

MEMORANDUM OF AGREEMENT BETWEEN THE
CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY
AND THE UNITED TRANSPORTATION UNION RELATIVE TO
THE FILLING OF VACANCIES ON THE WISCONSIN AND
ILLINOIS DIVISIONS FROM PROVISIO
AND WEST CHICAGO EXTRA BOARDS

Current ORC&B Schedule Rules 18, 68 and 105 and agreements pertaining thereto are amended so as to conform with present BRT Schedule Rules 19, 68 and 105 and agreements pertaining thereto to make the application of seniority in the filling of vacancies uniform.

Schedule rules, agreements, understandings or practices inconsistent are amended only to the extent necessary in order to conform with the following understanding to be uniformly placed in effect on the Chicago District to men employed in road service. This agreement supersedes the local agreement of October 28, 1976.

C. The term trainman as used herein is, unless otherwise indicated, applicable to conductors, collectors and brakemen.

1. A permanent vacancy, as used herein, is defined as a run permanently vacated by the regular assignee and/or a new run as outlined in current BRT Rule 105(b) and will be bulletined on each Thursday to expire the following Thursday at noon. Assignment thereof to be effective at 12:01 A.M. on the Friday following.
2. Temporary vacancies are defined as vacancies of a temporary nature; i.e., temporarily vacated runs, vacation vacancies not filled by bids, etc.
3. When a permanent vacancy is in evidence, it will be filled from the proper extra board, and will be bulletined under provisions of current Rules 19 and 51, except as otherwise indicated herein.

D. Temporary vacancies in road freight service will be filled as follows:

1. Will be assigned to extra trainmen in the order of their turn who will remain thereon for five days except:

- (a) After the first trip by a qualified extra individual, a senior qualified employe from the same working district with displacing rights may take the job which will be considered as his application for the vacancy pending return of the assignee.

The senior individual employed in a working district of the vacancy making written application at the end of the five day period will be assigned.

The vacancy will continue to be filled as described in Item 1 above if there are no applicants and will be filled under Items 1 or 2 above until:

- (a) Return of the regular assignee.
- (b) The individual working is assigned to another assignment as a result of being the successful applicant for either a temporary or permanent vacancy.
- (c) Expiration of 30 calendar days at which time the job will be bulletined as a permanent vacancy. However, the time the assignment was vacated as a result of the regular assignee being on vacation will not be considered.
- (d) Assignment is abolished.

NOTE: This Article D does not change existing agreements or practices in the territory of this agreement which do not permit a conductor to bid on a brakeman or collector temporary or vacation vacancy, or a brakeman or collector to bid on a conductor temporary or vacation vacancy.

- Q. Can a trainman with displacing rights take a temporary vacancy as a conductor?
- A. Yes, however, when relieved he must take a permanent conductor assignment or the conductors' extralist.

- Q. Can a trainman with displacing rights take a temporary vacancy as a brakeman or a collector?
- A. Yes, however, when relieved he must take a permanent brakeman or collector assignment or the brakeman's extra list.
- Q. Can a conductor with displacing rights take a temporary vacancy as conductor?
- A. Yes, however, when relieved he must take a permanent conductor's assignment or the conductors' extra list.
- Q. Can a conductor with displacing rights take a temporary vacancy as a brakeman or collector?
- A. Yes, however, when relieved he must take a permanent brakeman or collector assignment or the brakemens' extra list.

Trainmen displaced:

1. Trainmen displaced from a regular assignment will be permitted to exercise their displacement rights on one temporary vacancy which will be considered as his application pending return of the assignee. In the event he is not the successful applicant, he will be required to place himself on a regular assignment or be placed on the extra board.
2. A displaced trainman who places himself on a temporary vacancy and is unable to work on the assignment due to displacement will not be considered as having exercised temporary displacing rights.
3. When bulletins of two assignments, one temporary and one permanent, expire at the same time, an applicant may be assigned to both assignments but must state his preference of assignment in his application. If he indicates the temporary vacancy, he can take it without first having to make a trip on the permanent assignment. Failing to indicate preference will result in applicant being assigned to the permanent vacancy.

NOTE: It is understood that existing rules or agreements requiring a displaced employe to exercise his displacement within 24 hours continue in effect.

A trainman, while working on a temporary assignment, will be governed by the following:

1. If while working on a temporary assignment he is displaced from his permanent or regular assignment, he will not be required or permitted to exercise his seniority under Rule 93 until he completes service on the temporary assignment or is displaced therefrom.
2. While working on a temporary assignment, he may make application for other assignments under bulletin, either temporary or permanent, and the successful applicant will take up service thereon as promptly as possible. (See note following Article D)
3. Should a change in status of a temporary assignment occur requiring bulletining under Rule 19 for passenger service or Rule 51 for freight service as an open or permanent vacancy for regularly assigned trainmen, the trainman who has been working on the temporary assignment will remain on it until the close of the bulletin period and until the successful applicant has been properly notified. The trainman who was working on the temporary assignment will be subject to displacement by a senior displaced trainman under Rule 93.

The above interpretations do not change the agreed-to understandings in this locality governing Rule 51 wherein the railway company issues a notice that a work train has been placed in service which permits displaced trainmen to assign themselves thereto after the first day of service.

Vacation Vacancies:

The Chicago Division will post a listing of the vacation schedule for Trainmen in the Proviso Crew Caller's Office. Trainmen wishing to make application to fill any of the vacation vacancies during the absence of the vacationing employe will be required to submit an application in writing

by noon on the Friday immediately preceding the starting date of the desired vacation vacancy. The successful applicant will be assigned to the vacancy and will remain thereon for the duration of the vacation as indicated by the vacation schedule.

- Q. Can a Trainman be assigned to a vacation vacancy by bid even if he is laying off on the first day?
- A. Yes; the vacancy will be filled from the extra board until the employe laying-off returns.
- Q. Can a trainman withdraw his application for vacation vacancies?
- A. Yes, providing he does so prior to 12:00 noon on the Friday that vacation vacancies are assigned for vacancies starting the following week.
- Q. Can a trainman assigned on his application to a vacation vacancy be displaced from that vacation vacancy by a senior man with displacement rights?
- A. No, but a senior trainman may displace the regular incumbent of the assignment, in which case the vacation vacancy would no longer exist.
- Q. Can a trainman bid and be assigned to a permanent vacancy while working on a vacation vacancy?
- A. Yes, however, he would not be entitled to take up service on the permanent vacancy until the end of the vacation vacancy.
- Q. Can a trainman make application for two vacation vacancies with the same starting date?
- A. Yes, however, he must list the assignments so desired in the order of his preference. Failure to do so will result in his application being considered as no bid.
- Q. Can a trainman while working a vacation vacancy, be assigned to a vacation vacancy which overlaps the vacation vacancy he is on?
- A. No, he may however, be awarded to a vacation vacancy which is consecutive to the vacation vacancy on which he is working.

Q. In the event an incumbent of a regular assignment is displaced after 12 Noon on the Friday preceding his vacation and prior to the start of his vacation, can a trainman so awarded to this vacation vacancy be allowed to take a second vacation vacancy starting on the same date?

A. No, his bids for vacancies submitted for vacations during that period will be considered as withdrawn.

I. As applied to trainmen in passenger and freight service respectively, a trainman filling a vacation vacancy will be required to take the conditions of the assignment and will be required to protect same until the end of the vacation vacancy period.

J. Pool Crews:

Pool cars will be filled in the manner currently in effect and the filling of vacancies on pool cars is not changed by this agreement.

This local Agreement, effective January 10, 1977, is subject to automatic cancellation by either party signatory to same by serving ten days' notice in writing of the desire to cancel same.

FOR THE UNITED TRANSPORTATION
UNION:

General A. Mahony
General Chairman - UTU

DATE: February 4, 1977

FOR THE CHICAGO AND NORTH WESTERN
TRANSPORTATION COMPANY:

M. Humphrey
Director of Labor Relations
(Operating)

LR-A-23-2

LABOR RELATIONS
DEPARTMENTDIRECT DIAL NUMBER

April 1, 1977

Mr. G. R. Maloney
414 South Jefferson Street
Green Bay, Wisconsin 54301

Reference: C&NWT File No: 2-17-258

Dear Mr. Maloney:

This will confirm discussion with UTU Vice General Chairman W. H. Callies concerning the "MEMORANDUM OF AGREEMENT BETWEEN THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY AND THE UNITED TRANSPORTATION UNION RELATIVE TO THE FILLING OF VACANCIES ON THE WISCONSIN AND ILLINOIS DIVISIONS FROM PROVISIO AND WEST CHICAGO EXTRA BOARD."

It was agreed that the word "freight" in Article D should be eliminated. Please confirm by signing one copy of this letter in the space provided below.

Yours truly,

(Signed) M. Humphrey

M. Humphrey
Director of Labor Relations
(Operating)

CONFIRMED:

Gerald R. Maloney
General Chairman - UTU

Date: April 1, 1977

LR-28-16

PROPOSAL OF 24 QUESTIONS AND ANSWERS RELATING TO APPLICATIONS
OF THE JANUARY 10, 1977 AGREEMENT, WHICH ARE CURRENTLY
PRACTICED IN THE CHICAGO WORKING DISTRICT, BUT WHICH ARE NOT
CURRENTLY IN WRITTEN FORM

QUESTIONS:

- 1 THROUGH 13....CHANGES IN STATUS OF TEMPORARY VACANCIES
- 14.....RULES GOVERNING TRAINMEN ASSIGNED TO
TEMPORARY VACANCIES
- 15.....RULES GOVERNING TRAINMEN ASSIGNED TO
VACATION VACANCIES
- 16 THROUGH 22....RULES GOVERNING AWARDING VACATION VACANCIES
- 23 THROUGH 24....RULES GOVERNING AWARDING TEMPORARY VACANCIES

MEMORANDUM OF UNDERSTANDING
between
THE UNITED TRANSPORTATION UNION (C&T)
and
THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY
SUPPLEMENT - FILLING VACANCIES

These questions and answers are supplemental to the agreement effective January 10, 1977, relative to the filling of vacancies. They are intended to standardize the procedures relative to the filling of vacancies in the Chicago Working District of the Consolidated Northeastern Seniority District No. 2.

1. Q. If an assignment is changed within the provisions of Rule 105, and the regular trainmen assigned thereto has temporarily vacated the assignment (ie. temporarily absent, working a different assignment, on vacation, etc.), will the regular trainmen remain on the changed assignment pending his return?

A. No, under the provisions of Rule 105 the changed assignment is a new run. Regularly assigned trainmen who have temporarily vacated such assignments will be removed therefrom, and will be afforded full displacement rights, consistent with current rules and agreements, when they would otherwise return to the assignment.

2. Q. Referring to Question No. 1, will the trainman assigned to the temporary or vacation vacancy on such an assignment, remain assigned thereto after the assignment changes?

A. No, under the provisions of Rule 105 the changed assignment is a new run. Trainmen who are temporarily assigned thereto will immediately return to their regular assignments, and the first trip on the new run will be filled by a qualified extra trainmen, subject to future displacement and/or the five-day award.

3. Q. If a trainmen is assigned to a temporary vacancy subsequent to the five-day award, and the temporary vacancy changes to a permanent vacancy requiring rebulletining under the procedures established in Rule 19 or Rule 51, will the trainmen assigned to the temporary vacancy remain assigned thereto pending the results of the bulletin?

A. Yes, if the assignment did not change under the provisions of Rule 105, the trainmen will remain assigned to the vacancy, subject to displacement by a senior trainmen in accordance with the rules applicable to displacements on permanent vacancies, until the successful applicant under the bulletin is able to take up service on the assignment.

4. Q. Referring to Question No. 3, will a new five-day award be calculated from the day the status of the temporary vacancy changed to a permanent vacancy?

A. No, the original five-day award, and subsequent displacements, if any, will prevail, pending expiration of the bulletin.

5. Q. If a trainmen is assigned to a temporary vacancy, prior to the five day award, and the temporary vacancy changes to a permanent vacancy requiring rebulletining under the procedures established in Rule 19 or Rule 51, will the trainmen assigned to the temporary vacancy remain assigned thereto pending the results of the five-day award?

A. Yes, if the assignment did not change under the provisions of Rule 105, the trainmen will remain assigned to the vacancy, subject to displacement by a senior trainmen in accordance with the rules applicable to displacements on permanent vacancies, until the successful applicant under the five-day provisions is able to take up service on the assignment.

6. Q. Referring to Question No. 5, when will the five-day bidding period expire?

A. The five day bidding period will expire at noon on the fifth day following the first day of the temporary vacancy, regardless of when the change in status occurred, and will take effect at 12:01AM on the following day.

7. Q. Will a trainmen assigned to a temporary vacancy, subsequent to the five-day award, remain assigned thereto if the status of the vacancy changes to a vacation vacancy, and the vacation vacancy is not filled by a vacation bid?

A. Yes, a vacation vacancy not filled by vacation bid is a temporary vacancy. The trainmen will remain assigned to the vacancy, subject to displacement by a senior trainmen in accordance with the rules applicable to displacements on temporary vacancies.

8. Q. Referring to Question No. 7, will a new five-day award be calculated from the day the status of the temporary vacancy changed to a vacation vacancy?

A. No, the original five-day award, and subsequent displacements, if any, will prevail, pending return of the regular assignee.

9. Q. Will a trainmen assigned to a temporary vacancy, prior to the five-day award, remain assigned thereto if the status of the vacancy changes to a vacation vacancy, and the vacation vacancy is not filled by a vacation bid?

A. Yes, a vacation vacancy not filled by vacation bid is a temporary vacancy. The trainmen will remain assigned to the vacancy, subject to displacement by a senior trainmen in accordance with the rules applicable to displacements on temporary vacancies, until the successful applicant under the five-day provisions is able to take up service on the assignment.

10. Q. Referring to Question No. 9, when will the five-day bidding period expire?

A. The five day bidding period will expire at noon on the fifth day following the first day of the temporary vacancy, regardless of when the change in status occurred, and will take effect at 12:01AM on the following day.

11. Q. Will trainmen assigned to vacation vacancies not filled by vacation bid, be subject to displacement by senior trainmen?

A. Yes, a vacation vacancy not filled by vacation bid is a temporary vacancy. Trainmen assigned thereto are subject to displacement by senior trainmen.

12. Q. Will trainmen assigned to vacation vacancies not filled by vacation bid, remain assigned thereto if the regular assignee does not return at the end of the scheduled vacation period?

A. Yes, trainmen thus assigned will remain until the return of the regular assignee.

13. Q. Referring to Question No. 12, will a new five-day award be calculated from the last day of the scheduled vacation period?

A. No, the original five-day award, and subsequent displacements, if any, will prevail, pending return of the regular assignee.

14. Q. Will a trainman assigned to a temporary vacancy, continue to hold the temporary vacancy if he is the successful applicant for another vacancy either temporary, permanent, or vacation?

A. No, the trainman will take up service on the new assignment as soon as possible, and his former assignment will be treated as a new temporary vacancy. Trainman awarded any vacancy, while working on a temporary vacancy, completely relinquish their position on the original temporary assignment when they begin service on the new assignment.

15. Q. Can a trainman assigned to a vacation vacancy by vacation bid, be awarded a bid on a temporary vacancy?

A. No, unless the five-day bid for the temporary vacancy expires at noon on the last day of the scheduled vacation, and the trainman has not been awarded a consecutive vacation vacancy.

16. Q. Can a trainmen who is laying off or on vacation himself, be awarded a vacation vacancy by bid?

A. Yes, any vacancy thus created will be filled by the extra-board as a temporary vacancy until the trainmen laying off returns.

17. Q. Can a trainmen who has been displaced from an assignment within the Chicago Working District, has not subsequently exercised his temporary displacing rights, and is not assigned to any assignment at noon on the Friday proceeding a vacation vacancy, be awarded such vacation vacancy by bid as a conductor, collector or brakeman?

A. Yes, such trainmen can be awarded conductor's, collector's, or brakeman's vacation vacancies. Trainmen thus assigned may not exercise their displacing rights until the completion of the vacation vacancy.

18. Q. Referring to Question No. 17, does such a vacation vacancy effect which assignments the trainman may subsequently exercise displacing rights upon?

A. No, after completion of the vacation vacancy the trainman may exercise his displacing rights on temporary vacancies or permanent assignments as a conductor, collector, or brakeman, regardless of the vacation vacancy.

19. Q. Can a trainmen who has been displaced from an assignment, and has subsequently exercised his temporary displacing rights within the Chicago Working District as a conductor, be awarded vacation vacancies by bid?

A. Yes, such trainmen can be awarded vacation vacancies on conductor's assignments only. Trainmen thus assigned may not exercise their displacing rights while working the vacation vacancy.

20. Q. Can a trainmen who has been displaced from an assignment, and has subsequently exercised his temporary displacing rights within the Chicago Working District as a brakeman or collector, be awarded vacation vacancies by bid?

A. Yes, such trainmen can be awarded vacation vacancies on brakeman's or collector's assignments only. Trainmen thus assigned may not exercise their displacing rights while working the vacation vacancy.

21. Q. Can a trainmen who is assigned to a brakeman's vacation vacancy by bid, be awarded a consecutive vacation vacancy as a conductor?

A. No, unless he was the successful applicant for a permanent conductor's vacancy while working on the brakeman's vacation, in which case he could not be awarded a consecutive vacation vacancy as a brakeman.

22. Q. Can a trainmen who is assigned to a conductor's vacation vacancy by bid, be awarded a consecutive vacation vacancy as a brakeman?

A. No, unless he was the successful applicant for a permanent brakeman's vacancy while working on the conductor's vacation, in which case he could not be awarded a consecutive vacation vacancy as a conductor.

23. Q. Will trainmen displaced from either a temporary or regular assignment outside the Chicago Working District, be allowed to exercise their displacing rights to a temporary assignment within the Chicago Working District?

A. No, trainmen displaced from assignments outside the Chicago Working District may only exercise their displacing rights on permanent assignments within it.

24. Q. Will trainmen working outside the Chicago Working District, be awarded bids on temporary or vacation vacancies within the Chicago Working District?

A. No.

This local understanding is subject to automatic cancellation by either party signatory to same by serving ten days' notice in writing of desire to do same.

FOR THE UNITED TRANSPORTATION UNION

FOR THE CHICAGO AND NORTH WESTERN
TRANSPORTATION COMPANY

11-8-90


Local Chairman UTU Local 528


Director Crew Management Center