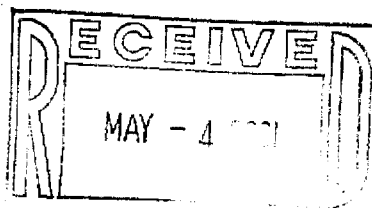
cc: Executive Committee, GCA
L. C. Hriczak, Director Labor Relations
M. L. Kates, General Manager, CMS



Serving Since 1863

NATIONAL RAILROAD PASSENGER CORPORATION

30th Street Station, Philadelphia, PA 19104



May 2, 2001

Mr. Mark B. Kenny, General Chairman
Brotherhood of Locomotive Engineers
Cherry Hill Corporate Center - Suite 125
535 Route 38
Cherry Hill, New Jersey 08002

Dear Mr. Kenny:

This refers to our discussions regarding those extra board passenger engineers governed by Rule 9(b), "hold-down" on vacancies of 5 or more days.

It is understood and agreed that Rule 9(b) requires that an extra board engineer who requests assignment to "hold down" a vacancy under this rule to remain on the "hold down" assignment for the duration of the vacancy. Should an engineer be absent while on this "hold down" assignment for any reason, the engineer will return to the vacancy until the "hold down" assignment is completed. Attached hereto as Attachment "A" are agreed upon Questions and Answers to further clarify the application of Rule 9(b).

Should the Organization have any questions concerning the above, please don't hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry C. Hriczak". The signature is fluid and cursive, with a prominent upward stroke at the end.

Larry C. Hriczak
Director-Labor Relations

Attachment

ATTACHMENT "A"

Agreed Upon Questions & Answers Pertinent to Rule 9(b) 'Hold Down' Rule

- Q1. An Extra Board Passenger Engineer places a "hold down" on a three-week vacation vacancy. After working one week of that vacation vacancy, the engineer marks-off sick. Upon marking-up, is the engineer released from that "hold down" on the vacation assignment or must the engineer complete the entire duration of the vacation vacancy, the remaining two-week period?
- A1. The Extra Board Passenger Engineer remains on that "hold down" and must complete the entire three week duration of the vacation vacancy before being permitted to return to the extra board or placing a "hold down" on another vacancy subject to the provisions of the Rule 9(b).
- Q2. An Extra Board Passenger Engineer places a "hold down" on a two-week vacation vacancy. After working four days of that assignment, the engineer marks-off with permission for one day in order to make a road re-qualification trip. Upon marking-up from the re-qualification trip, the engineer informs CNOC that he/she is placing a "hold down" on a different assignment. May the engineer place a "hold down" to a different assignment?
- A2. No. The engineer will remain on the original "hold down" until the entire two-week duration of that vacation vacancy is completed.
- Q3. An Extra Board Passenger Engineer places a "hold down" on a vacancy of five days. However, after working that assignment for two days, the engineer is instructed by the Carrier to attend a one day operating rules class. Upon completing the rules class, is the engineer required to work the remaining two days of the vacancy?
- A3. Yes. The vacancy would be covered from the protecting extra board on the day the engineer attends the rules class. However, the engineer will be required to complete the remaining two days of the vacancy.
- Q4. Does the timely posting of the vacation schedule constitute proper notification of assignments subject to the provisions of Rule 9(b), the "hold down" rule?
- A4. Yes, providing the vacation schedule is accurate and timely posted prior to the beginning of the vacancy.
- Q5. A Passenger Engineer marks-off with CNOC advising he/she will be off for a fifteen day period to have some minor surgery. How is notification of that vacancy made known to employees?

- A5. The Carrier will maintain a current list of temporary vacancies eligible for "hold down" at the appropriate crew dispatchers desk. The Service Manager at the affected crew base will notify the appropriate crew dispatcher of temporary vacancies eligible for "hold down" and simultaneously post such temporary vacancies at the crew base. After the forty-eight (48) hour notification period is fulfilled, the senior Extra Board Engineer making application to CNOC to "hold down" that assignment will be awarded the "hold down".
- Q6. In the same scenario described above in Q5, the regular Passenger Engineer that marked-off fails to mark-up to his assignment as previously scheduled. Has the Extra Board Passenger Engineer working the "hold down" vacancy reverted to the extra board with the ability to place a "hold down" on another assignment subject to the provisions of the Rule 9(b)?
- A6. Yes. Because the Extra Board Passenger Engineer has completed the entire duration of the "hold down" consistent with the manner in which it was advertised, the engineer has reverted to the extra board and may "hold down" another assignment.
- Q7. A Local Chairman is working a five week vacation "hold down" that has been properly awarded. After working the assignment for two weeks, the Local Chairman marks-off for six days in order to attend to Union business. Is the Local Chairman required to return to the vacation "hold down" after completing the Union business?
- A7. Yes.
- Q8. In the scenario described above, is a second "hold down" permissible on the five week vacation vacancy under Rule 9(b)?
- A8. No. Only one (1) Extra board Passenger Engineer will be allowed to place a "hold down" on any one assignment subject to Rule 9(b). Any subsequent vacancy on that assignment will accrue to the protecting Extra Board at the location where found.
- Q9. A Passenger Engineer marks-off for a period of four (4) days with CNOC. An Extra Board Passenger Engineer learns of the vacancy and attempts to place a "hold down" on it. Will the engineer be awarded the "hold down"?
- A9. No. A vacancy must be of five or more days in order to be subject to the provisions of the 'hold down' rule.
- Q10. An Extra Board Passenger Engineer is working a one-week vacation "hold down" on an assignment having regular assigned relief days of Wednesday and Thursday. After completing Tuesday's tour of duty, the engineer wants to work the scheduled relief days of the assignment and attempts to mark-up to the extra board in order to be placed in the first-in first-out rotation for extra work. Is such an option permissible under the Rule 9(b)?

A10. No. If an Extra Board Passenger Engineer is working a "hold down" and wants to work on the regularly scheduled relief days of that "hold down" assignment, the engineer may mark-up to the extra board in accordance with Rule 38.

Q11. The construction of certain regular assignments only require the performance of service on four (4) days during the seven (7) day work week period. In those instances, service performed as such constitutes a full work week for that particular assignment. Are such four day assignments subject to the provisions of Rule 9(b)?

A11. Yes.