

APPENDIX “C” – January 7, 1994 Letters re Filling Second Positions

January 7, 1994

Mr. R. E. Wiggins, General Chairman
Brotherhood of Locomotive Engineers
523 Route 38, Suite 102
Cherry Hill, NJ 08002-2948

Dear Mr. Wiggins:

This refers to our discussion regarding the awarding of assistant engineer positions pursuant to the terms of Article V of the August 3, 1992, contract settlement.

During our discussions, it was agreed that engine service employees will be awarded assistant passenger engineer assignments in the following order and manner.

1. Employees with a 5/29/92 engineer date, or those identified in NOTE 1 below, with fireman prior rights to the zone in which the vacancy exists.

NOTE 1: Employees with fireman prior rights in the zone, who cannot hold a passenger engineer assignment in the normal exercise of seniority, are included in this group, regardless of their engineer date.

NOTE 2: Employees with fireman prior rights in the zone who are working as engineers can only bid for assistant engineer positions at the crew base to which assigned.

2. Employees with a 5/29/92 engineer date, or those identified in NOTE 1 below, with national fireman rights.

NOTE 1: Employees with national fireman rights, who cannot hold a passenger engineer assignment in the normal exercise of seniority, are included in this group, regardless of their engineer date.

NOTE 2: Employees with national fireman rights who are working as engineers can only bid for assistant engineer positions at the crew base to which assigned.

3. Employees with fireman prior rights in the zone, regardless of their engineer seniority date.

4. Employees with national fireman rights, regardless of their engineer seniority date.

NOTE: Employees with national fireman rights who are working as engineers can only bid for assistant engineer positions at the crew base to which assigned.

5. Employees on the national passenger engineer roster, in seniority order, regardless of their present assignment or location.

NOTE: Employees with fireman prior rights in the zone who are working as engineers can only bid for assistant engineer positions at the crew base to which assigned.

NOTE: Employees with fireman seniority rights shall have first rights to assistant engineer assignments recognizing prior rights over employees without such rights.

If the above properly reflects our understanding on this matter, please sign below.

Very truly yours,
(original signed by)
L. C. Hriczak
Director – Labor Relations

I Concur:
(original signed by)
R. E. Wiggins, General Chairman

Jan. 7, 1994
Date

January 7, 1994

Mr. R. E. Wiggins, General Chairman
Brotherhood of Locomotive Engineers
523 Route 38, Suite 102
Cherry Hill, NJ 08002-2948

Dear Mr. Wiggins:

This refers to the January 7, 1994, procedures for awarding assistant passenger engineer positions.

Confirming our discussion, employees who were furloughed as passenger engineers as of August 3, 1992, the date of the imposed contract settlement, and continued to work as assistant passenger engineers, will be included under Items 1 and 2, consistent with their assistant passenger engineer seniority rights, in the awarding of assistant engineer positions.

If the above properly reflects our understanding, please sign below.

Very truly yours,
(original signed by)
L. C. Hriczak
Director – Labor Relations

I concur:
(original signed by)
R. E. Wiggins, General Chairman

Jan. 7, 1994
Date

**Agreed-Upon Questions and Answers 5–7 In NMB Case No. A-12290,
Pursuant to P.L. 102-306 August 3, 1992**

- Q5. Can a Passenger Engineer be furloughed while a “junior” employee occupies an assistant passenger engineer position?
- A5. If the “junior” employee has prior rights as an assistant passenger engineer, a passenger engineer who does not possess prior rights to assistant passenger engineer positions under this paragraph may properly be furloughed.
- Q6. Do passenger engineers have rights to Assistant Passenger Engineers assignments?
- A6. A Passenger Engineer without prior rights to Assistant Passenger Engineer assignments may only exercise seniority to an Assistant Passenger Engineer position not occupied by an employee with prior rights to such assignment.
- Q7. Can the junior assistant passenger engineer in a crew base who is unable to hold an assistant passenger assignment, yet can hold a passenger engineer assignment in the same crew base, take a home terminal furlough?
- A7. No; the assistant passenger engineer must either exercise his or her passenger engineer seniority within the crew base, or exercise his or her seniority to another crew base.

**PLACE HOLDER FOR LETTER OF UNDERSTANDING RE PREPONDERANCE
STANDARD FOR AWARDED COMBINATION ASSIGNMENTS**