

EXERCISE OF SENIORITY

RULE 92: BULLETINS

- a) Runs will be promptly bulletined for a period of 4 days (96 hours), computed from 12:00 noon on date bulletin is posted at home terminal, as soon as created or become vacant. At the end of the bulletin period the senior Engineer signing the bulletin will be assigned. Bulletins will be posted at designated tie-up points on the seniority district.

- b) When a run has been bulletined for 4 days and no applications are made therefore, the junior Engineer of the district will be assigned, and in case there is more than one forced job, the senior man involved will have his choice. At outlying points temporary vacancies will be filled for 7 days by the Extra Engineer standing first-out on the extra list, and at the expiration of that period he will be relieved by the Extra Engineer standing first-out on the extra list at that time who will likewise fill the vacancy for 7 days. If the outlying assignment is bulletined for 6 days a week the Extra Engineer filling such assignment will be released there from at the expiration of the shift prior to the scheduled off day of the assignment.

Modified by

Memorandum of Agreement #1810019405 dated November 9, 1994

Section 1:

- a.) Except for newly established yard engine assignments, locals and/or work trains, all other Engineer vacancies that are created or become vacant shall be filled immediately by the senior Engineer with application on file with Carrier's Crew Management Office (CMS).

- b.) Newly established yard engine assignments, locals and/or work trains will first be advertised for a period of not less than ninety-six (96) hours before assignments are made to the senior Engineer with application on file.

Section 2:

Engineers submitting applications should include all of the following necessary information if applicable concerning the position for which application is being made:

- a.) Terminal of assignment

- b.) Specific CMS Board or Pool ID

- c.) CMS Pool Turn ID:
 - i. new
 - ii. specific

- d.) CMS ID for local/ yard engine/ work train

Section 3:

- a.) Once an application is honored and the Engineer is assigned, such application of the employee will be removed from the system. If an employee wishes other positions after an assignment is made, he/she must re-submit their application with CMS. All applications are kept on file until either the application is honored or is removed by the employee. Once an assignment is made pursuant to applicant, that assignment will not be rescinded.
- b.) When an Engineer is reduced in force to other than an Engineer, or who is furloughed, the Engineer's application on file will be removed.

Section 4:

If a position cannot be filled by application under this agreement, the senior demoted Engineer will be assigned. If there are no demoted Engineers available, the junior Engineer on the district will be assigned or the Carrier may reduce the extra board and fill the vacancy through the normal displacement procedures.

Section 5:

All assignments made under this Agreement will be effective 12:01 p.m., at the prevailing local time.

Section 6:

In applying this Agreement with respect to yard service, it is agreed that when a regularly assigned Yard Engineer is assigned to another yard assignment, such Engineer will be permitted to work his/her former assignment on the day on which assigned to the new assignment, provided the Engineer can assume his/her new assignment fully rested and not acquire any additional days' compensation.

Section 7:

It is clearly understood that Carrier will not be penalized in any way in the application of this agreement

Modified by Modification of Rule 92(b) dated March 27, 1985

When an extra board Engineer is protecting an outlying assignment and is assigned as senior applicant to another assignment, such extra board Engineer will be relieved from the outlying assignment as soon as another extra board Engineer is available on the extra board to relieve on the outlying assignment. If no extra board Engineer is available, the Extra Engineer protecting the outlying assignment will remain on the outlying assignment until an extra board Engineer is available or as outlined in Schedule Rule 92(b).

This Agreement will have no affect on the current method of payment of deadhead.

It is agreed this Agreement will be applied uniformly on all districts on the Eastern District."

Example:

An assignment is bulletined to work daily except Sunday. The Extra Engineer filling the assignment will be released there from when he finishes the Saturday shift or tour to return to terminal where he will be placed at the foot of the extra board.

In the event there is an annulment during the week which is not a part of the bulletined assignment (6 or 7 day) in service other than that for which a guarantee is provided, as per schedule Rules 23(d), 24(f), 25(f), and 50, the Extra Engineer filling such assignment will be released there from at the expiration of the shift prior to such annulment.

Example:

When a holiday occurs on Thursday, a normal work day of a 6 or 7 day assignment, other than service for which a guarantee is provided, the Extra Engineer filling the assignment will be released there from at the expiration of tour of duty Wednesday, if it is known at that time that the assignment will not work on the holiday. The Extra Engineer released will return to terminal where he will be placed at the foot of the extra board.

An Extra Engineer will not be required to perform service on the same outlying temporary assignment on two consecutive occasions if there are other Extra Engineers available. If an Extra Engineer is first-out for such temporary vacancy and he was the last Engineer to fill the assignment and has not in the meantime performed service, he will not be required to return thereto if there are other Extra Engineers available, unless he so desires. If he does not desire to return to the outlying vacancy, the next-out Extra Engineer will be called for the vacancy, in which case the first-out Extra Engineer will not be considered as having been run around.

The above arrangement for handling will continue until the regular Engineer returns to work or until the vacancy is filled by the Engineer drawing same by bulletin.

The first Engineer will be paid for deadheading to fill the vacancy and the last Engineer for deadheading from the vacancy, except when such deadheading is necessary account application of mileage regulation rules.

It is understood the Company will not be penalized in any way in the application of Section (b) of this rule.

This Section (b) will not affect the application of Rule 51(a).

- c) Engineers desiring change to vacancy caused by a bulletin will so indicate in space provided on bulletin and will be given opportunity for change in accordance with their seniority.

- d) Engineers not having access to bulletin will be considered as having signed same if written application is filled with proper officials of the Company before expiration of the bulletin.
- e) During the period of the bulletin for new or vacant passenger service, the senior freight Engineer of the district will be placed on the run upon written application, except where extra passenger board is maintained.

Modified by

LOU #181219945 dated January 6, 1995:

- f) An Engineer absent from service when a new yard job, new local, new work train or new traveling switcher is assigned by application will be permitted to displace a junior Engineer assigned to the vacancy in question. This right of displacement does not apply to new pool turns."

This letter of Understanding with respect to Rule 92(f) will apply in full force unless MOA # 1810019405 which provides for the application process is cancelled. In that event, Rule 92(f) as set forth in Basic Agreement will thereafter apply.

NOTE: Original paragraph (f) reads: An Engineer absent during entire period of bulletin will, upon his return to service, be permitted to displace a junior Engineer from assignment bulletined during his absence, subject to provisions of Rule 97 (Run Discontinued).

RULE 93: VACANCIES

- a) Vacancies occurring as a result of Engineers resigning, retiring, being dismissed from the service, or being off the run to which assigned for a period longer than 15 days, will be bulletined.

NOTE: Vacancies covered by this rule which result from authorized leaves of absence longer than 15 days must be bulletined at the commencement of the leave of absence.

Modified by

MODIFICATION OF BLE RULE 93(a) - dated - October 29, 1984

When the BLE local chairman furnishes advice to CMS that a job or turn should be bulletined or filled by application as a result of an Engineer securing a leave of absence, such advice from the local chairman will determine the commencement of the leave.

No claims will be progressed as a result of this interpretation.

If CMS is not advised to the contrary by the appropriate local chairman, the job or turn will be bulletined (or filled by application) after the 15th day per Rule 93(a)."

- b) **Extra Engineers.**

At points where extra lists are maintained, Extra Engineers will run first-in, first-out in filling vacancies except as provided in Rules 12, 13, and 100.

NOTE: Rules 12 and 13 pertain to passenger service and are retained but not reproduced herein.

c) **Extra Engineers Laying Off Or Missing A Call At Home Terminal.**

Modified by
Guaranteed Extra Board Agreement July 1, 1996

- 1) **OPERATION** At the Carrier's discretion guaranteed extra boards may be established, upon thirty (30) days' written notice to the General Chairman, at any location where deemed necessary. Likewise, in the event there is insufficient work to justify an extra board(s) same may be suspended upon thirty (30) days' written notice to the General Chairman.

The Engineers' guaranteed extra board will operate on a rotary basis. Any Engineer displacing on or marking up for service will be placed at the bottom of the board at the time of such displacement or mark-up. Engineers returned to the board after working will be placed at bottom of the extra board per tie-up time. If more than one tie-up at the same time, previous board standing will govern.

NOTE: Sections 2 and 3 of 1996 GEB Agreement do not modify this Rule 93 and are not reproduced herein.

- 4) **LAYING OFF OTHER THAN ON CALL (AT HOME TERMINAL)** An Extra Engineer laying off for any reason and at any time other than on call will not be permitted to mark-up for twelve (12) hours from the time he/she laid off. He/she must mark-up to resume service.
- 5) **LAYING OFF (ON CALL) AT HOME TERMINAL** An Extra Engineer laying off on call will be held in (i.e., will not be permitted to mark-up) until the tie-up of the respondent or twelve (12) hours from the time of the lay-off, whichever is later, and must mark-up to resume duty. It is understood that this provision does not estop the Carrier from administering such discipline, as it deems proper for a missed call.

.... Reference Interpretation of Article VII 2003 BLET National Agreement – Automatic Mark-Up - dated January 05, 2005

- I. Engineers will be automatically marked up for service upon expiration of any period of time off (absence) authorized/approved by UP, regardless of whether the time off is compensated or non-compensated.
- II. Engineers marked up for service pursuant to this interpretation will be governed by the following:
- A. Engineers, except those assigned in pool (unassigned) freight service or to a road or combination extra board, will be automatically marked up and available for service upon expiration of the approved/authorized duration of their absences.

B Engineers assigned in pool (unassigned) freight service or to a road or combination extra board whose approved/authorized absences are less than 72 hours will be automatically marked up and available for service upon expiration of the approved/authorized duration of their absences.

C. Engineers assigned in pool (unassigned) freight service or to a road or combination extra board whose approved/authorized absences are 72 hours or greater and expire between 8:00 a.m. and 10:30 p.m. will be automatically marked up for service and available for service upon expiration of their approved/authorized absence.

D. 1. Engineers assigned in pool (unassigned) freight service or to a road or combination extra board whose approved/authorized absences are 72 hours or greater and expire between 10:31 p.m. and 7:59 a.m. will be automatically marked up upon expiration of their approved/authorized absences but will not be eligible or called for an assignment that starts prior to 7:59 a.m. Engineers covered by this Paragraph D will be available for service for an assignment starting subsequent to 7:59 a.m. – i.e., marked-up Engineers can be called prior to 8:00 a.m. for an assignment that starts subsequent to 7:59 a.m.

2. The freight pool turn or extra board position occupied by an Engineer covered by this Paragraph D will continue to rotate within the pool or extra board during the period he/she is unavailable for service pursuant to Paragraph D except that if his/her pool turn or extra board position reaches the first-out position before he or she is available for service the Engineer's pool turn or extra board position will be held in the first-out position until he/she is available for service or call.

E 1. a. The time between when an Engineer marks up for service and the time when said Engineer is available for service pursuant to Paragraph D, above, will not be considered as "unavailable" or "absence time" for purposes of determining applicable guarantee benefits due said Engineer, if any, and will not be used to offset any applicable guarantee payments.

b. In determining the number of layoff occurrences an Engineer makes during a payroll period, a continuous period of unavailability for call for the same reason (status code) shall count as only one occurrence regardless of the number of timely requests (requests made before expiration of the previously approved time off) that are made by the Engineer for extension of the time off.

6. **MISSING CALL (AT HOME TERMINAL)** An Extra Engineer missing call will be automatically marked to the bottom of the extra board at the time of such miss call.
7. **MISSED CALL (AT FAR TERMINAL)** For guarantee purposes, an Extra Engineer missing a call or laying off at the far terminal will be treated the same as an Extra Engineer laying off on call at the home terminal and will not be returned to the extra board until tie-up of the assignment he/she missed call for.
8. **OUTLYING VACANCY** An Extra Engineer who misses a call, lays off on call or ties-up for extra rest when he/she stood for an outlying vacancy will, upon reporting for service, be required to relieve the Engineer who accepted the call if he/she is still occupying the outlying vacancy. His/her guarantee will be reduced by the amount he/she would have earned with a minimum of one guarantee day for each day laid off.

NOTE: See Absence for Union Business Agreement dated 09/26/1994 in reference to handling of union officer who is required to lay for Organization work while working on the Engineers extra board.

9. **EXTRA ENGINEERS MARKING UP.**

Extra board Engineers deadheading back to the extra board from an outlying point will be marked on the extra board at the time the engine dispatcher is notified of their arrival. Notification may be made by telephone, provided the Extra Engineer has completed the deadhead and is actually at his regular calling place.

When two or more Extra Engineers register at the same time they will be marked up on the extra board in the order called for the outlying jobs.

An extra board Engineer released at an outlying point to return to the extra board point must mark up on the extra board within one hour of the arrival of the first available train on which he could have deadheaded or within eight hours after released at the outlying point - whichever is later.

RULE 94: NEW SERVICE

Following constitutes new service and will be bulletined:

1. Passenger service added by timetable, supplement to timetable, or bulletin.
2. Local freight service established by timetable or bulletin.
3. Additional helper service established for four consecutive trips or shifts.
4. Work, wreck, or additional yard engines for four days.

NOTE: See Rule 92 (Bulletins) for additions to existing pools or extra boards.

Modified by
Modification of Rule 94 dated August 25, 1981

The following will constitute new service in yard service and will be bulletined. This is in addition

to the provision contained in Rule 94.

1. The yard assignment is changed one hour or more.
2. The start location of the yard assignment is changed.
3. The assigned rest days of the yard assignment are changed.

RULE 95: NEW TIME CARD

Retained but not reproduced herein.

RULE 96: REFUSING RUN VACANT

Retained but not reproduced herein.

RULE 97: RUN DISCONTINUED

- a) An Engineer losing his run by reason of it being discontinued or being taken by a senior Engineer shall be entitled to take any run on his seniority district held by a junior Engineer, provided that if there is more than one junior Engineer on the run he chooses and no district preference of runs or layover days, he shall displace the junior Engineer, and shall make application for run of his choice within 4 days.

Modified by

MEMORANDUM OF AGREEMENT #1810019483 dated September 26, 1994

- 1) Engineers will be permitted to make application to be reduced in force from their regular assignment, either a pool freight turn or an extra board position.
- 2) When in the normal course of business, a reduction of force is required on an extra board or in pool freight service; the senior Engineer with application on file will be reduced. If no applications are on file, the junior employee on the extra board or in pool freight service will be reduced in conformity with Rule 97(a).
- 3) Applications from employees for reductions in force will not be accepted if such applications have not been on file with Carrier's Crew Management Office (CMS) at least seventy-two (72) hours in advance.
- 4) An Engineer reduced in force under request by application must exercise seniority to another position within twenty-four (24) hours. Junior Engineers involved in the chain of displacement(s) will exercise their seniority in accordance with Rule 97(a).
- 5) Engineers voluntarily reduced from the extra board under the application process will be permitted to place anywhere in the freight pool. At that time, the junior Engineer will be removed from the freight pool and will exercise seniority in accordance with 97(a).

- 6) Engineers voluntarily reduced in force under the application process from pool freight service will not be permitted to displace a junior Engineer in the same pool freight operation but will be permitted to displace into another pool if applicable.

The above six (6) provisions are intended to simplify and standardize the past methods of voluntary reductions in force and will become effective July 1, 1994.

- b) An Engineer who fails to exercise his seniority within 4 days, as provided in Section (a) of this rule, will be placed by the regularly constituted committee
- c) When an assigned run is temporarily discontinued for a period of more than 48 hours from scheduled starting time, the Engineer on such assignment will be permitted to exercise seniority. When assignment is re-established, it will be re-bulletined.
- d) When the carrier has definite knowledge that an assignment will not operate for at least 48 hours, it will be abolished as soon as that information is available.

NOTE: Per Agreement #1807279456 dated 09/26/1994 Rules 97(c) and (d) will not apply to all assigned local freight service (other than Zone Locals)

Modified by 1996 National Agreement Article X

Section 1

- (a) Where agreements that provide for the exercise of displacement rights within a shorter time period are not in effect, existing rules are amended to provide that an employee who has a displacement right on any position (including extra boards) within a terminal or within 30 miles of such employee's current reporting point, whichever is greater, must, from the time of proper notification under the applicable agreement or practice, exercise that displacement right within forty-eight (48) hours.
- (b) Failure of an employee to exercise displacement rights, as provided in (a) above, will result in said employee being assigned to the applicable extra board, seniority permitting. (The applicable extra board is the extra board protecting the assignment from which displaced.)

RULE 98. CHANGING ASSIGNMENTS:

Superseded by January 20, 1986 Modification of Rule 98 and subsequent agreements

NOTE: First District governed by Agreement no. 1209120618,
Second and Third Districts governed by Agreement no. 1209021018
--see **Appendix K**

Section 1. It is agreed in the application of Schedule Rule 98; the following will apply:

Modified as follows by "Changing Pool Turns" agreements various dates.

1. Engineers assigned to a pool freight turn will be permitted to change to another turn in the same pool on April 15 and October 15 each year, rather than on July 15 as is currently done.
 2. Engineers desiring to change assignments under Paragraph 1 must serve at least 96 hours written notice, to CMS and the Local Chairman (BLE), prior to April 15 or October 15.
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1. A list of all assignments will be sent to the respective Local Chairman of each district seven (7) days prior to the 15th day of January, April, July and October of each year.
 2. Applications will be accepted by the Local Chairmen until cut-off time designated by the Local Committee.
 3. The Local Chairman of each district will advise Crew Management System of the changes in those assignments 12 hours prior to the 15th day of January, April, July and October of each year. Failure of the Local Chairman to notify Crew Management System of changes will result in no changes being made until the next quarterly period.

Section 2. The four dates referred to in Section 1, above, specifically "the 15th day of January, April, July and October" may be changed upon mutual verbal agreement between Local Chairman of a district and the appropriate Carrier Officer in order to stagger the changes required by the various districts.

Section 3. Assignments made under this agreement will be effective at 12:01 A.M. on the agreed-upon dates referred to in Section 2, above.

Section 4. A Local Chairman or his designated representative will be allowed not less than he would have received on his assignment when required to lose time while making assignments provided for in this rule. This allowance will be limited to one trip or tour of duty.

Section 5. If other agreements are in conflict with this agreement, then the provisions of this agreement will apply.

RULE 99: ENGINEER LOSING RUN

Retained but not reproduced herein.

RULE 100: PILOT SERVICE

- a) When an Engineer pilot is used on a passenger train, first-out available pool freight Engineer will be used, and when required on a freight train, extra board freight Engineer will be used.
- b) Pilot Engineers furnished other lines will be paid the rates of pay-shown in Rule 2(a).

Modified by
Modification of BLE Rule 100 ASSIGNED PILOT SERVICE FOR AMTRAK
PASSENGER TRAINS dated June 1, 1991

When it becomes necessary to provide pilot service for AMTRAK passenger trains for extended periods of time the Carrier shall have the right to establish regular assigned Engineer Pilots for these trains under the following provisions:

1. Bulletins for these assignments will include the normal contemplated train schedules of the AMTRAK trains and will show days off with probable length of layovers at the away from home terminals.

The standard bulletin/bidding management for each seniority district will prevail for these Pilot assignments.

2. Engineers assigned to this service will pilot the AMTRAK passenger trains in round trip sequences, laying over when necessary at the normal district terminals.

Deadheading will not be part of the normal round trip Pilot's assignments, but will be permitted only if unforeseen circumstances of the service require such action. This is not intended to restrict the right of the Carrier to use an Engineer Pilot on a continuous tour of duty or aggregate the Engineer's Hours of Service time to double the road, if the train schedules permit.

3. Engineer Pilots assigned to this service will be allowed standard freight rates of pay, without a fireman, for each tour of duty.
4. For purposes of scheduling these assignments, and other considerations, the freight service mileage regulations will apply to this service assignment.
5. Vacancies on these AMTRAK Pilot assignments will be filled by the normal protecting extra boards. The usual vacancy procedure for regular assignments will be utilized on each seniority district.
6. Except as otherwise noted in this agreement the basic Eastern District Interdivisional conditions will apply to AMTRAK Engineer Pilot assignments that actually operate in established ID service territory.
7. The Carrier will not be subject to any penalties as a result of conflicting with other rules in the application of this agreement.

RULE 101: LAYING OFF-DEADHEADING

When an Engineer resumes service after laying off, he will be permitted to deadhead to the point where his assignment ties up and take his assignment at the end of the shift or trip, provided 60 hours have elapsed since his assignment was last brought on duty at home terminal. The Company will not be penalized in the application of this rule.