Effective this date, November 11, 2016, Florida East Coast Railway (FECR) and The Maintenance of Way & Structures and Roadway shop Departments represented by the Brotherhood of Maintenance of Way Employes Division have agreed to the following additions to the Collective Bargaining Agreement (CBA) dated September 28, 2015. These amendments become effective on the date the first High Speed Machine is delivered to FECR and is ready for production/training. The Carrier will notify the General Chairman of this date.

The High Speed machines are:

1. A Plasser Tamper, Dynacat 2X, with Stabilizer
2. A Plasser Ballast Regulator, PBR 2005 DB

Rule 1- Scope

Sub paragraph (e) is amended to include a new job classification named “High Speed Machine Operator 1”.

Rule 5 – Seniority

Sub paragraph (f) is amended to include a new job classification named MW-13-High Speed Machine Operator 1”.

Rule 16 –Advertising Jobs or Vacancies

An additional sub paragraph (t) reads as follows:

The Parties agree that the new job classification, “High Speed Machine Operator 1” allows the Carrier to select the successful bidders from the list of employees who bid on the initial two positions, which will be advertised in accordance with Rule 16. Should the Carrier determine, at its complete discretion, that none of the bidding employees should be selected, the Carrier may hire new employees who will be represented by the BMWED. Thereafter, the Carrier will again post for these positions, and retains the right to select from employees who bid the position. The third position which will be a relief high speed machine operator and that position will be assigned by seniority as outlined in Rule 16.

Thereafter, the Carrier will post any additional high speed machines positions on an as needed basis, but each succeeding postings will be determined and filled by seniority as outlined in Rule 16. Only applicants who have applied for training under Attachment “C” will be considered for these future high speed machines. Training will be offered and
preference will be given on a seniority basis. For a period of two (2) years, effective upon completion of the training employees who have successfully completed the training will be automatically placed as bidders for future openings of a specific position or positions for which the training is applicable. They will also be given qualifications in class on the master seniority roster in accordance with Rule 5 as outlined in Attachment "C".

This does not interfere with the Carriers right to contract out the operation of such high speed equipment, as long as it meets the provision of Rule 1 – Scope, sub paragraph (d).

Employees who are selected for these positions or who successfully bid these positions must stay on these positions for a two (2) year period (may not bid or exercise their seniority), and are protected from displacement by other employees for a two-year period.

Release from a high speed machine operator position prior to the completion of the two (2) year period will be allowed for documented hardship reasons that involve the personal health of the employee, the personal health of an immediate family member, or other extenuating reasons. In these cases, the Carrier and the General Chairman of the Organization must agree to the release of the employee. An employee granted a hardship release will be allowed to exercise seniority rights pursuant to the terms of Rule 10.

**Rule 18 - Changing Assigned Starting Time and Rest Days**

New paragraph

(c) Employees working from West Palm Beach south may have their starting time changed with a thirty-six (36) hour notice to start work between 7:00 PM and 10:00 PM. Positions that start between 7:00 PM and 10:00 PM will remain in place for a period of thirty (30) calendar days, except by agreement between the Carrier and the General Chairman.

**Rule 36 - Rates of Pay**

Sub paragraph (a) is amended as follows:

High Speed Machine Operator 1 is incorporated into the rates of pay at the initial rate of $26.99, subject to the general wage increases shown in Rule 36 of the CBA. When the employees fill a position of High Speed Machine Operator in a training capacity, the then current rate for this position will be increased by one dollar per hour. When an employee is fully qualified to operate such high speed machines, the rate will be increased by an additional dollar.
Concurrent with the above increases for High Speed Machine Operator 1, the rate of pay for Production Foremen will be increased on the same schedule as outlined above. In both cases, the qualification of the High Speed Machine Operator drives the scheduled increases.

Signed at Jacksonville, Florida this 11th day of November, 2016.

For the Organization:  

Dennis Albers  
General Chairman

For the Company:  

Thomas R. Ballas  
Highest Designated Officer

R.D. Sanchez  
Vice President