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Transportation Division
Consolidated General Committee of Adjustment
Union Pacific Railroad Company
(Eastern & Northwest Districts, former CNW Railway Co)
Kyle Railroad, Nebraska Central Railroad,
Portland Terminal Railroad & Wichita Terminal Assoc

September 24, 2021

RE: Interpretation – September 9, 2010 Memorandum of Agreement – Force Assigning

Brother Bakr,

This is in response to your request dated September 21, 2021, for an official interpretation of the September 09, 2010 Memorandum of Agreement, specifically, the process in which employees can be force assigned.

Articles 4 and 5 of the September 9, 2010 Memorandum of Agreement directly address the process for filling vacancies. For reference, Articles 4 and 5 of the agreement read;

Article 4:

- A. If a position cannot be filled by application under this agreement, the most junior employee at the location who is either in displaced status in excess of 48-hours or assigned to the protecting extra board, will be assigned to the position.*
- B. If a junior employee subsequently marks up at the terminal or is assigned to the protecting extra board, the employee so force assigned may request within five (5) days to relinquish his/her assignment and acquire the position of the junior employee. The junior employee will then be force assigned to the position that was relinquished.*

Article 5:

If there are insufficient applications for an increase on an extra board, the most junior employee(s) at the closest extra board location, where there is a surplus, will be force assigned to the position. In determining the closest location, rail miles will be utilized.

The two Articles are distinctly different and address separate scenarios for filling vacancies when no applications are received. Neither Article allows for employees on regular assignments or on pool turns to be force assigned.

Article 4 directly addresses how to fill a vacancy that cannot be filled via application at a specific location. The most junior employee, who has either been in displaced status for over 48 hours or is assigned to the protecting extra board at the location, will be assigned. Article 5 applies when sufficient applications to an extra board are not received and an increase is needed. When that occurs, the most junior employee, from the closest extra board location where a surplus exists, will be force assigned.

If you have any further questions or concerns, do not hesitate to contact this office.

Fraternally,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Luke Edington
General Chairman