

IMPROVEMENTS/ CHANGES IN BMWED-MP AGREEMENT

Implementing Procedures:

- All System and District Tie Gang rosters frozen effective 11:59 PM, December 31, 2010.
- Effective January 1, 2011 new Division rosters created by dovetailing and employee's System and District dates into his "home" Division roster.
 - Under new agreement, basic unit of seniority for most employees is the Division and those dates will be used to apply for System and Zone positions.
- All seniority prior rights created under November 1, 1997 implementing agreement are eliminated.
- Parties will meet on or about November 15, 2010 to review all side letters to July 1, 2000 Agreement to determine whether or not they will be included in republished January 1, 2011 Agreement.
- Parties will meet on or about March 31, 2011 to review process of implementation and made agreed upon technical changes or interpretations necessary to the implementation of the Agreement.

Rule 2:

- Employees now can exercise seniority freely.
 - Can bid between subdepartments without penalty
 - Can bid up, down or sideways within subdepartment without penalty.
 - Can displace up, down or sideways in subdepartment or can displace to another subdepartment without penalty.
- Employees now can displace positions, vacancies or other employees working "extra" positions. An employee who displaces an extra position will have 10 days to make displacement after the "extra" position is cut off.
- "Hold Down" of new employees hired into division, zone or system service reduced to 12 months from previous 24. If, due to "hold down" an employee bids on, but cannot occupy a position that would have resulted in new seniority, the employee will be placed on the roster immediately ahead of the junior employee actually awarded and filling the position.

Rule 3:

- New system operation established the combines both steel and tie gang operations.

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- Positions in system gangs assigned from a bid and displacement list creating by dovetailing all seniority division rosters.
- There are no separate system or district tie gang rosters. Employees may bid freely from division to system positions and back again with no penalty.
- If employee establishes new seniority as a result of bidding on system job, the seniority date is placed on employees home seniority division roster.
- Employees assigned to system gangs receive "stay pay" on the same terms as those provided to UP Northside employees working in the Consolidated System Gangs. (Can result in up to \$2080 in extra earnings over the course of a year.)
- All system gangs will be headquartered "on line." Employee's daily assigned work location must be more than 50 highway miles from residence to receive per diem for that day.

Rule 4:

- Creation of "Zones" corresponding to the jurisdiction of Directors of Track Maintenance (DTM).
- Carrier may create Zone gangs that work throughout entire Zone territory.
- No restriction on what can be a Zone Gang.
- Zone gang assignments made from bid and displacement list created by dovetailing all rosters in the seniority divisions comprising the Zone.
 - Some Divisions fall within two or more Zones and employees in those Divisions may bid and displace positions in any of those Zones.
- Zones can be changed, with written notice to General Chairmen, each January 1st.
 - If change in Zones adds or deletes a Seniority Division's territory, the affected Zone's gangs are abolished and readvertised.
 - Changes made at times other than January 1st, require General Chairmen concurrence.
- If number of Zones drops to 5 or fewer, employees in Zone Gangs receive stay pay on same terms as employees in System Gangs.
- All Zone Gangs are "on line." Expenses are paid under the same terms as those applicable to System Gangs.

Rule 10:

- Gangs working compressed schedule of 10 or more straight time hours per day receive a minimum of 4 working days' notice of abolishment.

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Rule 11:

- Seniority rosters will be compiled in “real time” and accessible to employees electronically 365 days a year.
- Roster protests will be based on roster compiled for January 1 of each year. All other “real time” rosters will be for informational purposes only.

Rule 12:

- Corrected current seniority division boundaries in Track and B&B to conform to previous side letter agreements.
 - Trigo Industrial Lead transferred from Central Division to UP Northside Agreement.
 - McPherson Industrial Lead transferred from Central Division to Division No. 4.
- Eliminated System and District Tie Gang rosters.

Rule 16:

- Carrier agrees it cannot serve notice under Rule 16 until January 1, 2016 at the earliest.

Rule 18:

- Incorporate national agreement rule regarding vacation eligibility for full-time BMWED representatives who return to service with the Carrier.

Rule 19:

- Except for “specialized jobs” senior employee in the class, regardless of qualifications will be awarded the position.
 - Employees lacking qualifications at time of assignment will have up to 30 days to qualify on the position.
 - An employee has a demand right to demonstrate qualifications either when bidding or bumping and if disqualified for any reason, has the right to request a conference about such disqualification and be represented by union officer in the conference.
- “Specialized jobs” are: Foreman, Asst. Foreman (System Crews only), Tamper Operator, Crane Operator (excluding tie cranes), Welder and Restricted Positions.
 - “Specialized jobs” first awarded to senior, qualified employee in class.
 - If no bids from “qualified” employees, the Carrier first recalls the junior, qualified furloughed employee on the Division.

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- If the furloughed employee refuses recall or is unavailable, the Carrier next recalls the junior qualified employee working in a lower class in the subdepartment in the Division.
- If the junior qualified employee working in a lower class is unavailable, the Carrier will assign the senior, "unqualified" bidder.
- An "unqualified" bidder who is assigned to a "specialized job" must remain on the job for 12 months, except he can bid off to a position in a higher classification.
- An employee who is disqualified, must wait 180 days before bidding on the same position/type of equipment. An employee disqualified on the same position/type of equipment for a second time may be awarded such position/type of equipment with the approval of the Manager supervising the position.
- Eliminate the term "the management to be the judge, subject to appeal" from Rule 19.

Rule 21 – Restricted Positions (New):

- Identifies 9 types of restricted positions.
- Rate for all positions is \$25.29 – plus \$1.50 per hour additional allowance that is not subject to general wage increases or COLAs.
- Maximum of 10 support positions may be advertised to a restricted position.
 - Support positions receive \$1.50 allowance as well.
- Other restricted position rules follow earlier memoranda of understandings on restricted positions.

Rule 27:

- Carrier may bulletin production crews working 5-8's.
- Carrier may bulletin gangs working 4-10's.

Rule 28:

- Carrier may bulletin T-1 or T-2 compressed half schedules.
 - Work days may be 8, 9, 10, 11 or 12 hours with preferences for 10 or more hours except for operational necessity.
 - Some positions may follow T-3 or T-4 schedule to comply with governmental regulations or to deal with holidays.
- Supporting crews who have schedules changed temporarily to work with compressed schedule gang are guaranteed 40 hours ST work in 7 day period and will receive adequate rest and overtime when applicable.

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- If schedules of a gang are changed on permanent basis, employees in the gang dissatisfied with the change may exercise seniority.
- Adds SP Western Lines rule regarding meal periods for gangs working compressed schedules.

Rule 41:

- Rule changed to guarantee employees meal allowance even if Carrier provides lodging through corporate arrangement. (Overrules "Parker Award" saying entire \$57.00 allowance can be taken by Carrier to defray cost of room obtained through corporate lodging.)

Rule 58 – Training Agreement (New):

- Training will be offered to active duty employees in seniority order.
- Employees attending training will receive rate of position held when assigned to training.
- Training offered more than 50 miles from employee's residence qualifies employees for reasonable, actual and necessary travel and living expenses.
- Employees accepting training under the Rule are automatic bidders on positions/types of equipment for which training was received for a period of 3 years.