

RULE 27 – VACATION

- a. The National Vacation Agreement of April 29, 1949, as amended, will apply to employees covered by this Agreement. The parties will make such modifications to the provisions of the National Vacation Agreement as are necessary to conform to the basis of pay established in Rule 2. (See Appendices “B” and “B-1”)

Note: Vacation qualification is generally computed by achieving a minimum of 240 factored work days in a prior calendar year coupled with total years of continuous Amtrak service and a threshold of total factored days in aggregate for progression to additional weeks.

Note: Effective August 1, 1998, in calculating factored work days, each basic day of service performed by an employee shall be computed as 1.6 days, which shall be known as the “multiplier factor.” It is the parties’ intention that this subsection would require the equivalent of one hundred fifty (150) days in a calendar year to qualify for an annual vacation for the succeeding year. The following additional provisions will govern in the accumulation of vacation qualifying days:

1. Calendar days on which an employee assigned to an extra board is available for service and on which day he/she performs no service, not exceeding ninety (90) such days, will be included in the determination of qualification for vacation; also, calendar days, not in excess of forty-five (45), on which an employee is absent from and unable to perform service because of an injury received on duty will be included. Such days will not be subject to the multiplier factor set forth in existing vacation rules as amended.
2. Calendar days on which an employee is compensated while attending training, corporate level joint labor-management committee meetings and rules class at the direction of the Carrier will be included in the determination of qualification for vacation. Such calendar days shall not be subject to the multiplier factor set forth in existing vacation rules as amended.

- b. In accordance with Rule 27 of the Passenger Engineers Rules Agreement, signed October 26, 1982, the parties to said agreement hereby agree to apply the provisions of the National Vacation Agreement of April 29, 1949, as amended, with the following modifications to conform to the basis of pay established in Rule 2 of the Rules Agreement:

1. For the purpose of determining qualifications for vacation, service performed as a Passenger Engineer on Amtrak will be treated in the same manner as service performed as a train or engine service employee in yard service as set forth in Section 1 of the National Vacation Agreement.
2. Service performed on Conrail in a calendar year shall be computed for the purpose of determining vacation qualifications in accordance with the applicable Conrail Agreement.
3. A Passenger Engineer receiving a vacation, or pay in lieu thereof, under Section 1 of the National Vacation Agreement, as modified herein, shall be paid for each week of vacation 1/52 of the compensation earned by such Passenger Engineer while engaged in train or engine service for Amtrak and/or Conrail during the calendar year preceding the

year in which the vacation is taken, but in no event, shall such payment be less than five (5) 8-hour days at the Passenger Engineer's rate if working as such at the time the vacation is taken.

4. The provisions of Section 8 of the National Vacation Agreement will not apply to a Passenger Engineer who returns to service with Conrail pursuant to the application of the Section 1165 Agreement dated October 20, 1982.
5. A Passenger Engineer receiving a vacation, or pay in lieu thereof, will be paid for such vacation by Amtrak, if such Passenger Engineer last performed compensated service on Amtrak immediately preceding the date the vacation is taken or payment in lieu thereof is due. In no case, will a Passenger Engineer be entitled to dual vacation benefits as a result of the application of this Agreement.
6. Vacation periods shall begin at 12:01 AM, Monday, and end at 11:59 PM, Sunday. A Passenger Engineer may take his/her annual vacation in any calendar year in weekly segments, and may take up to one (1) week of his/her annual vacation in single day increments.
7. Any dispute or controversy arising out of the interpretation of any of the provisions of the Agreement shall be handled in the same manner as other disputes arising under the Passenger Engineers Rules Agreement.

Note: Effective January 7, 2000, for former Conrail employees entitled to exercise Section 1165 rights to or from Conrail, for purposes of subparagraphs (b)(2) through (b)(4) above the term "Conrail" shall mean "Conrail, Norfolk Southern or CSXT, as the case may be."

- c. A Passenger Engineer involved in an accident resulting in a loss of human life will be entitled to utilize a vacation day(s) or holiday(s) for personal reasons related to the accident. For the purposes of this provision, the Passenger Engineer will be allowed to take vacation in less than a one-week segment. Nothing in this rule will serve to modify the provisions of Rule 32(b) or (h) regarding payment for working on a holiday.
- d. During a calendar year in which an employee's vacation entitlement will increase on the anniversary date, such employee shall be permitted to schedule the additional vacation time to which entitled on the anniversary date at any time during the calendar year.
- e. Changes to the National Vacation Agreement contained in Article V, Section 2 and Side Letter No. 6 of the NCCC/BLE Agreement dated May 31, 1996, are adopted, with such modifications previously agreed upon for application to Amtrak. (*See Appendix F-1*)
- f. Vacation qualification criteria in effect on August 1, 1998 shall continue to apply to employees represented by the organization who hold positions as working General Chairman, Local Chairman, and State Legislative Board Chairmen ("local officials"). In other words, the changes in qualification as set forth in paragraph (e) above are not intended to revise vacation qualification conditions for such local officials. It is further understood that by providing this exclusion it is not intended that the total number of such officials covered be expanded.

Note: See Appendix T.

Q & A's – RULE 27 – VACATION (effective August 1, 1998)

- Q1. What procedure should be followed when requesting a single day of vacation?
- A1. The procedure for requesting a single day of vacation will be consistent with the requirements set forth in Rule 33 for scheduling the “choice holiday.” However, Q&A 1 and 2 of the Agreed Upon Questions and Answers to Rule 33, dated June 6, 1983, are not applicable to single day vacations.
- Q2. Must the Carrier allow the request made by an employee to observe a single day of vacation?
- A2. Yes, consistent with the requirements of service and procedures set forth in Rule 33 for scheduling the “choice holiday.” However, Q&A 1 and 2 of the Agreed Upon Questions and Answers relative to Rule 33, dated June 2, 1983, are not applicable to single day vacations.
- Q3. Does the term “local officials” as used in paragraph (f) include Division Presidents, Secretaries/Treasurers, and Legislative Representatives who may be required to lose time from their assignments due to union obligations?
- A3. No. Local Officials are limited to working General Chairmen, Vice General Chairmen, Regional Chairmen, Secretary/Treasurer of the General Committee of Adjustment, Local Chairmen, and State Legislative Board Chairmen.
- Q4. In application of the “single day rule,” how many days of single day vacations is an employee permitted to take?
- A4. Five (5) days will be allowed in single day increments.
- Q5. In the application of the “single day rule,” can the employee elect to take vacation in periods of two (2), three (3), or four (4) days, rather than single day increments?
- A5. Yes.
- Q6. What rate of pay is due a Passenger Engineer taking a single day of vacation?
- A6. A Passenger Engineer will be paid 1/5th of his/her weekly vacation allowance for each single day of vacation.