

REVISED 1976 L/N Agreement

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ARTICLE 1

PASSENGER SERVICE:

(a) Rates of Pay. (See Rate Sheet)

PASSENGER MINIMUM:

(b) In short turn-around passenger service the earnings for mileage, overtime, or other rules applicable for each day's services performed shall be not less than a minimum passenger day as shown on Rate Sheet.

(c) When in passenger service, other than short turn-around passenger runs, referred to in Section (b), and unable to earn as much as a minimum passenger day, during the calendar day, they will be paid that amount. This not to apply to men assigned to regular runs averaging more than a minimum passenger day, nor to men filling temporary vacancies on such runs who average more than a minimum passenger day, during the period they are filling such vacancies.

(d) All motor cars used in passenger service operated under train rules by engineers, regardless of whether operated by gasoline, steam, electricity, or other motive power, to be paid minimum rate, as provided for in Sections (a), (b), and (c) of this Article.

ARTICLE 2

BASIC DAY: (Passenger Service)

100 miles or less (straight away or turn-around), 5 hours or less, except as provided for in Article 3, Section (a), shall constitute a day's work. Miles in excess of 100 will be paid for at the mileage rate provided according to class of engine.

ARTICLE 3

OVERTIME: (Passenger Service)

(a) 1. Engineers on short turn-around passenger runs, no single trip of which exceeds 80 miles, including suburban and branch line service, shall be paid overtime for all time actually on duty, or held for duty, in excess of 8 hours (computed on each run from the time required to report for duty to the end of that run) within 9 consecutive hours; and also for all time in excess of 9 consecutive hours computed continuously from the time first required to report to the final release at the end of the last run. Time shall be counted as continuous service in all cases where the interval of release from duty at any point does not exceed one hour. This rule applies regardless of mileage made. For calculating overtime under this rule, the Management may designate the initial trip.

2. Overtime on extra turn-around passenger runs, whether less or more than 50 miles one way, to be paid in accordance with Article 3, Section (b) on a turnaround basis. Section (b) also to apply when freight rate is paid on account of a light engine movement as an extra or on freight schedule on part of the trip.

3. When relieved at intermediate point and both trips, based on actual time on duty on each trip, could be completed within the hours of service limit, continuous time and mileage will apply; where both trips, based on actual time on duty on each trip, could not be completed within the hours of service limit, Article 28, Section (c) will apply.

Note. When engineers are used for extra or unassigned passenger service, call shall specify whether crew is to be operated on turn-around or straightaway basis.

(b) On other regular scheduled and extra passenger runs, overtime will be paid on speed basis of 20 miles per hour.

(c) Overtime shall be computed on the basis of actual overtime worked or held for duty except that when minimum day is paid for the service performed on trips of less than 100 miles, overtime shall not accrue until the expiration of 5 hours.

(d) Overtime in all passenger service shall be paid for at a rate per hour of not less than 1/8 of the daily rate herein provided, according to the class of engine.

HANDLING PASSENGER ENGINES:

(e) Shop engineers will be provided to deliver passenger engines to and relieve passenger engineers at passenger stations at points agreed upon.

(f) At points where shop engineers relieve passenger engineers, they will take charge of the engine and relieve the engineer, with reasonable promptness, on his arrival at passenger station, or usual point of relief.

(g) Where shop engineers and/or yard engines are on duty, engineers in passenger service will not be required to perform hostling or switching service, where it is practicable and reasonable to avoid doing so. When such service is required, they will be paid under Sections (h) and (i) of these rules.

(h)

1. Engineers in passenger service required to hostle or turn their engines at their initial or final terminals; or at turning points where shop engineers are on duty and the engine is turned on turntable, or wye tracks which are immediately adjacent to the roundhouse; or at turning points where the engineers are relieved between trips, they will be paid arbitrary for time consumed at the engineers' pro rata rate, with a minimum of 30 minutes in each case.

2. For compensation purposes, it will be considered as hostling under that rule when engineers in passenger service are required to handle a locomotive:

- a. From the roundhouse to the passenger station on the outbound trip.
- b. From the passenger station to the roundhouse on the inbound trip.
- c. From the roundhouse to the yard where coupled to passenger cars for outbound trip.
- d. From point in yard where uncoupled from passenger cars to the roundhouse on inbound trip.
- e. From the roundhouse to the train on the main line, or adjoining track; or from the train on the main line, or adjoining track, to the roundhouse.
- f. When required, at their terminal, to move diesel locomotive from the train to point where fuel oil is taken and then move it back to the train.

3. No additional compensation shall be paid when engineers are required to handle locomotive:

- a. From the point where they take charge of engine at or near passenger station to the train on the outgoing trip.
- b. From the train to the usual point of relief at or near the passenger station on the incoming trip.
- c. Between train and point where water is taken, without cars, in the passenger yard.
- d. From train, without cars, to permit yard engine to switch, place cars on or take cars off train, and return to train.

Note. In connection with Sections (h)3-a and (h)3-b, it is understood that the present practice of having the engine delivered and engineers relieved at same general location from day to day will be continued as far as practicable. This will not preclude a change of location by Carrier to meet the needs of the service.

PASSENGER SWITCHING:

(i) Engineers in passenger service required to switch, set off, or pick up one or more cars, or handle one or more cars to or from their train, or put their trains away at terminals; or at turning points where engineers are relieved between trips, will be paid arbitrary for time consumed at the engineers' prorata rate with a minimum of 30 minutes in each case.

Note 1. In computing time for putting away trains at terminals or turning points, the time will be computed from the scheduled arriving time of the train, or from arriving time, if later, until engineer is relieved from duty.

Note 2. Time consumed in performing service under Sections (h) and (i) of this Article, at the same point, either in turn-around or straightaway service, before starting or on completing the trip, will be combined and paid for accordingly, with a minimum of 30 minutes.

Note 3. When engineers in passenger service as provided under Sections (g), (h), and (i) are required to hostle engines, handle cars, or trains, to or from the usual point where engines are received or delivered, to or from passenger stations, time will be computed for the total time consumed continuously, whether in the hostling of engines, handling of cars or trains, or doing switching, and only one arbitrary will be paid for the combined service. (See Article 15, Section (f), Note 5, as to computation of switching time.)

Note 4. It will be considered switching under this rule when an engineer is required to hold onto one or more cars and move out of the way while switch engine performs switching on his train.

Note 5. See Article 15, Section (b) 6, for conditions and method of payment covering engineers in passenger service when handling car or cars not handled to or from their initial or final terminal.

ARTICLE 4

FREIGHT SERVICE: Rate of Pay.

Steam, Electric, and Diesel Electric Locomotives.

(a)

1. Engineers in through and irregular freight, pusher, helper, roustabout, snow plow, circus trains, and all other unclassified service will be paid as shown on Rate Sheet.

HELPER SERVICE:

2. Regularly assigned engineers in helper service shall each have a fixed starting time, and the starting time will not be changed without at least 48 hours advance notice.

3. Engineers in helper service starting a trip after completing 100 miles, or 8 hours, shall be regarded as commencing a new day and paid accordingly.

4. The Carrier, in exercising its rights to establish and extend helper district limits, will not include territory which the helper covers only when required to assist trains in emergency.

5. When in helper service and required to assist trains or perform other work outside of their assigned territory, other than emergency runs for fuel and water, they will be paid for such service on the basis of an additional day, the time thus consumed to be deducted from overtime made on regular helper assignment.

LOCAL FREIGHT SERVICE:

(b)

1. Engineers in local or way-freight service will be paid according to the rates shown on rate sheet for 100 miles or less. Miles over 100 to be paid for at pro rata rate, as shown on Rate Sheet.

2. Three-crewed locals may be operated. They will be guaranteed

150 miles per day, 4 days out of 7, with overtime after 12 hours.

3. When three-crewed local is required to perform either work train service, wrecking service, or mine run service, the engineer will be paid overtime based on 12Ys miles per hour as per Article 7, if that method of payment produces a greater amount than the 150-mile guarantee.

SHORT TURN-AROUND LOCAL AND MIXED SERVICE:

4. Local or way freight and mixed local runs operating out of outlying or intermediate points may be assigned to make more than one trip out of or through their terminals to other outlying or intermediate points, provided:

- a. that the mileage of all trips does not exceed 100 miles;
- b. that the distance run from the terminal to the turning point does not exceed 25 miles, except on branch lines; and
- c. that engineers shall not be required to begin work on a succeeding trip out of the initial terminal after having been on duty 8 consecutive hours, except as a new day subject to the first-in first-out rule or practice.

Articles 4, Section (b), 15 and 22 apply, it being understood that ~1 switching performed at points designated as terminals for the runs shall be considered as terminal switching under Article 15, Section (b).

Note. The above in no wise affects so-called "fish-hook" runs or runs authorized by Article 8 and Article 4, Section (d):

Example. Run operates from A north to B back to A, thence west to C and back to A, switching as follows:

10" - 15" - 20"

A B A C A

1. Earns no overtime or final terminal delay.

Due: 45" switching time.

2. Earns 1 hour final terminal delay, no overtime. Due: 1 hour final terminal delay plus 25" switching.

5. The loading or unloading of package freight from a car handled in a through freight train by station forces or others constitutes local freight work and the engineer will be compensated under the provisions of Section (b)1 of this Article.

THROUGH FREIGHT TRAINS PICKING UP OR SETTING OFF CARS:

6. Engineers in through freight service required to pick up or set off cars at three or more points between terminals will be paid the local freight rate. This rule will not apply to trains picking up or setting off cars loaded with perishables or setting off cars loaded with shipments of l.c.l. freight; or for setting off

defective cars, or in doubling hills.

Note 1. The word "perishable" as used in this section covers loaded cars traveling under refrigeration; also cars containing fresh meats, fresh fish, fresh fruits or vegetables, or commodities of a similar nature. Potatoes are considered perishable during the months of April to September, both inclusive.

Note 2. When l.c.l. cars are set out at points other than those for which they contain shipments, it will count as a "point" under this section. "Point" is considered as embracing an entire yard or switching district. For example, if an l.c.l. car containing shipment for Winchester is set out at Patio, no stop will be counted, as Winchester and Patio are within the same yard, or switching limits.

Note 3. At turning points where crews simply pull train in and cut off and go to roundhouse or point where engine is serviced, then move to outgoing train which has been made up by yard engine, couple, and depart, one stop will be counted under this Section. After cutting off and going to roundhouse, upon return to train a car is set out from the train by the road engineer, as made up by the yard engine, two stops should be counted, but where the same movement is made at an intermediate point on a straightaway run, it will not be counted as a stop but will be paid in accordance with Article 15, Section (c)2.

Note 4. When car or cars are picked up or set off at an intermediate yard or station then the entire train is coupled up and pulled down and another set-off or pick-up made, two "points" will be counted.

Note 5. Where switching is paid for at points where stops are made, such stops will not be included in the application of this rule.

WORK, CONSTRUCTION AND WRECKING SERVICE:

(c)

1. For work, construction and wrecking service, the rates shown on rate sheet will apply for 100 miles or less, according to the class of engine. Miles over 100 to be paid for at pro rata rates, as shown on Rate Sheet.

2. Engineers in work, construction and wrecking service will be paid on basis of mileage and overtime for all service performed, with a minimum of 100 miles for each day's service, and they may be used in and out of terminals, as necessary, without payment for an additional day account departing terminal after having completed 100 miles or 8 hours.

WORK TRAIN SERVICE:

3. Engineers in through freight service required to unload cinders, ballast, load or unload ties, rail, or other similar materials, perform two classes of service and are entitled to work train rate of pay for the entire trip.

4-a.

1. Work trains run through from one division terminal to another division terminal without performing work train service en route will be classed as through freight trains and paid a minimum

of 100 miles at through freight rate for the trip. If required to perform work train service after arrival at opposite terminal, they will be paid a separate day therefor at work train rate.

2. Work trains run through from one terminal to another, or making over 100 miles, or when engaged in handling road materials from one point to another and not employed in loading or distributing it, will be classed as through freight trains.

b. Work trains run through from one terminal to another terminal, or from a terminal to an intermediate point, or from an intermediate point to a terminal, performing work train service on line of road and at terminal on same trip or tour of duty, will be paid on continuous time and mileage basis from time reporting for duty until relieved at end of trip or tour of duty.

c. Work trains working in and out of same terminal in continuous service will be paid on continuous time and mileage basis from time reporting for duty until relieved at end of trip.

d. Work trains completing work at an intermediate point and en route to terminal handle revenue freight on the trip, will be paid not less than a minimum day in work train service and in addition not less than a minimum day at through freight rate for handling revenue cars to terminal.

Note 1. Article 25, Sections 11(c) and 11(d), do not apply to engineers performing work train service.

Note 2. Article 4, Section (c)5, applies to assigned and temporary work train service only.

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a. When revenue cars are handled on a work train or work train service is performed by a revenue train (except as provided in Section (c)4-d of this Article) engineers will be paid for the entire trip or tour of duty at the highest rate applicable to any class of service performed. If tied up on line of road, they will be paid up to 10 hours for that day and their time for the next day will be computed from 8 hours from time crew tied up, except where 10 hours rest is required by law.

b. If called for work train service and relieved on line of road upon completion of that service, then later run into the terminal, work train rates and conditions apply, although no work may be performed on that day.

c. When revenue service is performed by work train at the beginning of trip before performing work train service and the work train is run into the terminal and tied up after completing the work train work on that day, the engineer will be paid a minimum day at through freight rate for performing the revenue service.

d. If revenue service is performed after performing work

train service and before work train service is completed and the crew is run into the terminal and tied up, the engineer will be paid separately for the time consumed in revenue service with a minimum of 100 miles at through freight rate covering all revenue work performed.

6. When an engineer is run out of the home terminal for the purpose of operating a work train out of an outlying point, and handles tonnage on the out bound trip, he will be paid up to 10 hours for that trip and his time for the first work train day will be computed from 8 hours from time he tied up (except where 10 hours rest is required under the law). If he is doubleheaded out of home terminal merely for convenience and train is not given more tonnage than the other engine can handle, or if run light or with work train equipment only, the outbound trip will be paid for on basis of service performed, at work train rates in accordance with Section (c) 1 of this Article.

Note 1. For additional compensation allowed passenger, through or irregular freight, or local freight, engineers performing "work or construction" service - see Article 11, Sections (d) and (e).

Note 2. Extra (unadvertised) work train service - see Article 25, Section 8(e).

DETECTOR CAR SERVICE:

7. Engineers will be used as pilots on Sperry Rail Detector Cars or similar cars. The rules and rates of pay governing work train service will apply.

Note 1. The total weight of the detector car used will govern in establishing the rate.

Note 2. See Article 25, Section 8(f), concerning assignments.

WRECKING SERVICE:

8-

a. When an engineer is called for wrecker, which involves the conditions of an emergency, and takes the wrecker out of the terminal on this emergency call, expecting to use same in wrecking service, and later it is found that the wrecker is not needed and the engineer is returned to the terminal, with or without the wrecker, he is entitled to the wrecking rate of pay.

b. When an engineer is called in emergency, as next above, takes the wrecker out of the terminal and later it is found advisable not to use that engineer in wrecking service, but to turn the wrecker over to another engineer, either before or after arrival at the wreck, to do the wrecking work, and the first engineer returns to the terminal, either light or handling other business, as may be found necessary, he is entitled to the wreck-mg rate of pay.

Note. In the event call for wrecker is canceled before engineer gets out of the terminal and he is held on duty and used in other service, the wrecking

rate will not apply, but he will be paid on basis of the service performed.

c. When an engineer is called for through freight service or other regular service and the wrecker is placed in the train to be delivered to some other engineer to handle in wrecking service, or is handled through to another terminal, the engineer so called is not entitled to wrecking rate of pay.

Note. Engineers used for relief service are entitled to the same rate of pay received by the engineer who they relieve.

MINE SWITCHING RUN SERVICE:

(d)

1. For mine switching run service, the rates shown on rate sheet will apply for 100 miles or less, according to the class of engine. Miles over 100 to be paid for at pro rata rates, as shown on the Rate Sheet.

Note. Engineers in all freight and mixed service on the Birmingham Mineral Division will be paid road rates as per Section (d) 1 of this Article.

2. Engineers on mine switching runs arriving at terminals after the expiration of 8 hours, from time first required to report for duty, or if the actual miles run equal or exceed 100 miles, the starting of all additional runs shall be regarded as commencing a new day and be paid accordingly.

Note. Under Section (d)2, engineers are entitled to an additional day if started on an additional trip after they have been on duty 8 hours; however, the time of beginning the work preparatory to departure shall be considered as the time of starting the additional trip. In other words, they might be one hour in getting their train together to start before actually departing, but if they had begun that work before they had been on duty 8 hours, they are not entitled to a second day. It is further understood that switching a mine, station tracks or yards within the switching limits does not constitute an additional trip within the purview of this Article.

Example 1. If an engineer starts making up his train for a succeeding trip before he completes putting away all the train which he brought in on the previous trip, and before he has been on duty 8 hours, payment of an additional day will not apply.

Example 2. If notified prior to being on duty 8 hours that he is to make a succeeding trip, and there is nothing to prevent him starting the work at once, such as checking up trains or bills, or starting the actual switching, the succeeding trip will be considered as having commenced at the time notice was given and payment for a second day will not apply.

Example 3. If notified prior to being on duty 8 hours that he is to make a succeeding trip and actual work is delayed on account of being blocked by other trains, the succeeding trip will be considered as having commenced at the time notice was given and payment for a second day will not apply.

Example 4. If notified prior to being on duty 8 hours that he will be advised later as to whether he will be used for a succeeding trip, and he is held until after the expiration of 8 hours before being given notice as to the succeeding trip, the succeeding trip will be considered as having commenced at

the time definite notice was given and payment for a second day will apply.

3-

a. Engineers in through freight service required to do switching at a coal mine or when required to set off on more than one track, or pick up from more than one track (where one track will not hold the cars to be set off or picked up, second track may be used) will be allowed the mine switching run rate of pay for that tour of duty.

b. It is understood that where one track will not hold all the cars to be picked up or set off and other tracks are used, each track must be filled before using an additional track.

c. The payment of the mine switching run rate compensates the engineer for all work as described which is performed at coal mines during trip or tour of duty and no payment is to be made therefor under Article 15. This does not affect payment under Article 15 for any other work performed which would entitle him to pay under that Article of the agreement.

d. If the coal mine switched is within terminal limits, the time thus consumed is not deductible in computing final terminal delay.

Note. The payment of mine switching run rate of pay under this rule does not reclassify the service.

CIRCUS TRAINS-GUARANTEE:

(e)

1. For circus train service, the rates shown on rate sheet under Article 4, Section (a), will apply for 100 miles or less, according to the class of engine. Miles over 100 to be paid for at pro rata rates, as shown on the Rate Sheet.

2. Engineers handling circus trains may be relieved between terminals as the necessity of the service may require, but when so relieved they will be allowed a minimum of 133 miles for each move when the actual miles made or allowed under the 100-mile minimum day, together with the overtime earned, does not produce the equivalent of 133 miles.

3. It is understood that work switching, loading, and unloading circus, etc., at such intermediate points will be included in computing overtime for the trip, provided that when assigned to circus trains they shall receive not less than 133 miles for each calendar day held for such service.

4. Straightaway runs with circus trains from terminal to terminal will be paid for as through freight service.

Question 1. Does the 133-mile minimum apply to all trips on which a circus train is handled?

Answer. Yes; except on straightaway runs with circus trains from one established division terminal to another established division terminal.

Q.2. Does the Circus Article apply to carnival trains?

Ans. No.

Q.3. In the event, on account of the distance, it is necessary to run an engineer to an intermediate point and give him legal rest prior to moving a circus train, would the Circus Article apply to the trip from the terminal to the intermediate point?

Ans. No. Through freight conditions would apply up to the time the engineer was tied up at the intermediate point and circus train conditions would apply thereafter; that is, he would be paid up to 10 hours for the service up to the time tied up at the intermediate point.

Q.4. In the event an engineer, after handling a circus train to an intermediate point is relieved account unable to complete trip within hours of service limit and subsequently used to handle a through freight train, or run to a terminal or other point, how would he be paid?

Ans. The Circus Article would apply to the trip handling the circus and he would be considered as out of circus service and under pay at the expiration of the legal rest period, at which time through freight rates and conditions would apply.

Note. It is understood that the rule will be applied literally insofar as the calendar day is concerned; that is, if not called to report for duty between midnight and midnight he will be allowed a minimum of 133 miles, regardless of the fact that he may be called for duty shortly after midnight.

WEEKLY GUARANTEE:

(f)

1-

a. When assigned to road service requiring them to lay up at other than division home terminal, they will be given employment or paid for 6 days per week. When assigned to locals or work trains they will be guaranteed 6 days per week. For each day paid for and not used they shall receive the equivalent of 100 miles in the class of service to which assigned at the rate applicable to locomotive last used. Those laying away from home on Sunday will be paid for the day when permission to absent themselves is not granted and transportation is not furnished on request to deadhead to home or terminal. (The above, of course, is only intended to apply when there is sufficient time and trains on which they can deadhead and return in ample time for their runs.)

b. Engineers may be used in any other service to complete guarantee, without payment for run-around to other engineers when for any reason regular assignment 'is discontinued (except in service to which regular engineers are assigned, or at outlying points where extra men held to protect extra service have waived the weekly guarantee, when such extra

men are available) but such service shall be paid for at schedule rates unless earnings for such rates would be less per day than would have been earned in regular assignment.

c. In determining the number of days per week, each day paid for (exclusive of overtime) shall be applied against the guarantee.

d. In applying this rule, Monday shall be considered the first day of the week.

Note. 1. This Section applies to crews assigned to local freight service or work train service working out of any point. It also applies to engineers, including extra men (except at points where extra men waive the guarantee) assigned to road freight service, which requires that they be stationed at a point other than the division home terminal; except that it does not apply to chain gang service or fast freight service, such as is operated between Oakworth and Montgomery, Howell and Radnor, or to similar service.

Note 2. Crews regularly assigned to local freight runs, mixed runs or to other freight runs scheduled on timetable (except strictly mine switching runs), or to work trains, will be used only on the days included in their assignment, except as necessary to complete the weekly guarantee. They may be used in any other service on any day of the week to complete weekly guarantee, except as provided to the contrary under this Section.

Note 3. Crews assigned to mine runs may be used on any day of the week in the territory and service permissible under their assignment. They will not be used in any other service, except as necessary to complete weekly guarantee. They may be used in any other service on any day of the week to complete weekly guarantee, except as provided to the contrary under this Section.

Note 4. In bulletining runs classified as mine runs, the bulletin will show the territory to which assigned, but should not include territory over which the crews could be expected to operate only in cases of emergency; payments to be made on the basis of actual mileage of the trip with a minimum of 100 miles each day worked.

Note 5. Each day paid for will be applied against the guarantee.

Example 1. An engineer in helper service makes two or more days on the same day, or an engineer in mine run service is paid a second day for making an additional trip after completing 100 miles or 8 hours, or an engineer in local freight service is paid for a second day for trip from intermediate point to terminal after being tied up on account of the Hours of Service Law. Each day thus paid for will be applied against the guarantee.

Example 2. The engineer on a three-crewed local is tied up at an intermediate point account unable to complete trip within the hours of service limit. After having legal rest he is run to the away-from-home terminal. On account of the run being annulled he is deadheaded to his home terminal and not used in any service other than his assignment during the remainder of the week. He is entitled to actual miles with a minimum of 150 miles for trip from initial terminal to tie-up point, and a minimum of 100 miles from the tie-up point to terminal. Further, he would be entitled to an additional 50 miles to complete weekly guarantee.

Note 6. This also applies to engineers coming under the provisions of

this Section who, on account of Hours of Service Law, or other cause, arrive at terminals too late to catch their regular assignment. Where such engineers are assigned to straightaway runs they may be used to the opposite terminal to catch their regular run or assignment, regardless of extra men.

Note 7. The words "except in service to which regular engineers are assigned," used in Section (f) 1-b, mean that an engineer assigned to a regular run will not be held off the run and another engineer used on the run in order to enable him to complete the weekly guarantee. However, this understanding does not contemplate that one mine run engineer cannot be used to assist in the territory covered by another mine run engineer when there is not sufficient work in his own territory to keep him engaged or when there is more work in the other engineer's territory than that engineer can handle.

Note 8. The words "at outlying points where extra men are held to protect service" used in Section (f) 1-b, applies only at the point where the extra men are stationed. It does not apply at other points where such men stand to protect extra service.

Note 9. On regular schedule local freight runs, where the distance exceeds 100 miles they will be guaranteed not less than the schedule mileage, instead of 100 miles.

Note 10. Schedule rates means that if used in extra service to complete weekly guarantee, they will be paid the rates covering the class of service they perform (unless earnings from such rates would be less per day than would be earned under the rate of their regular assignment). For example, an engineer assigned to service between intermediate points is used in extra through freight service to another intermediate point and return to complete weekly guarantee, the through freight rate applies; (should he be used in extra through freight service to a division terminal and return, he will be paid on basis of 100 miles in each direction at through freight rates). (See Example under Article 5, Section (b).)

Note 11. Nothing in the above contemplates that engineers on local freight crews, work train crews, mine run crews, or other crews may not be used in extra service when necessary to properly move the business when other men standing to protect such service are not available.

Note 12. The references to permitting men to deadhead to their homes or terminal on Sunday does not refer to engineers in doubleheading or other pool service who work first-in first-out.

2-

a. When bulletining helper service, mine switching runs and runs established under the provisions of Article 8, Sections (c) and (d), an "off day" will be specified. It is understood that the engineer may be worked on that day (and no claims will be made by other engineers) upon instructions given and effective not later than 30 minutes after being relieved from their last previous trip or tour of duty. If then not used, they will be paid a minimum day; If no "off day" is specified it will be considered as a 7-day guarantee job.

b. If not used on days of their assignment and so notified before, or within 30 minutes after, being relieved from their last previous trip or tour of duty, and used on the

"off day" in accordance with the above, their earnings on the "off-day" will be applied to make up the guarantee of 6 days per week.

c. When an assignment is established after the beginning of the week (Monday), or discontinued before the end of the week (Sunday), the engineer assigned thereto will be guaranteed the number of days the assignment is in effect (excluding designated "off day") during that week, provided he is available.

Note. The foregoing does not apply to engineers assigned to Ravenna-Patio, Corbin-Patio, Corbin-Cozatt doubleheading service or similar service, or to pools of two or more engineers established under the provisions of Article 8, Sections (c) and (d), or to extra boards at North Hazard and Loyall or similar extra boards.

d. When a run to which Section (f)2 applies is established as set forth in paragraph 2-c thereof and the engineer who is deadheaded to protect it does not go on duty before midnight, he will be allowed not less than a minimum deadhead day for deadheading, which will be considered as full payment for that day. When such run or turn is discontinued before the end of the week, the guarantee will not apply on the day on which it is discontinued, provided the engineer is notified within 8 hours from time last relieved from duty.

e. When an engineer assigned to a run to which Section (f) 2 applies is displaced by a senior engineer within 8 hours after the former is relieved from duty on last trip or tour of duty, and the run is not operated that day, and a guarantee day is due, it will be paid to the senior man. Otherwise, the guarantee day will be paid to the man displaced unless he performs other service on the same day after being displaced, in which event the guarantee day will be paid to the senior man.

f. When an engineer assigned to a run to which Section (f)2 is applicable lays off and an extra man is sent to relieve him, and the run is not operated on that day, and a guarantee day is due, it will be paid to the extra man, in addition to any deadhead pay he may be entitled to under Article 12.

Note. All agreed interpretations of Article 4, Section (f), not in conflict herewith remain in effect.

g. When assigned service at outlying points is discontinued for a period exceeding 48 hours and an engineer is notified and is placed in pool service, guarantee will not apply. The 48-hour period shall be computed from the time the engineer is relieved from the last trip or tour of duty, if notice that assignment is to be discontinued for more than 48 hours is given prior to that time (if notice is given later the time will be computed from the time notice is given) until the assignment is re-established and the engineer actually

goes on duty, excluding the calendar "off day."

Note. The above contemplates that, in re-establishing an assignment, engineers assigned to mine switching or other runs which have no fixed starting time will be notified as to both the date and hour of re-establishment, so they may be available when service is actually resumed.

h. When service is so discontinued, the engineer will have the privilege of either exercising displacement rights in accordance with Article 25, Section 11(a), or going into pool or extra service at the home terminal as provided in Article 25, Section 11(e).

Note. See Article 12, Section (d), concerning deadhead payments under this rule.

ARTICLE 5

BASIC DAY:

(a) In all classes of service covered by Article 4, 100 miles or less, 8 hours or less (straightaway or turnaround) shall constitute a day's work. Miles in excess of 100 will be paid for at the mileage rates provided according to locomotive used.

(b) In through freight or mixed service, a straightaway run is a run from one terminal to another and not less than 100 miles will be allowed for each such run.

Note. This Section also applies to engineers (not assigned to operate in turn-around service from an intermediate point to division terminal and return) when used from intermediate point to a division terminal, or to a division terminal and return.

Example. Crews stationed at an intermediate point, assigned to service between intermediate points, used in extra service to a division terminal and return, on account of no crews that stand to protect the service being available, are entitled to a minimum of 100 miles in each direction for such service. Under this condition their time on the inbound trip ends when they deliver their train and their outbound trip starts when they are required to report for duty. If not relieved at the division terminal, the inbound trip ends and the outbound trip starts when they deliver their train at the terminal.

(c) A turn-around run is a run from a terminal to an intermediate point and return to same terminal, and not less than 100 miles will be allowed for each such run, except as provided for in Article 8, Section (a).

(d) When chain-gang engineers are called for an intermediate division terminal, and later their destination is changed and they are run through the intermediate division terminal to a division terminal beyond, they will be considered as having completed the trip for which they were called on arrival at the intermediate terminal, and the service from the intermediate terminal to the terminal beyond will be paid for on the basis of an additional day.

ARTICLE 6

BEGINNING AND ENDING OF DAY:

(a) In all classes of service engineer's time will commence at time he is required to report for duty and shall continue until time he is relieved from duty. If another member of the crew makes out the time return, the engineer's time will not be ended before that employee goes off duty.

(b) If required to report for duty earlier than 80 minutes before the leaving time of his train, engineer will be paid for all such time in excess of the 30 minutes on the minute basis at the pro rata rate, except where road overtime, computed from the time required to report, produces a greater amount, it will be paid for at the road overtime rate.

Note 1. "Leaving time," as mentioned in the foregoing, refers to the time set to depart and not to the time of actual departure.

Note 2. See Article 22, Section (a) Note, reference to leaving ready track.

(c) Other employees may make the time return for engineers. When that is done, the engineer will be promptly furnished a copy of the time return or a statement of the time reported for the engineer. If the engineer does not agree with the correctness of the copy of time return or statement furnished him, he may submit a corrected copy, clearly marked "Corrected Copy," and it will be promptly handled.

ARTICLE 7

OVERTIME:

Overtime in all road service, except passenger, on runs of 100 miles or less will begin at the expiration of 8 hours; on runs of over 100 miles, overtime will begin when the time on duty exceeds the miles run divided by 12½ and shall be paid for on the minute basis at not less per hour than 3/16 of the daily rate according to locomotive used.

ARTICLE 8

SHORT TRIPS AND TURN-AROUNDS:

(a) Engineers in pool or irregular freight service may be called to make short trips and turn-arounds with the understanding that one or more turn-around trips may be started out of the same terminal and paid actual miles with a minimum of 100 miles for a day, provided:

1. That the mileage of all trips does not exceed 100 miles.
2. That the distance run from the terminal to the turning point does not exceed 25 miles.
3. That engineers shall not be required to begin work on a succeeding trip out of the initial terminal after having been on duty 8 consecutive hours, except as a new day subject to the first-in first-out rule.

Note 1. When engineers are to be used for short turn-around service under this rule, they will be so notified when called:

Note 2. The actual time of departure will be used to determine whether

engineers are entitled to second day's pay.

Note 3. This rule will also apply to engineers regularly assigned to runs scheduled or designated, to be bulletined when assignment is made to make succession of short trips out of a terminal, except when applying the rule to such regular runs, the second or succeeding trip must actually be started within 8 hours.

Note 4. Section (a) does not apply to engineers in helper, mine switching run, work train, and wrecking service.

Note 5. Section (a) does not apply to engineers deadheaded from a terminal to an intermediate point and used in turn-around service between intermediate points, such service to be paid for on continuous mileage basis under Article 21, Section (b).

(b) (Blank)

TURN-AROUND SERVICE FROM OTHER THAN HOME TERMINAL

(c) Engineers assigned to turn-around service from outlying points into and out of established terminals may be paid on the turn-around basis for such service.

Note 1. Engineers assigned to service under this Section will be paid the rate specified in Article 4, Section (d).

Note 2. Section (c) applies only to assigned through freight turn-around service; for instance, service operated Mt. Pleasant to Radnor and return, and to similar service established on different divisions from time to time, to move business which accumulates at intermediate points. (As runs coming under this Section take the conditions of mine switching run service, Article 15 and 22 are not applicable, except where yard engines are on duty.)

Note 3. In the event an engineer assigned under Section (c) is run to a division terminal not included in his assignment, on account of no engineers standing to protect the service being available, he will be paid on straightaway basis at the rate of pay applicable to the service.

Note 4. Engineers assigned under Section (c) will not be tied up at division terminal on turn-around trips for which they are paid on turn-around basis, except under the Hours of Service Law.

(d) Engineers stationed at other than division home terminals to perform turn-around service to other points than established terminals will be paid the rates specified in Article 4, Section (d).

Note. Engineers assigned to service under Sections (c) and (d) will take the conditions of mine switching run service.

HANDLING ANOTHER TRAIN WITH DISABLED ENGINE:

(e) Short trips from a terminal to an intermediate point (beyond terminal limits) and return or from an intermediate point to a terminal and return, account:

1. Assisting or handling another train with disabled engine, or
2. Giving engine to another train having a disabled engine and taking the disabled engine of that train to terminal, will be paid

for as follows:

Example 1. Chain Gang or Pool Service:

Engineers when required to return to the starting terminal will be paid actual mileage with minimum of 100 miles for the service from the starting terminal to the intermediate point and return, and will be considered as having completed their trip on their return to the starting terminal. If it is desired to run an engine out to pick up the train left at the intermediate point, the engineer first out standing to protect the service will be used. If there is no other engineer available that stands to protect the service, the same engineer may be used, but he will be considered as having started another trip. Likewise when run to the final terminal he will be considered as having completed his trip, and if it is desired to run an engine to pick up the train at the intermediate point, the engineer who stands first out to protect the service will be used. When no other engineer is available to protect the service, the same engineer may be used, but he will be paid on basis of a separate trip.

Example 2. Regularly Assigned Men (except mine run and work train service):

Engineers returned to starting terminal will be paid for actual mileage with a minimum of 100 miles for the service from the starting terminal to the intermediate point and return, but the same engineer will be used to complete his assignment, and the return trip out of the starting terminal will be paid for as a separate trip. When run to the final terminal, he will be considered as having completed his trip. If it is desired to run an engine back to pick up the train left at an intermediate point, the engineer standing first out will be used; if no engineer is available who stands to protect the service, the same engineer may be used, but when so used, the service back to the intermediate point and return will be paid for as a separate trip.

Example 3. Mine Run and Work Trains:

Engineers in the foregoing service required to leave their trains at an intermediate point and assist a passenger train with a disabled engine to division terminal, or when they are required to give up their engine to another train and take the disabled engine of that train to a division terminal and then return to their train, the service will be paid for as a separate trip with a minimum of 100 miles computed from the time they actually depart from the intermediate point until they return to the intermediate point, at the rate applicable to the service performed. The time thus consumed to be deducted in computing overtime of the regular trip.

Example 4. Assigned Turn-around Service:

Engineers assigned to turn-around service from a division terminal to intermediate point and return, or from an intermediate point to another intermediate point and return, who are detached from their train at turning point and run to a division terminal beyond their turning point, and then return to their train, will be paid actual mileage with a minimum of 100 miles for the service from the turning point to division terminal and return, at the rate applicable to the service performed, the time consumed, based from actual departure until they return, to be deducted in computing overtime for the regular trip.

Note 1. When engineers operating under Article 8, Section (a), are used in the manner described in the preceding examples of Section (e), the mileage

will be included in the mileage of the trip and payment for second day will not apply except as provided by the rule.

Note 2. Under conditions cited in the preceding Examples of Section (e), where it is permissible to use the same engineer to return for his train, payment for run-around will not be made to other engineers.

Note 3. The above understanding does not apply to helper or doubleheading service when engineers are required to assist a train to terminal, nor to trains required to shove another train a short distance into or out of terminal (not to exceed 5 miles) due to unusual conditions, such as extremely cold weather, engine failing, or conditions which may cause the other train to stall, such service to be paid for on continuous mileage basis. This understanding does not contemplate using engineers to shove other trains out of the terminal at points where helper or yard crews are stationed. It is further understood that this understanding does not apply to yard engineers, they being governed by Article 41, Section (c).

Note 4. It will be noted that under the above understanding, payment for a minimum day applies only when engineers are used into terminals; when used between intermediate points, see Article 16.

(f)

1. When required to run to a terminal account of own engine being disabled to secure another engine to complete trip, it will be considered as incident to the trip, it being understood that engineers assigned to regular runs will be used to complete the trip for which called out of starting terminal.

2. Engineers assigned to regular runs will not be considered as relieved on their return to starting terminal, but will be used to complete their assignment. When run to the final terminal, they may be run back to bring their train in on continuous mileage basis, provided they have time to do this within the hours of service limit. Engineers in pool or chain-gang service may be used to return for their train, either from the starting terminal or from the final terminal, on a continuous mileage basis and without payment for run-arounds. If it is considered, however, that they will not have time to complete the trip, they may be relieved at the terminal and paid for the actual service performed, with minimum of 100 miles.

Note. Section (f) applies only when an engine of the train which the engineer is handling becomes disabled, and does not apply when he is required to handle the disabled engine of another train.

(g) When required to leave their train at an intermediate point and run to terminal for wrecker, tool car, or carmen, and they return to their train, the return trip from the terminal to the intermediate point and return to terminal will be paid for as a separate trip, but the same engineer may be used without payment to other engineers for run-around.

Note. Section (g) does not apply to engineers assigned to operate into division terminals and return, engineers operating under Article 8, Section (a), or to work train, mine run, or wrecking service crews who may be used in this manner on continuous time and mileage basis, payments for a second day not to apply except when it applies under the rules governing the service

under which they are working.

LAP-BACK MOVEMENTS:

(h) When an engineer in passenger, through or irregular freight, or local freight service departs with his train from a station between terminals, proceeds on the trip, and at the next station or beyond is ordered to go back to it to set off or pick up cars, perform station switching, or load or unload freight or passengers, the additional mileage so made and time consumed, computed from the time the back trip began until completed at the point from which begun, is considered independently of the regular trip and not less than a minimum day's pay, at rate applicable to class of service performed, allowed therefor, unless the movement is wholly within yard or switching limits.

Note 1. "Station" as used above is defined as a place designated by name at which train may be stopped for traffic, enter or leave the main line, or from which fixed signals are operated.

Note 2. It is recognized that in the operation of the railroad many back movements are made to which this rule obviously is not intended to apply, for example:

- a. In connection with the performance of "work" or "construction" service, wrecker service, doubling hills, assisting other, trains or running for fuel or water; also in clearing trains or because of breaks in trains.
- b. When movement is made due to length of train, proximity of stations, track layout, or physical conditions.

Example 1. Method of doing work at Keesler Field-Biloxi, on the N.O.&M., where train in either direction may be left at Biloxi when work is performed at Keesler Field.

Example 2. At West Point-Howard, on the Evansville Division, where train may be left at Howard when work is performed at West Point

Note 3. Movements in connection with work or construction service, see Article 11.

ARTICLE 9

HELD AWAY FROM HOME TERMINAL:

(a) Engineers in pool freight and in unassigned service held at other than home terminal will be paid on the minute basis for the actual time so held after the expiration of 16 hours from the time relieved from previous duty, up to a maximum of eight (8) hours, at a rate per hour of 1/8 of the daily rate paid them for the last service performed. If held more than four (4) hours after the expiration of the first 24-hour period from the time relieved, they will be paid for the actual time so held after the expiration of that 4-hour period, at a rate per hour of 1/8 of the daily rate paid them for the last service performed, until pay begins for service or deadheading.

(b) Should an engineer be called for service or ordered to deadhead after pay begins, the held-away-from-home terminal time shall cease at the time pay begins for such service or, when deadheading, at the time the train leaves the terminal, except that in no event shall there be duplication of

payment for deadhead time and held-away-from-home terminal time.

(e) Payments accruing under this rule shall be paid for separate and apart from pay for the subsequent service or deadheading.

(d) For the purpose of applying this rule, the railroad will designate a home terminal for crews in pool freight and in unassigned service.

Note. The words, "time the train leaves the terminal," paragraph (b), are construed to mean the time train clears the switch leading from the track on which train is made up.

(e)

1. When an engineer arrives at the away-from-home terminal on a service trip and is deadheaded away, held-away-from-home terminal time in excess of 16 hours will be paid for at the pro rata rate per hour paid for the last service performed, and pay for dead-heading will be allowed in accordance with Article 12.

2. When an engineer is deadheaded to the away-from-home terminal and used in service out of that point, payment will be based on the class of engine and service on which he is used on the service trip.

Note 1. For the purpose of applying Article 9 where the passenger rate applies, the rate per hour is 1/8 of the daily rate and not 1/5 of the daily rate.

Note 2. Article 9 applies to engineers at division away-from-home terminals handling officers' inspection specials-see Article 25, Section 7(b) 1.

(f) In event of a strike or work stoppage, engineers and firemen who are at away-from-home terminals will be handled and compensated as follows:

1. If an engineer and/or fireman returns to home terminal of his own accord, carrier will not be responsible for any expenses in connection with such trip. If he is required by the carrier to return to his away-from-home terminal for first service following termination of work stoppage he will be allowed bus fare.

2. Engineers and/or firemen at their away-from-home terminal who are subject to call will be called, and if they cannot be located, or if they refuse to accept call, record will be made accordingly and the carrier will not be responsible thereafter for lodging or claims for detention time following such call

3. A telephone call will be made to notify an engineer and/or fireman that he is called, and if he is not available, a message to return the call will be left which, if not returned within one hour, will suffice to establish his refusal to work the assignment.

4. If an engineer and/or fireman in pool or unassigned service is not called or notified, he will be paid detention time in accordance with Article 9 of current agreements.

ARTICLE 10

TWO OR MORE CLASSES OF SERVICE:

(a) Road engineers performing more than one class of road service in a day or trip will be paid for the entire service at the highest rate applicable to any class of service performed, with a minimum of 100 miles for the combined service. The overtime basis for the rate paid will apply for the entire trip.

Note. The payment of the higher rate of pay under this rule will not reclassify the service for that trip or tour of duty.

(b) When two or more locomotives of different weights on drivers are used during a trip or a day's work, the highest rate applicable to any locomotive used shall be paid for the entire day or trip.

ARTICLE 11

COMPUTING MILEAGE:

(a) Mileage will be computed from the point where engineers take charge of their locomotives to the point where relieved from duty at the end of the trip, including all movements on branches where the distance is as much as $\frac{1}{2}$ mile in one direction.

(b) When an engineer in assigned service is required to make a side trip on a branch line outside of his assigned territory, the additional mileage so made and time consumed, computed from the time the side trip began until completed at the point from which begun, will be considered independently of the regular trip, and not less than a minimum day's pay at the highest rate applicable to the class of service performed on that day will be allowed for the side trip.

(c) Engineers in unassigned pool freight service, if notified when called (when it is not known at calling time, notified before leaving initial terminal) that they are going to be required to make a side trip on a branch line, will be paid on continuous time and mileage basis including the entire mileage of the branch. If not notified when called or before leaving the terminal, as the case may be, that they are going to be required to make a side trip on a branch line, the additional mileage and time consumed on the branch line will be paid for separately with a minimum of 100 miles in each case.

(d) Engineers on trains classified as passenger, through or irregular freight, or local freight who are required, between terminals and in territory to which assigned, to make a forward or a backward movement from their train, with or without cars, of $\frac{1}{2}$ mile or more, to perform service considered as "work" or "construction" service, will be allowed the additional mileage so made, unless overtime computed on regular trip mileage produces a greater amount

(e) An arbitrary of one hour will be paid, in addition, if in performing such work a back movement of more than 3 miles, or a forward movement from their train of more than 3 miles is made, unless, in either case, the next available siding in either direction, or on double track the next crossover, is more than 3 miles distant, in which event movement may be made to that siding or crossover for clearance of trains, regardless of distance. In

determining whether the arbitrary allowance is due, movement on branch or spur tracks is not to be considered.

ARTICLE 12

DEADHEADING:

(a)

1. Engineers required to deadhead under instructions will be paid the same rates as the engineer pulling the train upon which they are deadheading for the distance traveled. When traveling on freight trains, road overtime accruing over that portion of the road where the deadheading is done will be included. Overtime will not be included when deadheading on passenger trains.

2. When not used in other service during the calendar day, they will be allowed a minimum deadhead day as shown on rate sheet. It is understood that a calendar day is from midnight to midnight and the service will be counted in the day upon which the engineer goes on duty, or in case of deadheading, the time the train starts upon which they deadhead.

3. Deadheading will be computed and paid for separately from other service performed.

4-

a. Deadhead pay, under Article 12, is allowed first man deadheading to fill an advertised vacancy.

Should this man later be displaced by a man who has bid in the vacancy, neither he nor the man displacing him is entitled to deadhead pay.

Deadhead pay is allowed when assigned to a run on account of no bids received, regardless of whether man so assigned is first to fill vacancy, provided he takes charge of the run as soon as practicable upon becoming available after assignment is made. (See Article 25, Section 9(a)2, Note 4.)

b. When a run out of an outlying point is discontinued (or man assigned to pool service operating out of other than home terminal is cut off account of reduction of number of men in pool), the first man deadheading to and reporting at the home terminal as a result of the discontinuance (or reduction) is allowed deadhead pay for the trip.

Example. A's run, out of an outlying point, is discontinued:

1. A returns to home terminal and reports. He is allowed deadhead pay.

2. A does not return to home terminal but displaces B at the same or another outlying point and B returns to home terminal and reports. B is allowed deadhead pay. A is not allowed deadhead pay.

c. Pool at home terminal is reduced and A, a pool man, filling a vacancy at an outlying point, is cut out of pool. B, another pool man, relieves A and is allowed deadhead pay to the outlying point. If A returns to the home terminal, he

is allowed deadhead pay.

d. When the engineers' pool is increased and the senior demoted man at outlying point is required to take pool under Article 26, Section 8, he is allowed deadhead pay to the home terminal.

e. When board is reduced, either first or second pool, and man cut out displaces another at outlying point, he is not entitled to deadhead pay.

f. When board is displaced from a run at outlying point by another in the exercise of seniority, no deadhead pay is due:

Exception 1. If the man displaced is cut off because he does not stand for service as either engineer or fireman, he is allowed deadhead pay to the home terminal, provided he proceeds to the home terminal upon being displaced.

Exception 2. When displaced by another in connection with discontinuance of a run at outlying point as covered by Section (a)4-b, Example, Item 2, deadhead pay is allowed.

g. When exercising seniority to a run which has already been filled, no deadhead pay is allowed.

h. When a man gives up a run at an outlying point and returns to the home terminal, he is not allowed deadhead pay.

1. A, a regular man on run at outlying point, lays off. B is deadheaded to fill A's vacancy, for which he is allowed deadhead pay.

Before returning to the run, A is assigned to other service and his former run is advertised. B may remain on the run during period of advertisement or request to be relieved. If B requests to be relieved and C relieves him, C is allowed deadhead pay to the run, being first man deadheaded to fill the advertised vacancy.

D bids in the run. (See Article 25, Section 9(a)2, Note 4) If D then takes charge of run, C is not allowed deadhead pay to the home terminal. If, before taking charge of run, D lays off, C (or B, if B had remained on run) will be so advised and will thereupon elect either to be relieved or to remain on the run until D reports. If C is then relieved, he is not allowed deadhead pay to the home terminal; but if he stays on the run until D reports, after having laid off, he is allowed the deadhead pay.

B would be entitled to deadhead pay to the home terminal if he returned to that point either upon being relieved by C or (if he did not request to be relieved) upon being relieved by D, regardless of whether D laid off before taking charge of the run, as B was originally deadheaded to fill the vacancy of A, who laid off.

Note. Concerning Article 25, Section 8(d), the following applies:

Question 1. A temporary or permanent vacancy as prescribed in Article 25, Section 9(a) 1, or Article 25, Section 11(a), is advertised in advance and the successful bidder is the first man deadheaded to fill the vacancy. Is he

entitled to deadhead pay?

Answer. Yes.

Q.1-a. In the event the bulletin is not issued to expire before regular assignment is due, and a man is deadheaded to fill the vacancy pending expiration of the bulletin, either as a result of his claiming the advertised vacancy, or on account of no one claiming it, would he be entitled to deadhead pay?

Ans. Yes, as he was the first man deadheaded to fill an advertised vacancy.

Q.1-b. Should he later be displaced by a senior man who claimed the bulletined vacancy, would he be entitled to deadhead pay for returning to the home terminal?

Ans. No.

Q.2. Would the man displacing him, or who bids in the run, be entitled to pay for deadheading to the run?

Ans. No.

Q.3. Is a man entitled to pay for deadheading back to the home terminal on account of a run at an outlying point being discontinued?

Ans. Yes.

Q.4. A, the junior engineer assigned to second pool or extra board at the home terminal, is forced out of the pool or extra board. What is his status?

Ans. If he still stands for service as engineer, he will, unless he lays off, claim another run or job as engineer to which he is entitled under the seniority rule, and if he desires to return to the second pool or extra board later, when there is a vacancy he can claim, he will be placed on it, provided the Division Superintendent or his representative has been notified before the vacancy occurred.

Q.5. If A claims a run or job at an outlying point, in accordance with Question 4 and Answer, how would he be handled?

Ans. The run or job he was holding will be bulletined and an engineer should be deadheaded to relieve him.

Q.6. Would A be entitled to deadhead pay when returning to home terminal under these circumstances?

Ans. No.

Q.7. Would the engineer who relieved A be entitled to deadhead pay?

Ans. Yes, on account of being the first man dead-headed to fill the vacancy.

Q.8. If A, while waiting for an opportunity to return to the pool, is displaced or bids in another run or job, does he forfeit his rights to return to the pool when there is a vacancy?

Ans. No.

Q.9. If a regular engineer located at an outlying point lays off and another engineer is deadheaded to fill the vacancy, for which he is allowed deadhead pay, and later is assigned to other service, his former run then being advertised, is the engineer who bids in that run entitled to deadhead pay?

Ans. Yes, because he is the first man deadheaded to an advertised vacancy.

Q.10. Is the engineer filling the vacancy entitled to deadhead pay for returning to his home terminal?

Ans. Yes, because he was originally deadheaded to fill the vacancy of a man who laid off.

5. A, off on account of regulation of mileage, is relieved by B who remains on run until end of gouge period. Neither A nor B is allowed deadhead pay.

If, however, A lays off beyond the gouge period and B remains on the run until A returns, B is allowed deadhead pay to the home terminal.

If B lays off during the gouge period and C relieves him, C is allowed deadhead pay from the home terminal to the outlying point and return.

Should B bid off the run, or be assigned to another run on account of no bids received, and C be deadheaded to relieve him, C is not entitled to deadhead pay unless A remains off the run beyond the gouge period and C protects it until A returns in which case C is allowed deadhead pay to the home terminal.

6. Deadhead pay will not be allowed engineers going to or returning from relief points on account of-

- a. Relieving an engineer who laid off to avoid exceeding his maximum, or
- b. Laid off after he had made his maximum mileage, or
- c. Who was held off after exceeding his maximum mileage.

Engineers who lay off a less number of days than required to avoid exceeding the maximum allowable on assignments which necessitate deadheading engineers to relieve them will not be considered as having laid off to avoid exceeding the maximum mileage, and under such circumstances, deadhead pay will be allowed the engineer who relieves them.

Note. See Article 25, Section 24(g).

7. Deadhead pay will not be allowed in any circumstances where the trip is not actually made by claimant.

(b) Engineers deadheaded from a terminal to an intermediate point, and then deadheaded back to terminal without being used in service, will be paid in accordance with Section (a), but not less than the minimum specified in that section.

Note. See Article 21, Sections (b) and (c), as to computation of pay.

(c) Where it is evident that by deadheading engineers on freight trains they will arrive home more than 2 hours in advance of the time they would reach home if deadheaded on passenger trains, they will be deadheaded on freight trains.

(d) When assigned service at outlying points is discontinued for a period exceeding 48 hours, engineers will have the privilege of either exercising displacement rights in accordance with Article 25, Section 11(a), or going into pool or extra service at the home terminal as provided in Article 25, Section 11(e). In such circumstances deadhead pay will be allowed as follows:

1. If an engineer returns to the division home terminal and exercises displacement rights or takes pool or extra service.
2. If he does not exercise displacement rights but takes pool or extra service and claims job when reestablished (if within 30 days) and is the first man deadheaded to it.
3. If he does not return to the home terminal but exercises displacement rights, in accordance with Article 25, Section 11(a), and goes directly from the discontinued job to another job at an outlying point.
4. When his home is maintained at the division home terminal:
 - a. If he proceeds to the division home terminal upon the job being discontinued.
 - b. If the job is re-established within 30 days and he is the first man deadheaded to it from the division home terminal.

(e) Where passenger train service has been discontinued or it is inadequate for deadheading engineers under instructions, the company will make reasonable arrangements for deadheading under instructions by other means of transportation, as it has already done in certain instances.

Such arrangement, at a cost not to exceed bus fare, will also be made available to engineers in road freight and yard service in such territory assigned to service with assigned off days or layover days at other than the division home terminal, to and from their home, provided they actually go home on such off days or layover days, and provided they do not lay off of their own accord either the day before or the day after the off days or layover days, but such arrangement will not extend beyond the limits of the home seniority district.

Note. In the application of the foregoing, if the passenger train service available to an individual in a particular situation compares favorably with the situation of a man on a division where there are two passenger trains in each direction per day, relatively evenly spaced as to schedules, it will not be considered that passenger train service is inadequate.

The provisions of this agreement will not disturb or negate local agreements or arrangements where now effective, or agreements in connection with mergers or consolidations involving interdivisional or interseniority

district service.

Pursuant to Agreements reached on January 4, 1961, relative to bus fare allowance to be made on Divisions where passenger service has been discontinued or is inadequate for deadheading, we resumed conference discussion covering claims pending and to determine, among other considerations, when the transportation allowance, under the first paragraph of the Agreement, would be made, although the following tabulation would not be considered as all-inclusive, and that any other questions thereunder would be subject to further consideration.

The allowance will be made:

When called to fill an advertised vacancy.

When forced to fill job or assignment.

When called to fill extra service.

When called to fill lay-off vacancy.

When surrendering job at outlying point to take pool at home terminal.

When required to travel in connection with attending investigations.

When service is discontinued at outlying point to return to home terminal.

When laying off or held off account mileage regulation rules, one way, the extra man sent to relieve him, one way.

To first and last man deadheaded to fill vacation vacancies.

The allowance will not be made:

When laying off at outlying point or away from home terminal for own convenience.

When exercising seniority rights to outlying point, when not forced, but the man thtis displaced will get the allowance to come to the home terminal.

ARTICLE 13

ATTENDING COURT:

(a) For attending court or appearing before the proper person to give evidence or similar business for the railroad, engineers will be paid the amount they would have made on their respective runs, which shall not be less than a minimum day in the class of service to which they are assigned for each day so held.

Note. Section (a) applies for each day lost, or when required to leave their home or the point out of which they are working at the time, on a train actually departing before midnight regardless of whether they have performed service on the same day.

(b) When attending court between trips while laying over at terminal, they will be paid a minimum day in the class of service to which they are assigned, based on the last engine used.

(c) When assigned to a regular run and they are held off to attend court on their at-home-layover day, they will be paid a minimum day in the class of service to which they are assigned for the lay-over day, in addition to the amount they would have made on their regular assignment, the day other than that on which their run is scheduled to depart being considered their lay-over day.

Note 1. Sections (b) and (c) apply when required to attend court or to appear at an attorney's, law agent's or coronor's office, or at some point other than their home or boarding house to give court evidence during their lay-over at home, regardless of whether they have performed service the same day. It does not apply when they are called on to give evidence at their home or boarding house, or if called on during the hours they are on duty.

Note 2. "Lay-over day" is defined as the day other than that on which their run is scheduled to depart (regardless of whether this is at the home terminal or the away-from-home terminal).

Note 3. Engineers in first pool are considered as assigned to regular runs so far as Article 18 is concerned.

(d) Extra engineers (which include men in the second pool), so held, will be paid a minimum day at through freight rates based on engines weighing 200,000 to 250,000 pounds on drivers. Engineers assigned to extra yard boards, so held, will be paid a minimum day at yard rates, based on engines weighing 200,000 to 250,000 pounds on drivers.

(e) Railroad will pay engineers' necessary expenses away from home upon presentation of receipts. Railroad will be entitled to certificates for witness fees.

(f) Engineers will be allowed 8 or 10 hours rest when returning from such service, when requested. Except in cases of emergency, engineers will not be relieved at other than home terminal to attend court, and in all cases will be furnished transportation to and from point at which court is held.

Note. See Article 25, Sections 12(a)4 and 12(a)7, reference handling men under this rule.

(g) Jury Duty.

When an employee is summoned for jury duty and is required to lose time from his assignment as a result thereof, he shall be paid for actual time lost with a maximum of a basic day's pay at the straight time rate of his position for each calendar day lost less the amount allowed him for jury service for each such day, excepting allowances paid by the court for meals, lodging or transportation subject to the following qualification requirements and limitations:

1. An employee must exercise any right to secure exemption from the summons and/or jury service under federal, state or municipal statute and will be excused from duty when necessary without loss of pay to apply for the exemption.
2. An employee must furnish the carrier with a statement from the court of jury allowances paid and the days on which jury duty was performed.
3. The number of days for which jury duty pay shall be paid is

limited to a maximum of 60 days in any calendar year.

4. No jury duty pay will be allowed for any day as to which the employee is entitled to vacation or holiday pay.

ARTICLE 14

PILOTING:

(a) Engineers who are familiar with the timetable rules and the road over which trains are to be piloted will be used as pilots when practicable.

Note 1. Second pool engineers will protect all pilot service when available; if not, first pool engineers will be used. Any available engineer may be used if there are no pool men available.

Note 2. The fact that an engineer may be furnished a pilot does not relieve him of the responsibility of the locomotive.

(b)

1. Engineers will be paid road rates in accordance with the class of service in which engaged. When run on the schedule of a passenger train, or when used as a pilot in passenger service, they will be paid passenger rates. When run as an extra or on the schedule of a freight train, or when used to pilot a freight train, they will be paid freight rates.

LIGHT ENGINE MOVEMENT:

2. When engines are "run light," engineers will be paid through freight rates except that when run "light" on a passenger schedule they will be paid passenger rates.

INTERDIVISIONAL PILOT SERVICE:

(c)

1. Pilots for interdivisional runs where their service is only required between intermediate points on a seniority district, as E. K. Division engineers piloting Cincinnati Division engineers between Lexington and North Cabin, may be assigned either on straightaway or turn-around basis and paid on the basis of service actually performed at the same rate of pay allowed the engineers on whose train they are acting as pilot, for the distance traveled, Article 1, Sections (b) and (c), to apply in passenger service and a minimum of 100 miles to apply in freight service, engineers to be notified when called how assigned; otherwise Articles 21 and 23 will apply.

2. Article 9 applies to engineers thus assigned at any point where they are relieved. Articles 21 and 23 apply to pilots furnished for detour service.

3. When assigned to pilot passenger trains, passenger rates and passenger overtime apply, the overtime to be based in accordance with Article 3, Section (b), and Article 6.

4. When used to pilot freight trains, freight rates and overtime

apply, overtime to be based in accordance with Articles 6 and 7. When used to pilot both freight and passenger trains during the same assignment, Article 10 governs.

Note 1. The foregoing deals only with engineers used as pilots to accompany engineers on interdivisional runs, who are not familiar with the road, and does not apply to pilots furnished for detour service.

Note 2. See Article 25, Section 6(a), Note 1, concerning regular engineer being furnished pilot.

LOCOMOTIVE MESSENGER SERVICE:

(d) When an engine under steam (with fire in the firebox) is handled in a train, it will be manned by an engine crew, when available, who will be paid the regular rates according to the class of service and engine used. The same applies to diesel locomotives when traction motors are engaged.

BACKING UP:

(e) Engineers will not be required to back up except in cases of wrecks, breaking in two or returning to shops, running for fuel or water, doubling hills, or other important emergencies.

Note. This does not apply to Birmingham Mineral established switching runs or other similar service in which it is necessary for engines to run backwards in performing their work, and they are equipped for it.

ARTICLE 15

FREIGHT CREWS DOING SWITCHING AT INITIAL AND FINAL TERMINALS AND INTERMEDIATE POINTS:

(a) Where yard engines are on duty, engineers in freight service will not be required to perform switching service where it can reasonably be avoided. When switching service is required, they will be paid for the time consumed under the following rules:

INITIAL AND FINAL TERMINALS:

(b)

1. When engineers in freight service are required to do switching at their initial terminal or after arrival at final terminal, they will be paid for the actual time consumed on the minute basis at pro rata rates.

2. When engineers perform switching at more than one point within the same terminal switching limits, time will be computed from the time the switching is begun until all the switching is completed, including the actual running time between points where switching is performed.

Note. It is understood that Article 15, Section(b), providing for payment for switching at initial and final terminals covers work performed within the entire switching limits of the yard engines employed in such terminals, and supersedes all rules in conflict therewith.

Example. A southward freight train arriving at East Louisville required

to do switching at that point and also required to do further switching upon arrival at South Louisville, the time will be computed from the time the crew began switching at East Louisville until the switching at South Louisville is completed. Delays encountered between East Louisville and South Louisville, not incidental to the switching, such as delays by other trains, yard engines, and being held out of the yard account of congestion of yard tracks, etc., to be deducted.

3. When time consumed in switching is used to compute final terminal delay, Article 22, Section (b)4, will apply.

4. Under this Article where engineers in freight service perform both switching and hostling, the service will be combined and time computed as continuous.

5. At final terminals, when train is placed in one track or doubled over on account of one track not holding it, the engine then cut off and moved to relief track without handling caboose, no additional payment is due. When the caboose is placed in one track and the train in another track or tracks, switching time will be computed from the time the first uncoupling is made until the engine is cut off from cars or caboose upon completion of the work.

Note. At initial or final terminal, or at intermediate points, it will be considered switching when an engineer is required to hold onto one or more cars and move up out of the way while switch engine performs switching on his train.

It will not be considered as switching when road engines are detached from trains without cars to permit yard engines to switch trains, or when tracks used will not hold the entire train and it is necessary to double part of the train onto or from an adjacent track. If doubled over with more cars than necessary, it will be considered as switching.

6. Engineers in road freight service required to handle a car or cars at their initial or final terminal which car or cars were not handled to or from their terminal, will be allowed 4 hours at pro rata rate ($\frac{3}{4}$ of the daily rate per hour) in addition to all other compensation earned on that tour of duty at the follow terminals only:

Atlanta	Evansville	Nashville
Birmingham	Lafayette	New Orleans
Bloomington	Louisville	Paris, Tenn.
Cincinnati	Memphis	Pensacola
Corbin	Michigan City	Ravenna
E. St. Louis	Mobile	S. Hammond
Etowah	Montgomery	

Exception. It shall not be considered as service similar to that described in Section (b)6 when engineers are required to handle cars to or from and/or switch at the industrial or business track at Maplewood, within the Nashville Terminals but outside the free switching limits. Thus, when road

crews handle cars, in connection with the industries or maintenance work at Maplewood, as has been customary, between that point and any other point in the Terminal, Article 15 will apply, but should a road crew handle cars set out by another train at Maplewood from that point to, for example, Radnor, or handle cars from Radnor to Maplewood to be picked up by another train, such movements ordinarily being handled by a yard engine, Section (b)6 applies; or to or from and/or switch at Spaulding within the Birmingham Terminals, it being understood that practice of having the work at that point done by road crews who handle cars between that point and other points in the Terminals, is in no wise affected, the compensation therefor being as provided by Article 15; or to perform similar service at any of the specified Terminals where the circumstances may be the same.

Note. This rule also applies to engineers in passenger service. (See Article 3, Section (i), Note 5.)

INTERMEDIATE POINTS

(c)

1. Engineers in through freight service required to perform station switching between terminals not in connection with their own train will be paid for the actual time consumed at the pro rata rate.

2. Engineers in freight service at intermediate points where yard engines are on duty required to perform switching, or required to set off on more than one track or pick up from more than one track (where one track will not hold the cars to be set off or picked up, second track may be used), will be paid for the actual time consumed on minute basis at pro rata rates.

Exception. This rule does not apply to local freight trains when required to place or pick up at freight houses cars containing shipments of l.c.l. freight.

3. Engineers required to perform switching at an intermediate point where yard engines are not employed, in order to get cars together in their train and thereby avoid setting out from more than one place in their train at an intermediate yard where yard engines are employed, will be paid local freight rate for that trip if they do not earn that rate or its equivalent, under other rules.

Example 1. Engineer en route from Howell to Radnor, via Providence, a point on the Morganfield Branch where yard engines are not employed, moving both northbound and southbound tonnage from Providence to Atkinson, an intermediate yard where yard engines are employed, is required to switch the northbound cars together in train at Providence, to avoid setting out from more than one place in the train at Atkinson. Engineer will be paid local freight rate for that trip.

Example 2. Engineer en route from Howell to Radnor, in through freight service, has cars for Atkinson in the train out of Howell. The train picks up cars at Henderson, an intermediate yard where yard engines are employed, after which there are Atkinson cars in two places in the train. The engineer is required to stop at Slaughters, an intermediate point where yard engines are not employed, and switch the Atkinson cars together, to avoid setting out from

more than one place in the train at Atkinson. The engineer will be paid local freight rate for that trip.

Note 1. These examples are merely illustrative and are not all-inclusive.

Note 2. The payment of local freight rate under this agreement does not change the classification of the train.

4. Local freight rate will not be allowed when required to perform switching at an intermediate point in order to avoid switching at an intermediate point where yard engines are not employed as, for example, to avoid switching where the track layout makes switching impracticable.

(d)

1. When road overtime, computed from time required to report for duty until final release at the end of the run at the road overtime rate, produces a greater amount for the trip than would be earned under the foregoing rules, the service performed under these rules will be paid for as road overtime.

2. These rules will not apply to work, construction, and wrecking trains at any point, or to mine switching run service, or to Birmingham Mineral freight and mixed runs at other than recognized division terminals where yard engines are on duty.

Note. It is understood that delays incidental to doing the switching, such as getting switch list, checking up cars to be switched out, letting off the hand brakes, coupling or chaining up defective drawbars, etc., is all chargeable to time switching, while, on the other hand, delays such as getting out of the way of, or waiting for superior class trains, oiling or working on engine, waiting for or getting orders, etc., is not chargeable to time switching, and must be deducted from the total delays at the point where switching is done, in arriving at the time consumed in actual switching.

(e) (Blank)

(f) Engineers in freight service required to hostile or turn their engines at their initial or final terminals will be paid for the time consumed at the engineers' pro rata rate, with a minimum of 30 minutes in each case. If required to hostile or turn their engines at turning points on turntable, or on wye tracks immediately adjacent to the shops or roundhouse where hostlers are on duty, they will be paid for the time consumed at the engineers' pro rata rate, with a minimum of 30 minutes in each case; except when time earned under these rules computed as road overtime or as final terminal delay will produce a greater amount, it will be paid accordingly.

Note 1. The rule under Section (f) will not apply to work, construction, and wrecking trains at any point, or to mine switching run service, or to Birmingham Mineral freight, and mixed runs at other than recognized division terminals where hostlers are on duty.

ARTICLE 16

DOUBLING HILLS OR ASSISTING OTHER TRAINS:

FREIGHT SERVICE:

(a)

1. Engineers in road freight service required to double a hill or to assist another train will be paid (regardless of the time so consumed or mileage made) an arbitrary of one hour at pro rata rate in each case, which is in addition to all other compensation earned on that trip or tour of duty.

Exception 1. The rule does not apply to engineers doubling or helping another train over a hill in territory where tonnage ratings are not maintained. (This consists principally of branch lines serving mines or industries, and spur tracks.)

If a branch not now rated should hereafter be rated, the rule would apply. If physical changes are made or trackage now rated becomes of the class of unrated branch track or spur track, the rule would no longer apply. The intent is to apply the rule in all territory now rated but not to freeze such territory.

Exception 2. Helper or Doubleheading Territory:

When required to double, or to help another train over a hill, due to excess tonnage being handled and assistance not being given by helper or doubleheading engine in territory where helper or doubleheading service is customarily maintained (excluding Frankfort, Ky., which is covered by Exception No.3), no emergency existing, the engineer will be paid a minimum day for that service.

If assistance is not rendered by helper or doubleheading engine because of an emergency, then the measure of payment shall be as provided in Section (a)1.

Example. In the Patio-Riverside Helper District the road engine and assigned helper engine having a combined rating of 4,000 tons stall while handling tonnage in excess of that rating, and train is doubled or helped by another engineer.

If train is doubled, one minimum day is payable to the engineer performing the service. If the train is helped over the hill by another engineer, the day will be paid that engineer.

Assigned helpers are due nothing additional.

Exception 3. Frankfort, Ky.:

When required to double, or to help another train, due to excess tonnage being handled out of Frankfort, Ky.-

- a. Over Bagdad Hill, an arbitrary of 3 hours will be paid.
- b. Over Jett Hill, an arbitrary of 2 hours will be paid (regardless of the time so consumed or mileage made), which is in addition to all other compensation earned on that trip or tour of duty.

Note 1. The term, "assist another train," is not confined to helping another train over a hill, but includes all cases where assistance may be

necessary for any reason.

Examples. Derailments, damage to engine, insufficient water, etc.

Note 2. The term, "double," contemplates the handling of a train over a hill in two or more parts.

Note 3. "Emergency" in Exception 2 is defined as a situation which cannot be foreseen or prevented, created as a result of conditions affecting the helper engine, or an engine of train being assisted.

Note 4. "Excess tonnage" is defined as tonnage in excess of the rating for the engine or engines used, as established and published by the Carrier, which is in effect at the time the service is performed. If a new engine not rated is used, the first rating established for it will apply back to the date it was placed in service.

2. If, in assisting another train as defined in Note 1, engineer is required to leave his train and run back or forward or make a back movement with his train, for $\frac{1}{2}$ mile or more to reach the train assisted, and the addition to the regular trip mileage of the total mileage made in running to the train, rendering the assist, and returning to the point from which movement was begun, computed continuously, produces a greater amount than is produced by the regular trip mileage, overtime based thereon, and the hour arbitrary allowance under Article 16, the greater amount will be paid.

Example. Upon arrival at Mile 45, engineer is ordered to leave his train there, go back to Mile 35 and assist another train. It is necessary to handle the train in 2 parts to Mile 40, 50 that 30 additional miles are made. He is on a 95-mile run. If on duty a total of 7 hours, he is due 125 miles at pro rata rate; if on duty 10 hours, he is due 100 miles, 2 hours overtime, and one hour arbitrary under Article 16.

3. When a minimum day's pay is due under Exception 2, it is considered independently of the regular trip and covers all time and mileage made in the helper territory. Any additional mileage made in connection with the movement, but outside helper limits, will be added to the mileage of the regular trip, unless overtime made on the regular trip mileage produces a greater amount, in which event the overtime will be allowed.

Example. Helper Limits

(Chart not reproduceable in electronic format.)

Engineer assists a train, with "excess tonnage" from G to K, returns to G and proceeds on trip; in that movement he makes 10 miles outside helper territory, which extends from H to J. For all service within helper limits, he is due a minimum day, considered independently of the regular trip, under Exception 2. The 10 miles made outside helper limits is added to the mileage of the regular trip, unless overtime based on regular trip mileage produces a greater amount.

Note. The minimum day payment provided for in Exception 2 is applicable throughout the 24-hour period, even though the helper engine may be on duty

for only part of the day.

PASSENGER SERVICE:

(b) Engineers in passenger service will be allowed a minimum of 10 miles in each case where they double a hill or leave their train to assist another train.

RUNNING FOR FUEL OR WATER:

(c)

1. When unforeseen conditions arise making it necessary to detach engine and run for fuel and/or water, engineers in road freight service will be allowed the actual mileage made.

2. Engineers in passenger service will be allowed a minimum of 10 miles.

Note 1. Sections (a), (b), and (c) apply whether the double, assist, or run for fuel and water is performed on line of road or into or out of terminals. (See Article 8, Section (e), for assisting train with disabled engine to terminal.)

Note 2. Sections (b) and (c) do not apply when constructive mileage is paid for on the trip covering such additional service or when road overtime is earned.

Example. On a 90-mile freight trip an additional 15 miles is run:

a. On duty 8 hours or less, engineers will be paid 105 miles (90 plus 15).

b. On duty more than 8 hours, engineers will be paid 100 miles plus overtime after 8 hours.

Note 3. Necessary backing up in performing service under this Article is not considered a violation of Article 14, Section (e).

Note 4. When service is performed as covered by this Article, claims will be made only by the engineers who do the work.

ARTICLE 17

LEARNING THE ROAD AND TERMINALS:

QUALIFYING AND REQUALIFYING:

(a) Engineers who are required to learn the road on other seniority districts will be paid for the time consumed in doing so at the same rate of pay allowed the engineer on whose train they are qualifying, for the distance traveled, and not less than the minimum as per Article 1, Sections (b) and (c), to apply in passenger service, and not less than a minimum of 100 miles or 8 hours to apply in freight service, no additional pay to apply for examination when conducted on the same day that learning the road is completed, or on a day that deadheading or service is performed. If otherwise held for examination they will be paid a minimum day for each day held based on the service which the engineer is qualifying to perform.

(b) Engineers who are required to learn terminals other than the territory over that which they do not learn in qualifying for road service will be paid at the pro rata minimum hourly rate as prescribed in Article 33, Section (a), and not less than a minimum of 8 hours for each calendar day. This does not apply, however, to engineers required to learn terminals for service that their seniority district ordinarily protects.

(c) Engineers who are required to deadhead to be examined for service on other than their own seniority district will be compensated under Article 12 for the deadheading, and if the examination is not conducted on the day the deadheading is performed, they will be paid a minimum day for each day held, based on the service for which the engineer is qualifying to perform.

(d)

1. Engineers temporarily transferred from one seniority district to another to protect the Company's interests will be paid deadhead pay to their newly acquired seniority district under the provisions of Article 12, and will be paid for learning the road and terminals on their newly acquired seniority district in accordance with the provisions of Section (a) of this Article.

2. When relieved from a seniority district to which temporarily transferred, they will be paid deadhead pay for returning to their parent seniority district under the provisions of Article 12.

(e) Engineers transferred from one seniority district to another at their own request will not receive pay for deadheading to or from, or for learning the road and terminals on their newly acquired seniority district.

(f)

1. Engineers will not be considered eligible for passenger service until they have run a minimum of 60,000 miles in road freight service; except that when an engineer has made a minimum of 15,000 miles in main line freight service on the division on which employed, he may qualify for passenger service, provided he makes written application for same, and provided he is pronounced competent by a traveling engineer. The Management will have traveling engineer qualify engineers making application under this Section as promptly as practicable; however, no claims for time lost will be allowed on account of not being used in passenger service pending their being qualified by a traveling engineer as promptly as practicable.

2. Should an engineer who has once qualified for passenger service not engage in such service for more than one year, he may be required to make one or more trips on the locomotive of a passenger train to demonstrate his qualification for passenger service.

3. The intent of this Section is that if an engineer who has qualified for passenger service in the past has not made a trip as engineer in either passenger or road freight service over the territory involved within one year, at least one or more of the trips he is required to make to requalify must be made on the locomotive of a passenger train over the route to be used in order to requalify for passenger service.

4. It will not be permissible for an engineer who has previously qualified to make a trip on a run on which he has not been over the territory involved within one year, until he has made one or more trips as necessary, on his own account, to at least familiarize himself with the road and has passed a satisfactory verbal examination to be conducted by the Trainmaster or his representative. Except in cases of small unimportant branch lines, the Trainmaster, with the personal approval of the Superintendent, will use his discretion as to requiring requalification in specific in-stances.

5. An engineer who has not made a trip over the route to be used within a year may be used on the second engine of a doubleheader, in lieu of a trip for relearning the road, under conditions where he is not to be used back in service unless on second engine of a doubleheader, or after having passed the required verbal examination. Further, the Company will do everything it can to facilitate the oral examination with a minimum of delay and inconvenience.

ARTICLE 18

CLASSIFICATION OF TRAINS:

(a) When in through freight service, and run as a section of a passenger train, engineers will be paid through freight rates.

(b)

1. When handling caboose or freight cars on passenger schedule, or when handling deadhead passenger equipment on freight schedule, or as an extra, engineers will be paid through freight rates.

2. Passenger equipment handled empty part of the trip, either before or after unloading en route, will be considered deadhead passenger equipment in the application of this rule. This does not apply to regular trains on which one or more empty cars are handled.

(c) When one or more freight cars are handled by a passenger train over any portion of the trip, the through freight rate will be paid for the entire trip.

(d) In the foregoing cases where freight or mixed rates are allowed, overtime will be paid on freight basis and when passenger rates are allowed overtime will be paid on passenger basis.

Note. Payments under Sections (b), (c), and (d) will be made in accordance with Article 10, Section (a).

(e) Officers' inspection trains will take the rates and conditions of passenger trains (See Article 25, Section 7(b).)

(f) Troop and other government trains designated, at present, by the symbol "Main" will be considered as passenger trains whether or not passenger equipment is handled.

Note. See Article 14, Section (b)2, concerning light engine and detector

car movements.

ARTICLE 19

(Blank.)

ARTICLE 20

WORKING ON ENGINES:

(a) Engineers required by proper authority to do necessary work on their engines will be paid for the time so engaged on the minutes basis of 1/8 the daily rate applicable to the last service performed. When required to work on engines at outlying points on Sunday, or on lay-over days, a minimum day will be allowed.

INSPECTION OF ENGINES:

(b) While engineers will be required to give their engines reasonable inspection on arrival at terminals, they will not be disciplined for failure to report defects that they failed to detect in making such reasonable inspection.

HANDLING SUPPLIES, CLEANING ENGINES, etc.:

(c)

1. Engineers will not be required to put on or take off tools or supplies on engines at points where mechanical forces are maintained.
2. Red and white lanterns will be cleaned, filled, and otherwise maintained in good condition, by mechanical forces and placed on locomotives with the other tools and supplies in good condition.
3. Engines, cabs, cab windows and running boards will be cleaned by mechanical forces (where mechanical forces are maintained) before departure from roundhouse.
4. Engineers will not be required to fill or drain lubricators or fill grease cups or hand oilers at points where mechanical forces are maintained.
5. Engineers will not be required to handle switches or flag except in cases of emergencies.
6. Engineers will not be required to clean or wipe engines.

ARTICLE 21

RELIEF BETWEEN TERMINALS:

(a) Engineers will not be relieved between terminals without pay, and held for further duty except:

1. In compliance with the Hours of Service Law,
2. To accord them rest when asked for, or

3. When the line is broken by an Act of Providence.

When they are relieved between terminals and deadheaded to a terminal, their time for the service performed will be computed continuously until they commence deadheading and the time for deadheading paid for under Article 12.

Note. Engineers assigned to turn-around service will not be tied up at other than their starting terminal except under the Hours of Service Law rules.

(b) The same rule to apply when deadheaded to outlying or intermediate points for service other than relieving men assigned to regular runs. In such cases the deadheading will be paid for under Article 12, and the service time will be computed from the time the deadhead trip is completed. This also applies to a practice in effect on some divisions of deadheading engine crews to outlying points to utilize lay-over engines, principally on Sundays. When engineers receive the minimum for deadheading on account of not performing any other service during the calendar day on which they deadhead, such pay in excess of what they would have been entitled to for deadheading covering the actual miles deadheaded should be applied to cover any portion of the time held previous to being used in service.

Article 21 does not apply to work train service. Some of the conditions to which Article 21 applies are:

1. When deadheaded from terminal to intermediate point to take up outlying power and used in service between intermediate points, then deadheaded back to terminal.
2. When deadheaded from terminal to intermediate point and used in service back to terminal.
3. When an engineer, not assigned to the run, is used to doublehead train from terminal to intermediate point and deadheaded back to terminal, or when deadheaded to the intermediate point and used to doublehead train back to the terminal, regardless of whether the terminal of the run is at an intermediate point.
4. It also applies when an engineer is detached from his run at an intermediate point and deadheaded to terminal other than on account of the flours of Service Law.

Example 1. An engineer on local freight run is relieved at intermediate point account engine disabled, or on account of being required to give engine to another train, and is deadheaded to terminal. In a case of this kind, service trip will be computed up to the time they start deadheading and the deadhead trip will be paid for in accordance with Article 12.

Example 2. An engineer used on wrecker is relieved at intermediate point before wrecking work is completed, and deadheaded to terminal, the relief engineer completing the wrecking service. Service trip will be computed up to the time he starts deadheading and the deadhead trip will be paid for in accordance with Article 12.

Example 3. An engineer after completing wrecking service is relieved on account of the Hours of Service Law and towed or deadheaded to terminal (the relief engineer handling the wrecker to terminal), this service will be paid

for in accordance with Article 23, Section (e).

Example 4. An engineer in wrecking service tied up to afford rest, later continued in wrecking service, Article 23, Section (c) 1, applies.

EXTRA YARD SERVICE AT OUTLYING POINTS:

(c)

1. When an engineer is deadheaded from the home terminal to an outlying point, where no extra board is maintained, for extra yard service, and works for one tour of duty and then returns to the home terminal, he will be paid continuously from the time of arrival until time of departure. If he performs no service, he will be paid for the actual time held, up to 8 hours at pro rata rate, thereafter at overtime rate.

2-

a. If held to perform service on more than one calendar day, pay for the first day will be computed from time of arrival until completion of the day's work.

b. The time he actually goes on duty that day will fix the call for succeeding days and he will be considered as again on duty and as beginning a new day at that time on each calendar day he is held.

c. If he goes on duty at the same time, he will be paid for the time worked each day with a minimum of 8 hours. If called prior to that time on any day, he will be paid for such prior time at overtime rate. If called thereafter on any day, he will be considered as having gone on duty at the time so fixed and overtime will begin 8 hours thereafter.

3. When deadheaded to the home terminal, his time for that day will be computed continuously from the time of going on duty (or the fixed starting time if it produces more) until departure, with a minimum of 8 hours.

4. If, after completion of a day's work, it is determined that he will not be held for further service, it is the intention that he be deadheaded to the home terminal on the first available train.

Note 1. When an engineer is deadheaded to an outlying point for extra yard service, he is subject to call at any time and must keep himself available so that he will be ready for service or to deadhead back to the home terminal.

Note 2. An engineer is considered in service upon going under pay upon arrival at the outlying point. (This to avoid misunderstanding as to the application of Article 12.)

Note 3. Under this rule, engineers may be dead-headed between home terminal and outlying point by passenger or freight train, or by highway transportation, at the discretion of the Carrier. If instructed to deadhead by highway transportation, they will be paid the railroad mileage under Article 12 at passenger rate and reimbursed the amount of highway fare paid.

Note 4. In the application of this Section, the provisions of Article 37 are waived.

ARTICLE 22

INITIAL TERMINAL DELAY:

PASSENGER SERVICE:

(a)

1. When in passenger service and delayed at the initial terminal as much as one hour beyond the time set to leave, engineers will be paid for one hour; one hour and 30 minutes to be paid for as two hours; etc. When initial terminal delay time is used for the purpose of computing road overtime, this Article will be disregarded.

THROUGH FREIGHT SERVICE:

2-

a. When in through freight service and delayed at the initial terminal as much as one hour beyond the time set to depart, they will be paid for one hour at pro rata rate; one hour and 30 minutes to be paid for as two hours; etc.

b. Initial terminal delay begins at the time set to depart and ends when their engine clears the switch leading from the track, in their train yard, on which the train is made up. When train is made up on the main track, initial terminal delay ends when it starts moving after signal is given to proceed. When train is made up on yard track with engine or engine and cars standing on lead, ladder or drill track, initial terminal delay ends when engine clears the first switch ahead of the engine.

c. Time consumed in switching and hostling for which payment is made under Article 15, between the time initial terminal delay begins and ends, shall be deducted, it being the intention to avoid payments under both Article 15 and this rule for the same time.

d. When road overtime accrues during any trip or tour of duty, payment for both initial terminal delay and overtime will not be made, but whichever is greater will be paid.

Note. Under this rule, running time between the point where engineers' report for duty and the point of departure of the train from the train yard is not deductible, for the reason that the 30 minutes preparatory time permitted under Article 6 covers time consumed in preparing to depart. Hence, when possible to do so, the engine should leave the ready track within 15 minutes of the time the engineers go on duty.

FINAL TERMINAL DELAY:

(b)

1. When in road service, except as noted in the following Sections, final terminal delay will be paid for at the end of the

trip when delayed between the yard limit boards governing the yard in which the train is to be delivered and the point of final relief more than 30 minutes beyond the time required by the road miles-per-hour speed for such trains at the pro rata overtime rate; over 30 minutes to be paid one hour; one hour and 30 minutes, two hours; etc. This will also apply to a train or trains held on the main line immediately outside of the yard limit board (or governing point) when blocked by trains standing ahead, but it will not apply to a train or trains held at or beyond the first siding outside of the yard limit board (or governing point); neither does it apply to engineers called for relief service to relieve other engineers within final terminal delay limits.

2. When road overtime, computed from time required to report for duty until final release at the end of the run, produces a greater amount than would be earned for final terminal delay, at pro rata rates, the service will be paid for as road overtime. Both road overtime and final terminal delay time will not be paid for on the same trip.

3. This rule not to apply to work or wreck trains at terminals, or to mine switching runs operating into terminals where required to switch or put away their trains after arrival account of switch engines not being employed.

4. Time consumed in terminal switching will be included in computing final terminal delay time, but when time is claimed and paid for under this Article, Article 15 will not apply at final terminal, it being the intention to avoid allowing payments under both Articles 15 and 22 for the same time or service.

ARTICLE 23

REST AND HOURS OF SERVICE LAW:

(a)

1. Engineers will be entitled to either 8 or 10 hours rest when they come in off their runs, providing they ask for it, rest to be counted from the time they register in until they are called.

Note. This does not apply to men who are called and not used.

2. Engineers desiring 8 or 10 hours rest must request same when registering in, and the request will not be granted if made later in the day. Engineers making specific requests for 8 or 10 hours rest will not be permitted to withdraw the request later in the day, and they will not be disturbed until after the rest period is up.

(b) Under the law limiting the hours on duty, engineers in road service will not be tied up unless it is apparent that the trip cannot be completed within the lawful time, and not then until after the expiration of 10 hours on duty under the Federal law, or within 2 hours of the time limit provided by State laws, if State laws govern.

(c)

1-

a. If engineers are tied up in a less number of hours than provided for in the preceding Section on account of it being apparent that they cannot complete the trip within the lawful time, their time will be computed up to the expiration of 10 hours after arriving at the relief point, and they will again be considered as on duty and under pay beginning at the expiration of their rest period, computed from actual time they were relieved.

Some of the conditions under which Section (c) will apply:

1. Engine failure.

2. Yards blocked.

3. When run to intermediate point to move accumulation and relieved and held for further service.

4. When deadheaded to an intermediate point to take outlying power to move accumulation and after performing service they are relieved and held for further service.

5. When used to doublehead a train (to which they are not assigned) to an intermediate point and relieved and held to doublehead on return movement.

6. When on a straightaway run and relieved a few hours at an intermediate point on the run for tonnage from a connection.

7. Engineers used on officers' inspection specials when relieved between terminals-see Article 25, Section 7(b)1 and 7(b)2.

b. Section (c) will not apply to the following conditions:

1. When called for a turn-around run and tied up at turning point to await arrival of tonnage. This, however, applies only to service such as turn-around runs Louisville to Lebanon Junction and return or similar runs, and it does not apply to engineers run or deadheaded to outlying points to move accumulation of business, who are held for further service out of such points, such as engineers occasionally run from Etowah to Blue Ridge or from Atlanta to North Yard or similar service, Section (c) 1-a to govern such cases.

2.(a) When run to intermediate point with an engine to exchange for another engine and they are relieved at the intermediate point account of the engine which they are to handle on the return trip not being ready, or

(b) When run to an intermediate point and their engines are taken for some other service and they are relieved and held for its return or another engine.

Note. Nothing in Items 1 or 2 contemplates that engineers may not be held on duty in accordance with provisions of Section (b) when at the time they are relieved they do not have sufficient time to complete the trip.

2. When a chain-gang engineer is called for a distant division terminal and later is stopped and relieved at an intermediate division terminal, which is on the direct route, and which he would have had to pass through in order to reach the terminal for which he was called, he will be considered as having been tied up under the Hours of Service Law, and handled and paid in accordance with Article 23, without respect to other engineers who may be laying over at the terminal (Under this condition when tied up in less than 10 hours he will be paid up to 10 hours, and will again be considered as on duty, at the expiration of the legal rest period.) (See Article 5, Section (d).)

(d)

1. When tied up between terminals under the law, they will be allowed 100 miles as a minimum for each portion of the trip between terminal and tie-up point, or between one tie-up point and another, and shall be considered on duty and under pay immediately upon the expiration of the minimum legal period off duty applicable to the crew, provided that the longest period off duty required by any member of the crew, either 8 or 10 hours, will be the period off duty for the engineer. This Article does not permit their being run through terminals or relay points where such practice is not now customary.

2. Engineers tied up on line of road under the Hours of Service Law and later run to the terminal, will be paid for the trip from tie-up point to terminal, or from one tie-up point to another, at the rate prescribed for the service for which they were originally called out of initial terminal, unless service is performed on that trip entitling them to higher rate of pay.

Example 1. Engineer in through freight service makes 3 stops, entitling him to local rate under Article 15, before tying up on line of road. Later he is run to the terminal, performing no service entitling him to higher rate of pay. He will be paid the local freight rate from initial terminal to tie-up point and through freight rate from tie-up point to terminal.

Example 2. Through freight engineer performs no service from initial terminal to tie-up point entitling him to higher rate of pay, but on trip from tie-up point to terminal makes 3 stops entitling him to local rate under Article 15. He is due through freight rate from initial terminal to tie-up point and local freight rate from tie-up point to terminal.

Example 3. Local freight engineer on trip from tie-up point to terminal performs no local service. He is nevertheless due the local freight rate for the trip.

(e)

1. Road engineers tied up under the law and then towed or deadheaded in any manner into the terminal, with or without engine or caboose, will be paid the same as though they had completed their continuous trip.

2. When towed or deadheaded to terminal after being tied up under the law they will be paid continuous time regardless of whether they have been tied up the legal rest period or less than the legal rest period before the towing or deadhead trip is started.

This refers only to engineers coming under the provisions of this Section, and does not refer to engineers who are taken off of their runs at an intermediate point on other account than the Hours of Service Law and deadheaded to terminal, such engineers coming under the provisions of Article 21.

3. When a train is not tied up but is kept moving and it is necessary to relieve the engineer, he should be permitted to work as close to the 12-hour limit as possible before being relieved by the relief engineer.

(f)

1. Exception. When line is obstructed by wrecks, washouts, or similar emergency, the foregoing regulations governing the method of pay under the Hours of Service Law will not apply; crews may be tied up for rest and the time deducted with the understanding that payment will be made for not less than a minimum day up to point tied up, and that the crew shall be considered as again on duty and as commencing a new day upon the expiration of 8 hours from the time relieved at tie-up point, or at the time of again going on duty, if required to report earlier.

Note 1. This Section is independent of all other rules, under either Article 21 or Article 23, and it applies only under conditions where the track is actually blocked by wrecks, washouts, landslides, bridges destroyed, fires, or similar emergency.

Note 2. It is not applicable to trains departing from terminals after receipt of notice that track has been blocked. When trains are run out of terminal after notice has been received that track is blocked, and later it becomes necessary to tie the engineer up on account of failure to get the track open as anticipated, he will be paid in accordance with Section (c) of this Article.

2. In "extraordinary conditions," the following applies:

a. Tie-up and the first 8 hours rest period to be in accordance with Article 23, Section (f).

b. After expiration of 8 hours rest period, pay time begins, and will continue up to expiration of 10 hours, unless required to begin service during such period, in which circumstances the service will be computed continuously.

c. If an engineer is not required to begin service during the pay period of 10 hours in above paragraph b, a second 8-hour rest period will begin, at which time it will be considered that an extraordinary condition exists. Beginning then, the following application will be made regardless of notice of track being obstructed or not when train departed terminal.

d. After expiration of 8 hours rest, an 8 hours pay period, and,

e. Thereafter, 8 hours off, 8 hours on, under paragraphs c and d.

f. If called to deadhead during period when 8 hours pay time is running, actual time so consumed will be paid at pro rata rate, and deadheading will be computed and paid for separately.

g. If called to perform service during period when 8 hours pay time is running, the service trip will be computed beginning with the time such last pay period allowance starts.

h. If called to perform service during a rest period, as described in paragraph c hereof the service trip will be computed from the time of going on duty.

i. If called to deadhead during a rest period, as described in paragraph c hereof, Article 12 will apply.

(g) Article 23 does not apply to work train service, subject to Article 4, Sections (c) 6 and (c) 7.

ARTICLE 24

CALLING ENGINEERS:

(a)

1. Engineers will be called one hour and 30 minutes before leaving time of their train, except where otherwise agreed upon, when they live within 1½ miles of the point where they take charge of their engine or the calling terminal. Where they provide telephones or other such means, they will be called regardless of distance.

2. Engineers assigned to runs on which they report for duty without being called, or engineers filling vacancies on such runs, will be called provided request is made to proper authority.

3. When an engineer who is called to go to a run or job which ties up at an outlying point lays off on the call, he will, when reporting for duty, relieve the engineer used, provided the engineer used requests to be relieved before engineer who laid off on call is first called again for other service. When more than one engineer lays off on call for service at outlying point, they will be handled in the following manner.

Example. Engineer A lays off on call. Engineer B, second out, is called, and he lays off. Engineer C, third out, is called and deadheads; however, he makes request to be relieved by either A or B when they report. If B reports for duty before A, B should be sent to relieve C, and when A reports for duty, he will be sent to relieve B provided B requests to be relieved.

Note. When deadhead pay is involved, the first engineer used will receive the deadhead pay in both directions.

4-

a. If an engineer requests a call of more than one hour and 30 minutes in advance of the time set for train to depart, and another engineer who stands to protect the service reports for duty two hours or more in advance of the time

set for the train to depart, the original, or first, engineer called will be relieved and he will not be entitled to pay under the Called-and-Not-Used Rule (Article 24, Section (f).)

b. This same principal to apply in connection with an engineer who exercises displacement rights more than one hour and 30 minutes in advance of the time set for the train to depart, and displaces the engineer who had already been called, due to his making request that he be given more than one hour and 30 minutes call time.

(b) The caller will be furnished with a book, which must be signed by the engineers, showing the train called for, time set to depart, and, when practicable, the number of the engine; and, in the case of work trains or other irregular service, the destination of the train, when practicable, that they may make proper preparations before leaving home.

(c)

1. Engineers must not lay off, except by permission of an authorized officer. When not able for duty, they must notify the Division Superintendent or his representative. If on account of sickness they cannot go out, they must, if possible, give 2 hours notice before* they will be needed.

2. Failing to respond promptly, whether it is his turn out or not, the party at fault will be subject to discipline.

3-

a. Engineers missing call for any service they stand to protect out of the home terminal should be marked on the off-board until they report for service in accordance with the provisions of Article 25, Section 12(a)5.

b. When an engineer in pool service standing second, third, or fourth out, etc., is called, on account of inability to call the man next preceding, and such man misses call, he would not be considered as having lost his regular turn unless such turn was called before he could be again called for same.

Note. See Article 25, Section 12(a)5, in regard to men reporting for duty after having been off for any reason.

(d)(Blank.)

(e)

1. The time set for departure of the train upon which men are to be used in service, or upon which they are to deadhead, will govern as to how they will be run out (preparatory time not to be taken into consideration).

When two or more men in the same class of service are to be used, the following will govern, subject to Section (e):

2. When two men are called to depart at the same time, one for a road trip, the other for a yard engine, the man first out will be

used for the road trip, and the man second out for the yard engine.

3. When two men are called to depart at the same time, one in passenger service, the other in freight service, the man first out will be used in passenger service.

4. When two men are called to depart in road service at the same time, on different trains, one to perform service and the other to deadhead, the man first out will be used to deadhead and the man second out will be used on the service trip.

5. When two men are called for the same train, one to handle the train, the other to deadhead, the man first out will handle the train, the other deadhead.

6. When two or more men in the same class of service are to deadhead on the same train, they will be handled in the following order:

Example 1. To an intermediate point for return service to the home terminal:

Where more than one man is deadheaded for such service, the man first out will be deadheaded to the nearest point; the man second out to the next nearest point, and so on. If deadheaded to the same point, they will take their turns out in the order they stood when called.

Example 2. To the away-from-home terminal, or for service to the away-from-home terminal:

When two or more men start deadheading on the same train en route to the opposite terminal, but one or more of them are cut out at an intermediate point to perform service to the opposite terminal, the man last out will be cut out at the first point, the man next out at the second point, and so on.

Example 3. For service at or between intermediate points:

When more than one man is deadheaded for such service, the man first out will be deadheaded to the nearest point, the man second out to the next nearest point, and so on. If deadheaded to the same point, they will take their turns out in the order they stood when called. Should they go on duty at the same time, the man who stood first out will have the preference of runs.

Example 4. When one man is to be deadheaded from the away-from-home terminal to the home terminal, and another to an intermediate point the man first out will be deadheaded to the home terminal. If more than one man is to be deadheaded to intermediate points, the man first out will be deadheaded to the nearest point, the man second out to the next nearest point and so on.

Example 5. To the away-from-home terminal for service to the home terminal, or for service to the away-from-home terminal, and for service at an intermediate point:

When more than one engineer is deadheaded on the same train, one to the away-from-home terminal, or for service to the away-from-home terminal, and the other for service at an intermediate point, the engineer first out will be called to protect the service to or from the away-from-home terminal and the engineer second out should be called to protect the service at the

intermediate point.

7. When two or more men are doubleheaded or deadheaded through to the opposite terminal, they will take their turns out in the same position that they were in when called.

8. When a man deadheads in from an intermediate point, the man pulling the train will be considered first out.

9. When two or more men deadhead in from an intermediate point on the same train, they will take their turns out as per Article 25, Section 4(a), as between themselves, according to the time relieved from the last service performed, but behind men who may have deadheaded through from the initial terminal on the same train, this information to be shown on register.

CALLED AND NOT USED:

(f) When engineers are called for road service and not used, they will be paid a minimum of 3 hours at pro rata rate and stand first out in the class of service to which assigned.

If not relieved within 6 hours of the time they are called to report, they will be paid 100 miles in the class of service for which they were called and will stand last out.

Note. When an engine clears the lead switch of the roundhouse track or the lead switch of the "ready" track en route to train or yards, the engineer will be considered as having been used within the purview of this Article and will be entitled to pay for 100 miles.

(g) (Blank.)

(h) (Blank.)

NOT CALLED IN THEIR TURN:

(i) When assigned to regular runs or jobs (or filling vacancies on such runs which under the Agreement they are entitled to retain temporarily) and not called or used through no fault of their own, engineers will be paid for the time lost.

(j) When in second pool or extra service and not called in their turns for the service they stand to protect, they will be paid for elapsed time at pro rata hourly rate, with a minimum of 3 hours, based on the service for which they should have been used, computed from the time they should have reported for duty until they actually reported for duty, but not beyond the time the trip or tour of duty for which they should have been called is completed. If the trip or tour of duty which they should have been called is actually completed before they report for duty, they will then be allowed the amount they would have earned on that particular trip, but no further payments to apply. It is understood that payments made under this rule in no way change the standing of the men who should have been called.

Note 1. An extra or second pool man, through no fault of his own, is not used on a run which he stood to protect and for which he would have reported for duty at 8:00 am.

Example 1. Reports for duty for another run at 10:00 a.m.: Entitled to 3

hours at pro rata rate, at rate of pay for service for which he should have been used.

Example 2. Reports for duty for another run at 6:00 p.m., the crew for which he should have been called not completing their trip and being relieved until 6:10 p.m.: Entitled to 10 hours at pro rata rate, at rate of pay for service for which he should have been used.

Example 3. Reports for duty for another run at 6:00 p.m., the crew for which he should have been called having completed their trip at 5:30 p.m., for which they were paid 100 miles and one hour and 30 minutes overtime: Entitled to 100 miles and one hour and 30 minutes overtime at rate of pay for service for which he should have been used; no further payments to apply.

Example 4. Reports for duty for another run at 11:00 p.m., the crew for which he should have been called being relieved on line of road at 10:00 p.m. account of Hours of Service Law, for which they were paid 100 miles and 2 hours overtime: Entitled to 100 miles and 2 hours overtime at rate of pay for services for which he should have been used; no further payments to apply.

Note 2. Examples 1, 2, 3, and 4 quoted above are all independent of each other and are predicated on Note 1.

It will be noted that if the man actually reports for duty before the crew with which he should have reported for duty is relieved, he is entitled only to actual hours and minutes at pro rata rates for the elapsed time with a minimum of 3 hours, whereas if he does not actually report for duty until after the crew for which he should have been called is relieved, he is entitled to the mileage and the overtime he would have earned on that trip or tour of duty, but no further payment to apply, this understanding being the result of a give-and-take proposition in order to provide a definite basis for settlement of claims in this connection.

Example 5. An engineer runs around the entire extra board, reporting for duty at 8:00 a.m., and completing trip at 8:00 p.m. Engineer A, who stood first out, reports for another run at 1:00 p.m.: Engineer A is entitled to 5 hours at pro rata rate, at rate of pay for service for which he should have been used, the same principles to apply as outlined in Examples 1, 2, 3, and 4. No other engineers are affected.

Example 6. Engineers M and O run around entire extra board in order named: Extra Engineer A, who stood first out, will be paid with respect to the trip made by Engineer M, and Extra Engineer B, who stood second out, will be paid with respect to the trip made by Engineer O, on basis of Examples 1, 2, 3, and

4. No other engineers are affected.

(k) When in first pool service, or filling vacancies in first pool freight service, which under the Agreement they are entitled to retain temporarily, and not called in their turns for the service they stand to protect, they will be paid 3 hours for each run-around, at prorata rates, and take the next turn out. This Section applies only to men standing first out, or who are known as chain-gang crews. If run-around by one engineer, they are entitled to 3 hours, at pro rata rate; if run-around by two engineers, they are entitled to 6 hours, at pro rata rate, etc., regardless of when they are afterwards used. This also applies where only one pool is maintained.

(1) Engineers in pool and unassigned service called in turn but not run

from terminal in such turn will be paid 3 hours for each run-around at pro rata rates, except under the following conditions:

1. When the engineers involved were called for different destinations;
2. When not being run out in turn was due to derailments, engine failure, sttting out bad order cars, or similar emergencies;
3. When their positions were righted before arrival at the terminal for which called.

Note. When two men are to be called for trains departing from different points or yards within the same terminal and it is apparent that the man first out will be run-around within terminal limits if called in turn, they should be called in the anticipated order of departure, and claims for run-around will not be valid if they depart terminal limits in order of their standing on board at calling time.

Example. A freight train is called to depart at 9:45 p.m. and a vacancy is to be filled on passenger train called to depart at 10:00 p.m., and it is known the passenger train will leave terminal limits ahead of the freight train. The man first out should be called for the passenger train. The same rule ~so to apply where called to doublehead or to deadhead on a passenger train.

ARTICLE 25

REGULAR ASSIGNMENTS, RULES APPLYING TO BOTH FIRST AND SECOND POOLS, FILLING VACANCIES, AND REPORTING.

REGULAR ASSIGNED RUNS:

1 When assigned to regular runs, engineers will not be required to perform other service that they do not stand to protect, except in cases of emergency, and when so used will be notified as far in advance as p05sible in time to get proper rest.

2 When assigned to regular runs and held off to perform special service, they will be paid not less than the amount they would have earned had they remained on their regular runs. (This not to apply to men in freight service, designated to do extra passenger work.)

3

(a) When on regularly assigned runs, they will fill their runs regardless of the engines used. This to apply to cases of changing or cutting out engines on line of road unless special instructions are issued to the contrary.

(b) Doubleheading of regular passenger trains, the handling of extra passenger trains, second sections of regular passenger trains, officers' specials, troop trains, etc., will be manned by first pool engineers.

(c) When a regularly assigned passenger train is split and run in more than one section, or when a train is made up and run as first section of that train on account of the connections being late, the regularly assigned engineer will be used on the first section.

(See Article 25, Section 7(b)4, which defines "splitting of a train.")

SURRENDERING REGULAR ASSIGNMENT:

(d)

1. Men holding permanent assignments which they secured by seniority wishing to voluntarily surrender same will be required to give 5 days written notice, remaining on the run or job, unless they lay off, until rebulletined. When an engineer voluntarily surrenders an assignment under this rule, he should be required to remain on the run or job until he has completed the last service on the run or job before the bulletin expires; however, should the bulletin expire after he has started a trip, he should be required to complete the trip.

2. If an engineer serves notice of his desire to surrender an assignment under this Article and is displaced by a senior displaced man before expiration of the bulletin, the bulletin will be canceled, and the engineer so displaced given displacement rights.

3. When an engineer gives notice that he desires to voluntarily surrender a permanent assignment, he will not be privileged to later withdraw the notice and hold the assignment, unless the pool for which he made application was reduced during the life of the bulletin to the extent that his seniority would not entitle him to it, in which event the bulletin would be canceled. Should an engineer claiming first pool desire the second pool in the event the first pool is reduced during the life of the bulletin to the extent that his seniority would not entitle him to it, he should so state when making application.

4. An engineer bidding in a temporary vacancy should be handled in the same manner that an engineer is handled who bids in a permanent vacancy, and the only way the engineer could give up the temporary vacancy would be to bid in other service, or to serve 5 days written notice, which would permit him to return to pool or extra service, and in that event he would forfeit the run he formerly held as well as the temporary vacancy.

FORCED TO PERMANENT ASSIGNMENT:

5. Engineers who are forced on permanent runs or jobs (including outlying extra boards which are advertised), and who desire to enter second pool or extra board at the home terminal, when there is a temporary vacancy in accordance with Article 25, Section 11, or when there is a permanent vacancy, may do so without giving 5 days notice, provided written notice to that effect reaches the Division Superintendent in each instance before a vacancy occurs, it being understood that no additional expense for deadheading will be incurred under such circumstances. This is also applicable to engineers forced from the pool on divisions

where only one pool is maintained. It is understood the written notice will remain in effect until canceled by the engineer making same or until he returns to the pool.

6. When the junior engineer assigned to the pool is notified that he is being forced out of the pool on a no-bid job and his seniority entitles him to other service, he will be privileged to exercise displacement rights to the other service.

Note. See Article 12, Section (a)4-i, Note, concerning deadhead payment.

FIRST-IN FIRST-OUT:

4

(a) When not assigned to regular runs, they will be run first-in first-out in class of service assigned. Men in the same class of service will take their turns out in accordance with their arrival at the terminal yard board as shown on the roundhouse register.

Note. See Article 24, Section (e), concerning men deadheading and working.

(b)When a man used in yard service is relieved after a man in road service passes the yard limit board, but before he registers in at the roundhouse, or where both register in at the same time, the man used in yard service will stand first out as between them.

Example. Men in first pool arrive as follows:

A, first out, arrived 8:00 a.m. and required 10 hours off duty account being on duty 12 hours.

B, who arrived at 8:05 a.m., and who would have required only 8 hours off duty, lays off.

C arrived at 8:20 a.m. and required only 8 hours off duty. One engineer is needed to go on duty at 2:20 p.m., for a train set to depart at 2:50 p.m., and another engineer is needed to go on duty at 4:20 p.m. for a train set to depart at 4:50 p.m. How should they be handled?

Train called for 2:50 p.m. should be filled by an extra man in place of B; C should be used on the train called for 4:50 p.m., and A should be run first out after having the required rest.

DELIVERING ENGINES:

5

(a)

1-

a. Where first and second pools are maintained, second pool engineers, when available, will be used to deliver engines to and/or from intermediate points, between intermediate points, and between division terminals, when run light or when doubleheaded, regardless of tonnage.

b. When they deliver an engine to an away-from-home terminal, they may be used to "deliver" another engine from the away-from-home terminal or from an intermediate point or an opposite away-from-home terminal. They will be deadheaded back to the home terminal if no engine is to be delivered.

c. When an engine is to be delivered from the away-from-home terminal and an engineer is deadheaded from the home terminal for this service, the engineer deadheaded will be used to deliver the engine.

2. Where only one pool is maintained, engineers delivering engines will take their turn out with other pool men in accordance with their arrival at the terminal yard board as shown on the roundhouse register.

If necessary to deadhead an engineer away, the engineer standing first out at calling time of the train on which they are to deadhead will be deadheaded. (This does not apply at Radnor for M.S. 1st and 2nd Divisions, Section 7(d) applying.)

3. When an engineer is to be used to handle a train, or to handle a train and exchange engines en route, it does not constitute "delivery" of an engine within the meaning of this rule, and the general rules will govern.

FILLING VACANCIES:

6

(a) In case of doubleheading, men assigned to regular runs will be used on head engine; when double-heading in pool service, the man standing first out will be used on head engine. When engines are cut out between terminals, the man on the head engine will be considered in charge of the train and remain on the head engine regardless of engines used. When engines are cut in between terminals, the man in charge of the train will take the head engine.

Note 1. In cases where the regular engineer in interdivisional service is not familiar with the connecting division, he should be furnished a pilot.

Note 2. This Section is not applicable to assigned hill-helper service within defined limits.

(b) When men assigned to the same class of service are doubleheaded and one engine or man is to be cut out at an intermediate point, the man who stood second out will be cut out and the man who was first out will handle the train through, as the case may be, to the terminal regardless of engine used.

(c)

1. When engineers on runs to which they are assigned, or in the class of service they stand to protect, have engine failures on line of road and a relief engine is sent in charge of a second pool engineer, the engineer in charge of the run will change engines and complete the trip, the

second pool engineer taking charge of the disabled engine.

2. When for any cause a first pool engineer is used to take a relief engine to take the place of a disabled engine of a train in charge of another first pool engineer, they will not change engines but the engineer in charge of the relief engine will complete the trip and the engineer in charge of the disabled engine will remain with his engine.

FIRST POOL SERVICE:

7

(a)

1. Engineers assigned to first pool will handle the unassigned freight service, wrecking service and fill vacancies in fast freight and passenger service, as provided for in this Section, and such other work as may be designated.

2. A vacancy of less than 5 days in passenger service will be filled by the engineer standing first out in the first pool (except on divisions where certain men are designated to protect passenger service) who will fill it for one round trip, taking his turn according to the register on his return. (Article 25, Section 8(b), governs when first pool men are not available.)

3. Doubleheading of regular passenger trains, the handling of extra passenger trains, second sections of regular passenger trains, officers' inspection specials, troop trains, circus and carnival trains, will be manned by first pool engineers, and no vacancy will be left in board to be filled by second pool engineer.

OFFICERS' INSPECTION TRAINS AND OTHER SPECIALS:

(b)

1. First pool engineers used on officers' inspection specials will remain with the special until the service is completed. Should the service not return to the starting terminal, the engineer will be relieved and will be deadheaded to the starting terminal, unless they were started from the away-from-home terminal and their services were no longer required at that point, in which event they will be deadheaded to the home terminal.

2. When relieved at recognized away-from-home terminals for pool freight engineers, they will be paid on the basis of a trip and Article 9 will apply. If relieved between terminals, they will be paid under Article 23, Section (c).

3. If the officers' inspection special is tied up and discontinued- at an away-from-home terminal, and the engine is to be run light or doubleheaded back to the home terminal, the engineer who came in on the special should be used to take the engine back to the home terminal. In the

event it is necessary for the engineer to have rest, he will be doubleheaded out on the first available passenger train after expiration of rest period or run light.

MAIL, EXPRESS CARS, ETC.:

4-

a. Mail cars, express cars, etc., held off a regular passenger train and run on a special train being operated as a first section of a regular passenger train does not constitute splitting a regular passenger train within the purview of the above rule, and first pool engineers should be used to man such trains.

b. When there are more cars of express than can be handled on the regular train and an additional section is run handling only express cars, a first pool engineer should be used on the train handling nothing but express cars.

VACANCY IN ASSIGNED PASSENGER SERVICE:

5. When a first pool man is used to fill a vacancy in assigned passenger or fast freight service, the vacancy should be left in first pool board, to be filled by second pool man.

Note. When the first pool man is relieved from the vacancy, his original turn in first pool will be taken out of the board and he will be handled in accordance with Section 7(a) 2 of this Article.

6. When it is known that a vacancy in passenger service will be for 5 days or longer, or it has been vacant for 5 days, the senior engineer in fast freight or pool service making applications for same will be assigned to the vacancy and hold it (subject to being displaced by a senior man) until the regular man reports or the vacancy is otherwise closed.

Note. An engineer regularly assigned to a fast freight run which has a regular gouge period each month will not be permitted to work during that gouge period regardless of the fact that he may be filling a temporary unadvertised vacancy in passenger service.

Example 1. Is a first pool man who claims a 5-day vacancy in fast freight service privileged to displace a junior man holding a 5-day vacancy in through passenger service?

Yes; as a man holding a 5-day vacancy in fast freight service is considered a bona fide man in that service.

Example 2. A regular passenger man lays off. The regularly assigned swing man fills the vacancy the first 2 days that he is off, when a first pool man catches the vacancy. Should the days the swing man fills the job be used in figuring when the vacancy is open 5 days?

No; as the regular passenger man laying off would not have a vacancy to be filled by an extra man until he was due to go out after the swing man had made his mileage on the run, the vacancy would not begin until the departing

time of the run on its first trip after the swing man had been relieved.

Example 3. A first pool man catches a vacancy in passenger service during the period he is filling a stated vacancy in fast freight service. Later the fast freight man who he is relieving reports and makes application to displace the first pool man from the passenger run. Is he permitted to displace him?

Yes; in accordance with Sections 7(b) 6 and 7(b) 9-b of this Article.

Example 4. Should a man catch a passenger vacancy in his turn, and during the 5-day period he is entitled to hold it, it is "gouged." If he gives it up, it will be filled as a new vacancy at the expiration of the "gouge" period.

Note. This example applies only in connection with a passenger run that is gouged by a regularly assigned "gouge man."

Example 5. In the event a man not designated to protect passenger service catches a passenger vacancy account of no man who stands to protect the service being available, should he be permitted to hold the passenger run, if he so elects, for a period of less than 5 days, or until the regular man reports, if earlier; or would it be proper to displace him as soon as a designated man becomes available?

If the vacancy is for a period of less than 5 days, the man who caught the run should be allowed to remain on it, but should he elect to do so, Article 25, Section 2, will not be applicable. If the vacancy is for 5 days or longer, that part of the rule relative to vacancies of 5 days or longer would govern.

VACANCY IN FREIGHT SERVICE:

7. When there is a vacancy of less than 5 days in fast freight service, the engineer standing first out in the first pool will fill it for one round trip, taking his turn according to register on his return. When it is known that a vacancy will be for as much as 5 days, or when a vacancy has existed for 5 days, the senior man in pool service making application for same will be assigned to the vacancy and hold it (subject to being displaced by a senior man) until the regular man reports or the vacancy is otherwise closed.

8. The words, "When it is known that a vacancy will be for as much as 5 days" in preceding paragraph, refer to vacancies where it is known in advance that the vacancy will be for 5 days, such as vacancies pending assignment by bulletin, vacancies caused by men requesting to be absent 5 days or longer, etc. When a man does not specify that he desires to be absent as much as 5 days, it does not constitute a 5-day vacancy until after 5 days elapse.

9-

a. When it is known that a vacancy will be for 5 days, or when it has existed for 5 days, the senior available engineer on the working list at the home terminal in the class of service designated to protect the vacancy will be notified. Should he decline it, the senior man in pool service making application for

the vacancy will be assigned subject to being displaced by a senior engineer, and a notice of the vacancy will be posted on bulletin board at roundhouse at the division home terminal, calling attention to it, unless some other satisfactory arrangement is already in effect. An engineer will not be permitted to claim the vacancy after he has worked more than one day or trip at or out of the home terminal, on which he went on duty following the posting of the notice.

b. The man entitled to fill the vacancy may be assigned to it at any time during the duration of the vacancy, regardless of the number of days which have elapsed since the vacancy occurred.

c. Should the senior man entitled to the vacancy decline it' he will not be privileged to displace a junior man who may be assigned to the vacancy.

d. Vacancies on regular assigned runs will be computed from the date the run departs on its first trip, after the regular assigned engineer lays off, at the home or away-from-home terminal.

VACANCY IN FIRST POOL:

e. In computing 5-day vacancies in first pool, the date on which the regular assigned engineer lays off will be considered as the first day of the vacancy regardless of the time the turn departs on its first trip.

Note 1. If the senior engineer available on the working list declines or fails to accept a 5-day vacancy when notified, he forfeits his rights to the vacancy. If no one else claims it before time to fill it, the junior available engineer on the extra board should be placed on it, subject to being displaced by a senior engineer. In the event the junior engineer is thus assigned and no one claims the vacancy, he will, upon application, be relieved by an engineer junior to him, should one become available who stands to protect the service.

Note 2. In the circumstances referred to in Note 1 above an engineer is forced on a third trick yard job (10:30 p.m. to 6:30 a.m.), and next morning at 7:00 a.m. he makes application to be relieved by a junior engineer, should one become available who stands to protect the service. Should the engineer requesting relief be required to protect this job until it is again due to go on duty at 10:30 p.m. that night and then only be relieved if there is a junior man on extra board at calling time for job that night?

Answer: As soon as a junior engineer becomes available he should be held for the job and the engineer who was forced on the job should then be relieved.

Note 3. Should a first pool engineer who has been laying off be permitted to claim a 5-day vacancy that first pool stands to protect when he reports for duty while his turn is out?

Answer: Yes.

Note 4. All vacancies caused by reason of filling vacancies of 5 days or more on other runs or in other service will be considered as stated vacancies, of 5 days or more, and handled as such. Engineers filling vacancies of 5 days

or more will be considered bona fide men in that class of service.

Example. A is displaced from first pool and immediately claims second pool and displaces B from a 5-day vacancy he was holding in first pool. At the time B was the only engineer on the board in first pool and was first out. A first pool engineer was called for 8:00 p.m., and as A's rest was not up until 10:15 p.m., B was used and A was required to wait until the turn returned. Was the handling correct?

No; B should have been taken out of the board when displaced by A, which would have left A the only engineer in the first pool, and as his rest was not up an extra engineer should have been used on the vacancy and A should be run first out after his rest was up. In the event, however, that another first pool man had become available and an engineer was needed before A's rest was up, the other first pool man should have been run around A and A run first out after his rest was up.

10. When a vacancy becomes first out in the first pool and there is no second pool man to fill it at the time the train is ordered, the vacancy will be left first out, first pool engineers running around same, until there is an available second pool engineer to fill it.

11. When a first pool man is used for service that a second pool man stands to protect on account of there being no second pool man available, it will not be considered as creating a vacancy in the first pool for 48 hours, and second pool man will not, therefore, be used to fill the vacancy until after the expiration of 48 hours. Under such circumstances, when a first pool man is used to protect second pool work on work trains or outlying runs, he will be relieved at his request by second pool man as soon as possible, with the understanding that no extra or additional expense for deadheading will be incurred under such circumstances.

Note. After 48 hours the vacancy stands first out, and handled in accordance with Section 7(b) 10.

VACANCY AT OUTLYING POINTS:

12. In the event a first pool engineer used to fill a vacancy on a run or yard job at an outlying point account of the second pool exhausted, requests to be relieved by a second pool engineer and the run or job does not work daily, or is temporarily annulled while he is filling the vacancy and no second pool engineer is available in the meantime to be sent on the train on which an engineer is ordinarily deadheaded, the first pool engineer should be relieved at the relief point on completion of service previous to the day the run or job does not work and permitted to deadhead to the home terminal, where he will mark up at the bottom of the first pool board in accordance with the arrival of the train on which he deadheads. In the event the run or job is still vacant when next due to go to work, it will be filled in the usual manner, and should a first pool engineer again be used, he would be subject to the same conditions. Where deadhead pay applies, it will only apply to the first and

last deadhead trip, or in other words, no deadhead pay will apply in connection with making the exchange.

13. When a first pool engineer is sent to an outlying point to fill a 5-day vacancy on account of the second pool board being exhausted, he will not be relieved or displaced by a second pool engineer unless the first pool engineer requests to be relieved.

VACANCY IN YARD SERVICE:

(c) When necessary to use first pool men to protect vacancies in yard service or extra yard service at division home terminals where both a first and second pool are maintained, they will be used in their turns for one day or shift without forfeiting their turn on the road list and may be run first out after having the required rest, provided his turn has worked up first out.

(d) Where the first and second pool are maintained, and it is necessary to use a first pool engineer account the second pool exhausted, the first pool engineer used should be considered and handled in the same manner as a second pool engineer.

SECOND POOL SERVICE:

8

(a) Second pool men will be handled in accordance with Article 25, Sections 7(a)2, 7(b)5, 7(b)6, and 7(b) 7, with respect to vacancies in service which they stand to protect.

Note. An engineer who stands to go in the first pool but prefers the second pool is privileged to remain in the second pool if he so desires. However, should an engineer reject such vacancies in the first pool, he forfeits his rights to the first pool until such time as there is another vacancy or he should become displaced.

(b) Those assigned to second pool will be used to fill vacancies of first pool men, assigned runs not otherwise provided for, and such other work as may be designated.

Note. See Article 14, Section (a), concerning pilot service.

(c) (Blank.)

EXTRA SERVICE OUTLYING POINTS:

(d)

1. When engineers are needed for extra service operating out of points where pool or extra engineers are not maintained, they will be deadheaded from terminal where second pool or extra boards are maintained.

2. When an extra engineer is sent to an outlying point to protect a vacancy, he should not be held to fill the vacancy of more than one engineer, except when there are no other extra engineers available at the terminals from which such

vacancies should be filled.

Note. Under this Section, the senior engineer filling a vacancy at an outlying point, if he elects, would be permitted to exercise his seniority and remain there to fill a stated vacancy of 5 days or more. When a train is en route from a home terminal to an away-from-home terminal, and, in emergency, it is necessary to relieve the engineer at an intermediate point by an engineer stationed at the intermediate point who does not stand to protect the service, the engineer thus used will be relieved on his arrival at the away-from-home terminal, and the vacancy out of that point will be filled by an engineer who stands to protect the service.

EXTRA WORK TRAIN SERVICE:

(e)

1. Where both first and second pools are maintained, second pool engineers will stand to protect extra (unadvertised) work train service, except as follows:

a. When an engineer is ordered at the home terminal or the away-from-home terminal to work through to the opposite terminal, a first pool engineer will be used.

b. Extra work train service out of the away-from-home terminal may be protected by first pool engineers, in turn, to the extent of 2 days, subject to same provisions as Article 25, Section 23. Where it is known in advance that service will be for more than 2 days, or it has existed for 2 days, second pool men will be furnished from home terminal.

2. When first pool engineers are used in work train service and tied up between their established home terminals, Articles 21 and 23 will apply, except as provided in Article 25, Section 7(d).

3. When second pool engineers arrive at an away-from-home terminal in extra work train service and the work train service is completed, they will take their turns on the board with first pool men, provided the engine is to be run away from that point to an intermediate point, or division home terminal. If engine is delivered to another division, in that case, second pool engineer will be deadheaded to the division home terminal.

4. Nothing in Section 8(e) is to be construed to mean that Articles 21 and 23 are applicable to first pool engineers used in work train service on division or parts of divisions where first pool men stand to protect all extra work train service.

Note. See Article 4, Section (c), pertaining to work train service.

5. When it is known in advance that a work train will be needed for as many as 6 days, or when a work train has been in service for as many as 6 days, it will be considered as a permanent vacancy and advertised for a period of 5 days.

(f)

1. On divisions where first and second pools are maintained, and the pilot service for rail detector cars is not advertised, second pool engineers will be used to protect the service.

Note. See Article 4, Section (c)8, for rates and rules.

2. When the rail detector car service is initially started at a division away-from-home terminal, a second pool engineer will be deadheaded from the home terminal for use as pilot on the car.

3. When the rail detector car service is completed at a division away-from-home terminal, the second pool engineer arriving with the car will be deadheaded back to his home terminal and will not be placed in pool at the away-from-home terminal with other engineers except when the detector car is to return from the away-from-home terminal within a reasonable time, the second pool engineer who piloted the car to the away-from-home terminal will be used on the return trip.

ABOLISHING SECOND POOL:

(g) When conditions do not justify the operation of first and second pool, the second pool may be abolished by mutual agreement between the division officers and the local chairman.

(h) When a demoted engineer is used on outlying work, he will be relieved by a second pool engineer as soon as there are sufficient second pool engineers on the board to protect the business at the departing time of the train on which the engineer would deadhead to relieve the demoted engineer. Where deadhead pay is involved, same will be paid to the first and last man deadheaded. This rule will also govern on divisions where only one pool is maintained and will also apply on divisions having local agreements providing for the use of demoted engineers when the second pool board is exhausted.

NEW SERVICE AND CHANGE IN SERVICE:

9

(a)

1. All permanent vacancies or new runs covered by the Agreement will be bulletined for a period of 5 days, and when practicable, such bulletins posted 5 days prior to the date assignment is to be made.

2. When it is known that any assigned run will be vacant for 30 days, or when it has been vacant for 25 days, (except vacation vacancies), it will be posted for a period of 5 days and the oldest engineer making application for same will be placed on the run and hold it until the regular man reports, or the vacancy is otherwise closed. If the run should be declared permanently vacant, it will be bulletined

in the usual manner, and the engineer assigned to the temporary vacancy will be entitled to remain on it until the engineer who bids it in takes charge of the run.

Note 1. All bulletins will expire at 9:00 a.m. except on Sundays and holidays and except on Saturdays where clerical employees regularly assigned to handle bids and assignments are not on duty.

Note 2. Men working at outlying points who do not have access to bulletin boards will be furnished with a copy of all bulletins.

Note 3. Successful applicants for runs or jobs, including those forced thereon, may remain on their former run or job until time to be available to fill the new run or job on its first departing trip. In the event an engineer is the successful applicant for an advertised run or job and before same departs, he is assigned to other service, his application for the first assignment will be canceled and the next senior applicant will be assigned.

NO BID JOBS:

Note 4. An engineer bidding in a run (or assigned to a run account of no bids received) must either take charge of it as soon as practicable upon becoming available after expiration of bulletin or lay off. In determining whether a man takes charge of run "as soon as practicable" consideration must be given to the fact that he may be out on a run at time new assignment is made, may require rest, or may be unable to promptly deadhead to the run due to schedule of trains.

Note 5. When no applications or bids are received for a run or job, the assignment should be made by "forcing" the youngest engineer from the extra list to the job as follows:

- a. If there are sufficient engineers assigned to the engineers' extra list to protect the service, the youngest engineer on the extra list should be forced on the job.
- b. If, however, there are not enough engineers assigned to the extra list to protect the service, the junior unassigned reserve engineer should be assigned to the engineers' board, and then forced on the job except on Monon subdivision where the senior demoted engineer should be used.
- c. Article 25, Section 3(d) 6 covers displacement rights, if any.
3. An engineer working at any time during the period a permanent or temporary vacancy was under advertisement, but who failed to make application for the run or job, forfeits his future rights to it, unless later displaced from some other run or job.
4. An engineer bidding in temporary advertised vacancy is privileged to surrender it before the expiration of the vacancy by bidding in other service, or serving notice as per Article 25, Section 3(d)1, which would permit him to return to pool or extra service and in that event he would forfeit the run formerly held as well as the temporary vacancy.

5. When an engineer bids in an advertised temporary vacancy and for any reason the run becomes a permanent vacancy, which causes it to be readvertised, the engineer who has been filling the temporary vacancy should be permitted to remain on it until the man who bids in the permanent vacancy takes charge of the run, subject to the man who bid in the run taking charge of it as soon as practicable upon becoming available after expiration of the bulletin.

DISPLACED FROM TEMPORARY VACANCY:

6. An engineer displaced from a temporary bulletined vacancy to which he was assigned in accordance with Article 25, Section 9(a) 2, will have the privilege of returning to his former permanent assignment even though it is held by a senior man, or claim new run or job that is held by a junior engineer which has been bulletined and assignment made during the time he was filling the temporary vacancy.

LEAVE OF ABSENCE:

7. When an engineer is granted a leave of absence for 30 days or more, and his run or job is bulletined, he will not be permitted to report before the 30 days have expired; however, in the event something unforeseen happens which prevents him from taking advantage of the full 30-day leave of absence, the case will be decided on its merits between the local officials and the local chairman.

Note. It is a requirement of the Company that men desiring to be absent from duty in excess of 30 days should obtain written leave of absence.

8. In the event an engineer is granted a 30-day leave of absence and on or before the expiration of the 30-day leave he makes application for and is granted an additional 30-day leave, he should be permitted to report for duty at any time after expiration of the first 30-day leave and the engineer who bid in the temporary vacancy should be permitted to continue on the run or job until relieved by the regular assigned engineer.

9. When a run, having a regular scheduled gouge period, is advertised and the bulletin expires during the gouge period, the successful applicant should be permitted to continue on the run he is holding until time to be relieved in order to be available for the new run on first trip after expiration of gouge period.

10. When an engineer assigned to a regular run A bids in another run B, he will be permitted to bid bat on his old run A but will not be permitted to bid bad on B until B becomes vacant after having been filled by someone else.

10 (Blank)

RE-BULLETIN ED SERVICE:

11

(a)

1. A run will be considered as a new run and bulletined as such when changed to the extent that:

a. It is operated out of different terminals;

b. The mileage lengthened or shortened to the extent of 20 miles per day;

c. The schedule compensation on runs paid under Article 3, Section (a), changed to the equivalent of 20 miles per day;

d. The arriving or departing time changed to the extent of 3 hours;

e. It is to operate 6 days per week instead of 7 days, or vice versa; or

f. Designated "off day" changed.

WHEN CONSIDERED NEW RUN

2. When a run is changed to the extent that it is considered a new run, requiring it to be re-bulletined, the man holding such run will have the privilege, if he so elects, of remaining on it until the expiration of the bulletin, or of claiming any other run that is vacant and bulletined at that time until assignment is made unless such run is claimed by a senior man who stands to protect such service, without forfeiting his right as a displaced man. This rule will also apply to men displaced on account of their runs being taken off or claimed by senior displaced men.

Note 1. Displaced men will be permitted to fill only bulletined vacancies under this rule.

Note 2. A man who is displaced from a temporary vacancy which he is filling in accordance with the provisions of Article 25, Section 9(a) 2, is not privileged to claim bulletined vacancies under the provisions of Note 1.

3. When it is known that a regular run will be, or it has been, annulled as much as 5 days within a 30-day period, the man holding such run may, if he so elects, claim any other run that the seniority rule will entitle him to, but should he claim another assigned run, he will forfeit his rights to the run he formerly held, which will be re-bulletined when re-established.

Note 1. The above rule will apply to men assigned to a group of runs and if the mileage of one or more of the runs is changed to the extent that the men assigned will average 20 miles more or 20 miles less per day, on the days they operate, the assignment is considered changed and should be bulletined.

Note 2. The change of 3 hours mentioned in Section 11(a) 1 does not necessarily have to occur at one time. For example: A run advertised to depart at 3:00 p.m. is changed 2 months later to depart at 5:00 p.m. and again one month later changed to depart at 6:00 p.m. Since the schedule departing time of the run was changed to the extent of 3 hours, the run should be

readvertised. The run governs regardless of how many men have filled it since it was last advertised due to changed working conditions as per Section ii (a) 1.

4. When a run is, to all intents and purposes, permanently annulled and within 30 days the run is restored, the engineer holding the run when annulled is privileged to reclaim it, provided he has not displace another assigned man in the meantime.2.

5. When a run is changed to the extent that it requires re-bulletining, and subsequently is changed bad to the extent that it would not require re-bulletining before the bulletin expires, the man who held it is privileged to reclaim it, provided he does so before the bulletin expires and provided he has not displaced an other assigned man in the meantime, and in which event the bulletin will be canceled.

Note. Sections 11(a)4 and 11(a)5 do not deal with mine runs or other similar runs which are temporarily annulled as a result of fluctuations in business or during holiday periods, such cases being covered by the provisions of Article 25, Section 11(e).

(b) When advertising for a pool of two or more engineers to protect certain runs (or readvertising a pool that protects certain runs), on account of change in conditions, where the engineers work first-in, first out, the successful bidders should be run out according to the way they register in on their last service trip, regardless of at what point, provided they are available. If not available, they should be run out as soon as they become available after they are due out.

ESTABLISHING SERVICE:

(c)

1. The new service will, if possible, be bulletined in sufficient time for assignment to be made prior to establishment of the service.

2. The engineer assigned will be used to handle the equipment to the outlying point where the new service is established (if he is not available, an extra engineer will be used), paying a separate trip in accordance with the class of service used in delivering the equipment, time computed from time of reporting for duty until arrival at the outlying point; the time for the new service will be computed from the time he arrives at the outlying point, unless rest is required. When rest is required, time in the new service will be computed beginning with the expiration of the rest period (8 or 10 hours).

DISCONTINUING SERVICE:

(d)

1. The engineer who was assigned to the service may be used to deliver the equipment to the home terminal, paying him a

separate trip for the service performed, time computed from the completion of his last service until relieved at the home terminal, unless rest is required.

2. When rest is required, his time for handling the equipment from the outlying point to the home terminal will be computed, beginning with the expiration of the rest period (8 or 10 hours), until his arrival at the home terminal.

3. If an engineer thus used claims service at the same or another outlying point, he will be paid for deadheading to take charge of the service under the provisions of Article 12.

Note. Article 25, Sections 11(c) and 11(d), do not apply to work train service.

RUN TEMPORARILY ANNULLED:

4. When runs are temporarily annulled and subsequently restored within 30 days, it will not be considered as new service and if the engineer reclaims the run or job, he will, if available, be used to deliver the equipment. (See Article 25, Section 11(a).)

(e) In case a run is temporarily annulled, the man holding such a run may, if he so elects, work in the pool or extra service for a period of not to exceed 30 days without forfeiting his right to such run, but should he displace another assigned man, or a man out of the pool or extra service, or should such run not be re-established within 30 days, the run he formerly held will be re-bulletined if re-established.

DISPLACEMENT RIGHTS:

(f)

1. An engineer displaced from a run or job to which he was permanently assigned will have the privilege of claiming any run or job held by a junior engineer.

2. When an engineer's permanent assignment is discontinued during the period he is filling a temporary assignment, he will be required to remain on the temporary assignment until he is relieved in the regular way. When he is relieved from the temporary assignment, he will be given the same displacement rights he would have been given had he been on his regular assignment when it was discontinued, but if he³ gives up the temporary assignment, he will have to return to pool service and will forfeit his displacement rights.

3. When it is known that an engineer will be displaced, he should be allowed to exercise his displacement rights upon completion of his last service on the run or job from which he will be displaced.

4. When an engineer is displaced on account of his run being discontinued and claims a temporary bulletined vacancy and

is displaced from the temporary vacancy, he will be permitted to exercise the same displacement rights which he held when his former run was discontinued.

5. When an engineer assigned to first pool, second pool, or to an extra board is displaced, he will be privileged to exercise his displacement rights in the same manner as if displaced from a regular run.

6. In the event the junior engineer assigned to the second pool or to an extra board is notified that he is being forced on a run or job account no bids received and his seniority entitles him to other service, he is privileged to exercise displacement rights to the other service.

(g)

1. Displaced engineers exercising their seniority rights to pool service must displace the junior regularly assigned man in the pool, or the man representing him.

Example. Engineer A is displaced from a run to which he was assigned by seniority. How should he be handled in the event:

Question 1. He claims first pool?

Answer. He should be marked up in turn of the junior engineer. If the turn is out and does not arrive within 36 hours, he may take the register at that time.

Q. 2. He claims second pool?

Ans. He should be marked up in turn of the junior engineer. If the junior engineer is working out of the home terminal and does not arrive within 36 hours, he may take the register at that time. If the junior engineer is working at an outlying point, he should relieve the junior engineer at the outlying point, unless the junior engineer has been forced on a vacancy at the outlying point, in which event he will displace the next junior engineer who will be sent to the vacancy.

Note. The above handling will also apply to an engineer who gives up a regularly assigned run to go into pool service.

2. An engineer exercising his displacement rights to a pool of runs, and a temporary bulletined vacancy exists in the pool of runs, he may displace either the junior regularly assigned man or the man representing him, or displaces a junior engineer who is filling the temporary bulletined vacancy.

3. An engineer bidding in a run will, if displaced from that run, be privileged to exercise displacement rights to any run, the bulletin for which expired at the same time.

Example. Engineer A is the successful bidder on one of 4 runs, the advertisement for which expired at the same time. Later he is displaced from the run which he bid in, either before actually going on it or afterwards. He will be permitted to displace a junior man on one of the other 3 runs, regardless of the fact that he did not bid on any of the other 3 runs.

REPORTING FOR DUTY:

12

(a)

1. Engineers off on leave of absence when runs are bulletined will be entitled to make application for such runs within 5 days after reporting for duty. Where more than one run in a pool of runs working first-in, first-out, are advertised during their absence, they can displace only the junior man on the runs which were bulletined.

2. When a first pool man is laying off and reports for duty, he will take his turn, if on the board. If his turn is out, he will take the turn of the man representing him on arrival if within 36 hours from the time he departed. If the turn does not arrive within 36 hours he may take the register at that time.

Note. Engineers laying off, or held off, account of mileage regulations, should be permitted to report on the last day of the month, for service going on duty 12:00 midnight, or thereafter, the next day.

3. Men who report for duty and lay off again before performing any service on their runs or jobs will not be considered as having reported for duty. The man who is filling the vacancy and entitled to hold same will be continued in the vacancy just the same as though the regular man had not reported, unless he is called for other service in the meantime, in which case the vacancy will be refilled as if a new vacancy. (This, however, would not break the continuity of the vacancy.)

Note. This same rule applies when a displaced man exercises displacement rights and lays off before performing service.

4. First pool men who have been filling vacancies in other service, returning after being held out of service to attend court or investigations, or deadheading in under pay or by necessity, etc., will take their turns according to the register.

Note 1. For rule for handling of pool engineers held out of service at away-from-home terminals to attend investigations, see Article 31.

Note 2. First pool engineers claiming 5-day vacancies and later relieved from them shall take their turn according to the register.

Note 3. This Section applies to men reporting in accordance with Article 31, Section (g).

5. Engineers reporting after laying off must report for duty at least two hours before the departing time for their run or job and shall report between the hours of 9:00 n.m. and 5:00 p.m. by phone, wire, or in person, except by special arrangement with the Division Superintendent or his representative, and will take their turn according to the register. When reporting for duty by wire, they will be

marked up as of the time the wire is received by the Division Superintendent or his representative, subject to wire being received between 9:00 a.m. and 5:00 p.m.

Note. On runs or jobs with departing time of 10:30 a.m., engineers will be permitted to report at

8:30 n.m. in order that they may be given an hour and one-half call. This applies in all classes of service.

6. Engineers deadheading in automobiles, busses, or taxicabs, for their own convenience, will register at their destination as of the time the train on which they should have deadheaded passes the yard limit boa and will be handled accordingly. This is not to in connection with special arrangements author men to deadhead on busses, taxicabs, or street cars.

7. Engineers assigned to second pool, whether reporting for work after being off for any cause coming in off a run, except where filling vacancies v₁5 days or more, will take their turns according to register.

Note 1. See Article 25, Sections 7(b)7 and 7(b)9-a, concerning second pool men claiming vacancies.

Note 2. Article 25 applies in both yard and road service where applicable.

- 13 (Blank.)
- 14 (Blank.)
- 15 (Blank.)
- 16 (Blank)
- 17 (Blank.)
- 18 (Blank.)
- 19 (Blank.)
- 20 (Blank.)
- 21 (Blank)
- 22 (Blank.)

MORE-THAN-ONE TRIP OUT OF AWAY-FROM HOME TERMINAL

23 When practicable, engineers will not be required to make more than one turn-around trip out of the away-from-home terminal without being run through to their home terminal.

MILEAGE AND EARNINGS REGULATIONS:

PASSENGER SERVICE:

(a)

1. In regular and extra passenger service, a sufficient number of engineers and firemen will be assigned to keep the average mileage, or equivalent thereof, between 4,000 and 4,600 miles per month.

2. When a man performs passenger service exclusively both as an engineer and fireman during the same month, his earnings as engineer will be reduced to engineer's mileage and his earnings as fireman will be reduced to fireman's mileage; and when the two total 4,600 miles, he will have reached his maximum and will not be permitted to make an additional trip that month. For example, a man makes 3,560 miles as passenger fireman and 1,040 miles as passenger engineer, he has made his maximum for the month.

FREIGHT SERVICE:

(b)

1. In assigned pool, or chain-gang freight service, including road extra lists, or other service paying freight rates, a sufficient number of engineers and firemen will be assigned to keep the average mileage, or equivalent thereof, between 3,100 and 3,600 miles per month.

2. When a man performs freight service exclusively both as an engineer and fireman during the same month, his earnings as engineer will be reduced to engineer's mileage and his earnings as a fireman will be reduced to fireman's mileage; and when the two total 3,600 miles, he will have reached his maximum and will not be permitted to make an additional trip that month. For example, a man makes 2,965 miles as freight engineer and 635 miles as freight fireman, he has made his maximum for the month.

Note 1. "Freight service" as mentioned in Sections 24(b)1 and 24(b)2 means all classes of freight service, yard service, and hostler service. Passenger service performed by first and second pool men will be counted as freight service.

Note 2. Nothing in Note 1 shall be construed as restricting the right of local committees from applying the provisions of Paragraphs (a)1 and (a)2 this Section.

3-

a. On divisions where only one or two men are assigned to the first pool, and they average in excess of the maximum mileage allowance, more men will be added to the pool if the addition will not reduce the average mileage, or equivalent thereof, below 2,8 miles per month, and no reduction will be made as long as they are earning this amount.

b. On divisions where three men are assigned to the first pool and they average in excess of the maximum mileage allowance,

more men will be added to the pool if the addition will not reduce the average mileage, or equivalent thereof, below 2,900 miles per month, and no reduction will be made so long as they are earning that amount.

c. On divisions where four or five men are assigned to the first pool and they average in excess of the maximum mileage allowance, more men will be added to the pool if the addition will not reduce the average mileage, or equivalent thereof, below 3,000 miles per month, and no reduction will be made so long as they are earning this amount.

Note 1. Paragraphs 3-a, 3-b, 3-c apply also to first pool on divisions where only one pool is maintained.

Note 2. On divisions where the BLE Committee desires first pool men to be relieved from performing second pool work when the engineers' second pool board is exhausted, it may be done by local agreement providing for demoted men to be used in preference to first pool men.

4. First pool boards will be adjusted by using the mileage, or equivalent thereof, made by all men regularly assigned to the first pool for the period they are assigned to the pool.

5-

a. Mileage, or equivalent thereof, made in the first pool by other men filling vacancies on account of first pool men filling 5-day vacancies in other service, or mileage, or equivalent thereof, made in the first pool by other men filling vacancies on account of first pool men laying off, or being held off, or on account of attending court, investigations, etc., will be counted in adjusting the first pool board.

b. A first pool man who bids in other service, or who is displaced from the first pool between checking periods, will be considered as regularly assigned during the time that he was in the first pool.

c. Men leaving other service and going into first pool between checking periods will be considered as regularly assigned to the first pool during the time they are in first pool.

d. A first pool man filling a vacancy in fast freight or passenger service; regardless of whether it is a 5-day vacancy or a one-trip vacancy, his earnings while filling the vacancy will not be charged to first pool, but the earnings of the second pool man filling the vacancy created in first pool under the circumstances will be charged to second pool.

e. Money paid first and second pool men for attending court, investigations, etc., will not be used in adjusting pool boards. However, the earnings made by other men as a result of filling turns of pool men who are attending court, investigations, etc., should be charged to the pool concerned.

ADJUSTING SECOND POOL:

c.

1. Second pool boards will be adjusted by using the mileage, or equivalent thereof made by all men regularly assigned to the second pool for the period they are assigned to the pool.

2. The mileage, or equivalent thereof, made by other men performing second pool work as a result of second pool men laying off will be counted. The following table illustrates when the earnings of a demoted or other man should be counted in applying this rule.

BOARD STANDS AS FOLLOWS:

(CHART CANNOT BE REPRODUCED IN ELECTRONIC FORMAT)

Note. In the application of the mileage regulation rule, as contained in this Section, it is the intention that when men are cut off the working list, regulation will be made with a view of permitting men regularly assigned to pool service to average between 3,100 and 3,600 miles or its equivalent per month. When it is clear that this result will not obtain, due to either an increase or decrease in business, such increase or decrease in business will be taken into consideration and adjustments made so as to accomplish the end desired, the local chairman and the Division Superintendent co-operating in this respect.

The words, "all men regularly assigned to the second pool for the period that they are assigned to the pool," used in Section 24(c)1, mean those regularly assigned throughout the checking period or men regularly assigned for a part of the checking period.

Example A. There are nine men regularly assigned to the second pool between the 1st and 9th of the month, and on the 9th, the second pool is reduced. The men taken out on the 9th should be considered as regularly assigned between the 1st and 9th. If the board should be increased on the 9th, those men added should be considered as regularly assigned from the 9th through the 15th.

Example B. A second pool man who bids in other service or who is displaced from the second pool between checking periods will be considered as regularly assigned during the time that he was in the second pool.

Example C. Men leaving other service and going into second pool between checking periods will be considered as regularly assigned to the second pool during the time they are in the second pool.

MILEAGE OF DEMOTED MEN:

Example 1. A demoted man is used at a time when no second pool men are laying off, the demoted man should not be counted.

Example 2. During the time a demoted man is being used, a second pool man lays off; and while this second pool man is off it is necessary to use another demoted man. This last demoted man only should be counted, as there were no second pool men laying off at the time the first demoted man was used.

Example 3. During time two second pool men are laying off and one demoted man is already being used and counted, three additional demoted men

are used. Count only the first additional man as there are only two second pool men laying off and one demoted man is already being counted.

Example 4. During time that three second pool men are laying off and four demoted men are already being used, two being counted and two who have not been counted, and it is necessary to use one additional demoted man, count the additional man, as there are three second pool men laying off, and two demoted men are already being counted.

Example 5. In the event a demoted man is used whose earnings are being counted, such earning should be counted until the demoted man is relieved from second pool work, notwithstanding that a second pool man who was laying off at the time the demoted man was used reported for duty in the meantime.

Example 6. In the event a demoted man is used whose earnings should be counted and he catches a vacancy on an outlying run or work train laying up a an outlying point, his earnings should be counted until he is relieved of second pool work, regardless of the fact that all second pool men who had been laying of' have reported for duty in the meantime.

Example 7. A demoted man whose earnings are being counted is filling a vacancy on an outlying run after all second pool men who have been laying off have reported except one, and it is necessary to use an additional demoted man. The earnings of the latter should not be counted since there is only one second pool man laying off and the earnings of one demoted man is being counted.

Example 8. Under a local agreement providing that when demoted men are used in yard service for one day or shift, thereby losing a trip off their regular runs and are privileged to mark up first out on the extra board and permitted to make a trip in road service, or another day in yard service before going back to their regular runs, this demoted man should be treated on the same basis as any other demoted man each time used, that is, if he stood to be counted under the foregoing examples on either or both times he is used, he should be counted, otherwise not.

Note. Earnings of first pool, where only one pool is maintained, and of yard extra boards will be arrived at on the same basis as outlined for second pool boards.

3

a. When two or more men are cut off the engineers' working list at the home terminal and the senior man cut off stands for a job at an outlying point only, he will be assigned to the job and must report for it promptly or lay off. If he lays off, the vacancy will be filled in the usual manner, and the man on the job at the outlying point will be permitted to go back firing. The same to govern when more than two men are involved and more than one man stands for a job at an outlying point.

b. The intention of this rule is to permit junior engineers who are cut off the working lists at the home terminal to promptly exercise their firing rights as demoted engineers by requiring senior engineers cut off the working lists at the home terminal to place themselves promptly when junior engineers are assigned to runs or jobs at outlying points.

Note. The same to apply where only one pool is maintained.

YARD SERVICE:

(d) In assigned yard service, regulation will be made by requiring each regularly assigned man to lay off when he has earned the equivalent of 35 days per month.

(e) In extra yard service, a sufficient number of engineers and firemen will be maintained to keep the average earnings between 26 and 35 days per month; provided, when men are cut off the lists and it is shown that men are averaging the equivalent of 31 days per month, men will be returned to service, if the addition will not reduce the average earnings below 26 days per month.

(f) Local chairmen will be furnished record of equivalent miles of engineers and firemen in the first and second pools and yard extra lists each 15-day period, and of regularly assigned engineers and firemen each 30-day period. Regulations of lists will be made according to those periods except where local agreement provide otherwise for either engineers or firemen, which event, record of equivalent miles will be furnished for the period agreed upon.

If the foregoing is not sufficient information, it is the responsibility of the local chairman to make any further check necessary to determine when a man has exceeded the maximum.

GOUGING:

(g)

1. Should an engineer or fireman make the maximum mileage as prescribed in this Article, he will a be permitted to make an additional trip during that month.

Note. Engineers or firemen used in combination service will be permitted to make the equivalent of 3,600 miles in freight service.

2. In the event a man departs from the home terminal of the run before he has made his maximum mileage or days for the month, and exceeds it on last trip, such excess will be charged to his mileage in the following month. It is not the intention that a man should be held off before the last trip for the reason that he would exceed his maximum allowable on that trip.

3. In the event he departs from the home terminal of the run in any month, after he has made his maximum mileage or days, he will be held off the following month a sufficient length of time to pay back the excess mileage or days he earned in the previous month as soon as the earnings are received and there are extra men available to relieve him, provided he has not already laid off in that month a sufficient length of time to pay back the excess mileage or days.

4. Engineers assigned to service that will permit them to exceed the maximum mileage allowable if they remain on the assignment the entire month should be relieved before they exceed the maximum mileage allowable, provided there are

sufficient extra men to permit this. In the event they do exceed the maximum allowable, they will be relieved as soon as practicable and be required to lose enough time to absorb the amount they exceeded the maximum.

5. Engineer holding assignments operating out of outlying points which would result in the maximum allowable being exceeded if they remained on the assignment the entire month will be permitted (when the railroad is able to relieve them) to lay off or lose time any time during the month to comply with the mileage regulations. If they lay off a less number of days at one time than is required under the rule, the time laid off will not apply against the mileage regulations and they will be held off the required number of days at the end of the month, or as soon thereafter as practicable, in the same manner as though they had not laid off.

6. In the event an engineer has not exceeded the maximum allowable, and lays off prior to a trip on which he would exceed the maximum allowable, based on schedule, had he worked, he is considered as having laid off in order to avoid exceeding the maximum mileage allowable.

7. The company is not always in a position to know when a man has made the maximum. It is understood that failure of the company to relieve a man promptly on this account will not be used as basis for run-around claims.

(h) In regulating the working lists in the respective classes of service, each list will be handled separately. In the regulation of mileage, neither the minimum nor the maximum is guaranteed.

(i) When, from any cause, it becomes necessary to reduce the number of engineers on the engineers' working list on any seniority district, those taken out may, if they so elect, displace any fireman their junior on that seniority district under the following conditions: Reductions when made shall be in reverse order of seniority. No reductions will be made so long as those in extra passenger service are averaging the equivalent of 4,000 miles per month; in pool chain gang or other unassigned service paying freight rates are averaging the equivalent of 3,100 miles per month; on road extra lists are averaging the equivalent of 3,100 miles per month; and on the yard extra list are averaging the equivalent of 26 days per month.

Note 1. It is not permissible for a demoted engineer who holds seniority as a fireman to lay off as fireman and continue to work as engineer as he may see fit, except:

1. Demoted engineers who hold no rights as fire-men.
2. Demoted engineers who are granted leave of absence as firemen on account of physical disability.

Note 2. A demoted engineer held off his regular assignment as fireman on account of mileage rules is subject to call for emergency service as engineer.

(j) When hired engineers or firemen are laid off on account of

reductions in service, they will retain all seniority rights, provided they return to actual service within 30 days from the date their service was required.

ARTICLE 26

SENIORITY:

1 Seniority will be established in the following manner: The oldest engineer in road service will have the preference of runs on the seniority territory to which assigned, when competent and worthy, in accordance with the following rules. These rules apply to engineers in yard service as between themselves except at points where road seniority and yard seniority is interchangeable.

2

(a) As soon as a fireman is promoted, or an engineer hired, he will be notified in writing by the proper division official of the date he established seniority as an engineer. The notice will be promptly placed on all bulletin boards over the division on which the man or men hold seniority; copy furnished the local and general chairmen, and will state:

1. Seniority date established (where more than one man establishes seniority on the same date, the hour will be shown); and

2. Time limit of appeal.

(b) All appeals concerning dates of seniority either as an engineer or as a fireman will be in writing addressed to the proper officer of the company, copy furnished the local and general chairmen, and made within 60 days following date of establishment of seniority. When a date of seniority has been established in accordance with these regulations and is not challenged in writing within the time limit specified, no protest against such date shall afterwards be entertained.

(c) The time limit of appeal for men on leave of absence at the time the notice is posted of the establishment of a date of seniority as either engineer or fireman will begin from the time they report for duty.

3 When a vacancy occurs, engineers on the engineers' board should be used until the board is exhausted. When the engineers' board is exhausted, the senior demoted engineer available at the home terminal will be used to fill the vacancy. (This applies regardless of whether the demoted engineer is a promoted or hired engineer.)

4 The seniority date of the hired or transferred engineer shall be the date of his first service as engineer.

5

(a) Engineers temporarily transferred from their home seniority district to a foreign seniority district will establish a temporary seniority dating on the district to which they have temporarily transferred as of the date of their first trip in

compensated service on the foreign seniority district, and they will retain such temporary seniority date and be used in accordance with it so long as they remain on that district. Engineers will retain their seniority standing on engineers' and firemen's rosters on their home division so long as they are in temporary service on the foreign seniority district.

(b) Engineers temporarily transferred and so establishing seniority dating will follow immediately the junior engineer who has established permanent seniority on the foreign district.

(c) Engineers who have temporarily transferred to a foreign seniority district and established a temporary date of seniority under this rule may be relieved and returned to the home division any time they desire to do so. It is understood that deadhead pay will not apply to engineers who request to be relieved and are deadheaded to their home division.

(d) When mileage regulations make it necessary to reduce the engineers' working list resulting in engineers being cut off entirely, temporarily transferred engineers will be cut off first, according to their rank; the junior temporarily transferred man first, the next junior man second, etc.

(e) Engineers transferred from their regular seniority district to another for temporary service, who, while on such temporary assignment, file application for permanent transfer with the Division Superintendent having jurisdiction over that district, within 60 days from the date of their first trip after having been temporarily transferred will, if transfer is authorized, establish seniority on the new district as of the date of their first trip thereon and forfeit all seniority on the district from which transferred.

(f) If, under the foregoing circumstances, application for permanent transfer is not filed within the specified limit period, however, is filed thereafter, seniority on the new district will be established as of the date application is filed with the Division Superintendent, provided the transfer is authorized.

(g) Engineers transferred for temporary service will not be continued in service away from their regular seniority districts after a sufficient number of firemen, assigned to the seniority district where such engineers are being used, become available for promotion and qualified for position as engineer to relieve them, or when desirable engineers become available at such districts to be hired and qualified to relieve them.

6 (Blank.)

7 (Blank.)

SENIORITY DISTRICTS:

8 Effective September 1, 1919, road and yard seniority district were grouped as follows:

Kentucky Division with the Cincinnati Terminal, Paris and Winchester

Yards.

Knoxville Division with the Knoxville Yard.

Atlanta Division with the Etowah and Junta Yards.

Eastern Kentucky Division with the Ravenna, Hazard, and Jackson Yards.

Cumberland Valley Division with the Corbin Yard.

L.C.&L. Division with the Lexington Yard and 33-1/3% of the Louisville Terminal.

Louisville Division with the Lebanon Junction yard and 66-2/3% of the Louisville Terminal.

Second Division with the Bowling Green Yard.

N.&D. Division with the Columbia, Mt. Pleasant, and Sheffield Yards.

S.&N.A. Division with the Oakworth and Birmingham Terminal.

Birmingham Mineral Division with the Bessemer and Ensley Yards.

Alabama Mineral Division with the Gadsden and Anniston Yards.

M.&M. Division with the Montgomery and Flomaton Yards.

N.O.&M. Division with the Mobile and New Orleans Yards.

Pensacola Division with the Pensacola Yard. Clarksville Division with the Paris and Clarksville Yards.

Memphis Line (south of Paris) with the Memphis Yard.

Henderson Division with the Henderson, Earlington, Atkinson, Hopkinsville, and Guthrie Yards.

St. Louis Division with the Howell, Mt. Vernon, and East St. Louis Yards.

LH&StL Seniority District with the Owensboro Yard.

Chattanooga Yard Seniority District with the Chattanooga Yard.

W & A Seniority District No. 1 with Atlanta, Marietta, and Dalton Yards.

W & A Seniority District No.2 with Cartersville yard.

Northern Seniority District with the Indianapolis and Michigan City Yards, and 50% of the yard jobs at LaFayette.

Southern Seniority District with the Bloomington, New Albany, and Midland Yards, and 50% of the yard jobs at LaFayette.

South Hammond Seniority District with the South Hammond Yard.

East St. Louis Seniority District with the East St. Louis Yard.

Eastern Seniority District with Wansford, Terre Haute, Vincennes, and Mt. Vernon Yards.

Danville Seniority District with the Danville Yard.

Effective with the date indicated, the seniority districts named below were consolidated on a top and bottom basis, with locomotive engineers holding a seniority date on the respective rosters retaining priority rights on their parent seniority district:

Apr. 1, 1966 - P&M and Clarksville districts were consolidated.

Nov. 1, 1966 - Alabama Mineral and Guntersville districts were consolidated.

July 1, 1967 - Seniority Districts Nos. 4, 5, 6, 7, 8, 9 and 11 were consolidated.

Aug. 1, 1967 - Alabama Mineral, Birmingham Mineral and S&NA districts were consolidated.

May 8, 1969 - LC&L and LH&StL districts were consolidated.

Nov. 1, 1971 - Memphis Line South and previously consolidated P&M-Clarksville districts were consolidated.

Dec. 1, 1972 - Eastern Road and Wansford Yard were consolidated.

Dec. 1, 1972 - Danville Road and Danville Yard districts were consolidated.

Jan. 1, 1973 - Seniority District No.1 (Atlanta Yard) and Seniority District No.2 (Atlanta to Chattanooga Line-of-Road) were consolidated.

Oct. 1, 1974 - O&N and Henderson Division Seniority Districts were consolidated.

Apr. 1, 1975 - Previously Consolidated W & A Seniority Districts Nos. 1 and 2, and the Atlanta Joint Terminal Seniority District, were consolidated.

9

(a) Engineers will not be employed, re-employed, promoted or reinstated for yard service only, except by concurrence of the committee representing the Brotherhood of Locomotive Engineers.

(b) When there are 'engineers employed on a seniority district where their seniority does not entitle them to a regular yard job as engineers, or a place on the road working list as engineer and there is no extra yard board on that district, and their yard seniority entitles them to perform extra yard service as engineers, an extra yard board will be established, and handled in accordance with Article 36, Section (g) 1. The extra yard board will be regulated in accordance with Article 25, Section 24(e).

10. Except in case of emergency, engineers will not be used off the division to which they are assigned. When it is necessary to borrow them for temporary service from one division to another, they will be returned to their home division before additional men are employed, promoted, or transferred for service thereon.

11. Seniority lists will be revised and posted at terminals in January of each year, and a copy furnished the local and general chairmen of the

Engineers' and Firemen's committees. In no case will any change be made in the seniority standing of engineers after it has stood without written protest for two years.

Names of engineers retired on disability will be carried on seniority roster until they reach the age of 65 years.

12. Engineers appointed to official positions with the Louisville & Nashville Railroad or with the Brotherhood of Locomotive Engineers will not forfeit their seniority on their divisions. This Section will also include engineers elected to public office in accordance with Mediation Agreement of December 19, 1935.

13. Wherever electric or other power is installed as a substitute for steam, or is now operated as a part of this system on any of the tracks operated or controlled by the railroad, the locomotive engineers shall have preference for positions as engineers or motormen on electric locomotives; but these rights shall not operate to displace any men holding such positions on the date of issuance of this agreement.

ARTICLE 27

MISCELLANEOUS:

(a) If a type of locomotive is introduced which formerly was not in use, and the rates herein provided are less than those in effect on other roads in the territory, the rates of the other roads shall be applied.

(b) Sanitary drinking water in protected vessels will be provided on all engines the year round, to be icecooled during warm weather.

(c) Road engineers will not be tied up between their terminals except at points where food and lodging can be procured.

ARTICLE 28

RELIEVED BEFORE DAY'S WORK IS COMPLETED:

(a) When relieved by order of the railroad before a day's work is completed and relieved by another engineer, each will be paid a minimum passenger day as shown on rate sheet in case of passenger or 100 mile. freight service.

(b) When relieved on account of sickness or at their own request before a day's work is completed, engineers will be paid the proportion of the rate for the service they have rendered. Engineers relieving others under such circumstances will be paid a minimum passenger day as shown on rate sheet in case of passenger service, or 100 miles in case of other road service for the service rendered.

Note. (For yard service, see Article 35, Section (a)4)

RULES EXAMINATION:

(c) Engineers required to attend rules examinations will be paid full wages for the time they may have lost as result thereof. If no time lost, they will be paid for the actual time held, with a minimum of three hours at the pro rata rate of the service to which assigned.

ARTICLE 29

INTERDIVISIONAL RUNS:

(a) When runs are operated over two or more seniority districts, engineers on districts involved will man such runs on the mileage percentage basis, based on miles run on each seniority district. On individual runs where assignments cannot be made that will give each seniority district their percentage in accordance with this rule, and if a mutual understanding is not reached between the seniority districts involved, the mileage will be equalized at the end of each 5-year period; where new interdivisional service is established, division having the preponderance of mileage will furnish the first engineer. Runs now in the service will be manned by the division holding runs, until their percentage of mileage is run out. A record will be kept of mileage made by each run and will be squared at the end of each 5-year period.

(b) Should an interdivisional run be discontinued at a time when all the mileage due the division concerned is not equal, arrangement will be made for the division or divisions to run off the mileage due them, in the event the interdivisional service is re-established, or it can be arranged on other interdivisional runs.

Note 1. The foregoing rules are not applicable to runs operating through neutral territory or on trackage rights.

Note 2. See Article 14 concerning pilot service.

Note 3. See Article 17 reference qualifying and re-qualifying.

ARTICLE 30

TIME CLAIMS:

(a)

1. All time claims must be presented to the carrier, in writing, by the employee concerned or specifically for him by his representative, within 60 days of the date on which the occurrence is based. In making the claim, a sufficient statement of facts upon which the claim is based must be given. The agreement rule relied upon should be cited.

Note. It is understood and agreed that when engineers and firemen do not give a sufficient statement of facts upon which the claim is based as provided by Article 30(a) 1, it will not be considered that a claim has been made and the correspondence will be returned to the claimant within 10 days of receipt, accompanied by a statement that sufficient statement of facts was not presented and the claim will not be subject to payment by default until a sufficient statement of facts is presented within the time allowed.

2. When claims, presented in accordance with Section 1, are not allowed, declination shall be given by the division officials within 60 days of receipt of the claim. If the division officials do not agree with the facts as submitted by the claimant, they shall advise in detail as to the variance.

3. If a disallowed claim is to be appealed, such appeal must be in writing to the Superintendent by the Local Chairman. When an

appeal made to the Superintendent in writing is declined by the Superintendent and the Local Chairman desires to progress the claim further, the Superintendent or his designated representative shall, within thirty (30) days of receipt of written request, grant a conference to the Local Chairman. If the claim or claims cannot be settled between the Local Chairman and the Superintendent or his designated representative, they shall prepare a joint statement of facts if they can agree; if they are unable to agree on the facts, they will exchange signed statements, each delineating what he understands to be facts in the case.

4. If the declination of the division officials is not accepted and they are so notified, the claim must be appealed to the highest designated officer of the carrier within six months of the date of the occurrence on which the claim is based.

5. If the claim is not disposed of by the highest designated officer of the carrier, he must decline it with reason therefor, within six months of the date of the appeal.

6. If the carrier should fail in the obligations imposed upon it in either Sections (a)2 or (a) 5, the claim shall be paid by default. Should the employees fail in the obligation imposed in either Sections (a)1 or (a)4, the claim shall be barred by default. Claims which are so paid or barred will not establish a precedent and will not be referred to by either party in the handling of any other claim.

7. Should a claim which is finally declined by the highest designated officer of the carrier within the time specified above not be appealed within 12 months of the date of such declination, further action on the claim is barred and files covering it will be closed.

Note. This article is not applicable to time claims presented in accordance with the provisions of Article 31.

TIME TICKETS:

(b)

1. When time claimed is not allowed, engineers will be notified in writing, and reason given therefor. Time ticket will be issued for shortage in pay where the amount exceeds \$50.00, if requested. When time is carried over to the following period they will be notified.

2. When time claims are declined and subsequently allowed, claimants will be notified what the additional payment represents, and if amount allowed is in excess of \$50.00, time ticket will be issued, if requested.

GRIEVANCES:

(c)

1. Local grievances and differences of opinion shall be taken up with the division officials by the duly authorized representatives

of the men. Failing to be adjusted, they will be referred to the General Officials. When an appeal is to be taken to the General Officials, however, division officials will be advised to that effect, in writing, in order that their data may be sent to the General Officials for their use in considering the case.

2. Local grievances shall be presented to the division officials in writing and they will make reply, in writing, within a reasonable time.

ARTICLE 31

BOARD OF INQUIRY AND DISCIPLINE:

(a) Engineers will not be demerited, discharged, or otherwise disciplined without just cause.

(b) When it appears necessary to discipline an engineer by demerit or discharge, he will be notified in writing of the cause therefor, within 10 days after knowledge of such cause comes to the officer or officers of the railroad having authority in such case, and within 10 days after the notification there will be an investigation conducted by the proper officer or officers of the railroad, at which all evidence in the case will be submitted. The party so notified will be permitted to attend the investigation; to have such witnesses as he may desire to testify; to hear all evidence and to be represented by the chairman of the local committee of his organization and/or by fellow employees of his own selection.

(c) A proper record of the case will be made and certified to on the part of the railroad and on the part of the party subject to discipline in connection therewith, and the record will be made the basis for administering discipline, or of appeal to a higher officer.

(d) Within 30 days after the investigation closes, the proper officer will notify the party in question of the decision and action. If the decision is unsatisfactory, the party in question has the right to appeal to the highest officer designated by the carrier.

(e) When an employe has been disciplined and desires to appeal, he or his representative will, upon application, be furnished with a copy of all statements taken at the investigation.

(f) If the discipline administered is not sustained, it will be canceled, and the party in question will be paid for any time lost by him resulting from the investigation or action taken.

Note. This Section applies only where an engineer is held out of the service or taken out of the service on account of his responsibility, and does not refer to loss of time on account of being held off of his run to attend investigation.

(g)

1. Engineers losing a run or day's work attending investigations in connection with matters coming under this article, who are not held responsible, will be paid full wages for any time they may have lost as a result of investigation. If no time is lost, they will be paid for the actual time held, with a minimum of three

hours, at the pro rata rate of the service to which assigned.

2. Payments under this Section do not apply to engineers who are held responsible, or for deadheading to attend investigations.

3. Payments to engineers assigned to regular runs or jobs for time lost will include overtime they would have earned on their run or job.

4. Chain-gang or extra engineers held out of service to attend investigations will mark up at the foot of the board, in accordance with Article 25, Sections 12(a)4 and 12(a) 7, after being released from the investigation, and will be paid the amount specified for each calendar day held off, a calendar day being from midnight to midnight. When rest is needed, it will be allowed and he will be permitted to hold his turn where it is marked up and then be run out in that turn when rest is up.

Example 1. A chain-gang engineer stands to go out at 9:00 a.m. He is held off to attend investigation at 10:00 a.m. Investigation is concluded at 3:00 p.m. and he is released. If not held responsible, he is entitled to the amount specified for one calendar day. Should the investigation not be concluded on that day and he is held and required to report on the following day, and relieved at 11:00 a.m., he is entitled to pay for two calendar days at the rate specified.

Example 2. A chain-gang engineer stands to go out at 6:00 p.m.; is held off his run to attend investigation the following day and is released at 11:00 a.m. If not held responsible, he is entitled to pay for two calendar days at the rate specified.

Note 1. The above does not apply when they are held off their runs while laying over at an away-from-home terminal, payment under this condition to be made on run-around basis. (This refers to chain-gang engineers.)

Note 2. An engineer who is sent to an outlying point to attend investigation is not necessarily held out of service unless he fails to get back in time for his turn.

Note 3. Article 25, Section 12(a)5, not applicable to men when reporting back after attending court or investigations (see Article 25, Sections 12(a)4 and 12(a)7, concerning pool and extra men).

(h)

1. The foregoing will not prevent committees from having discharged engineers re-employed or reinstated on their former seniority districts at any time, and the seniority standing will be determined by the Management and the committee representing the engineers.

2. Engineers will not be employed, re-employed, promoted or reinstated for yard service only, except by concurrence of the committee representing the Brotherhood of Locomotive Engineers.

ARTICLE 32

RIGHT TO MAKE AND INTERPRET CONTRACTS:

(a) The right to make and interpret contracts, rules, rates, and working conditions for locomotive engineers is vested in the regularly constituted Committee of Brotherhood of Locomotive Engineers and the General Officials of the Railroad.

REPRESENTATION:

(b) The right of any engineer, fireman, or hostler to have the regularly constituted committee of his organization represent him in the handling of his grievances, under the recognized interpretation placed upon the schedule involved by the Officials of the Railroad and the General Committee making the same, is con-ceded.

CONSTRUCTION AND GENERAL RULINGS:

(c) General rulings or interpretations as to the proper construction of this Agreement will not be made except in conference between the General Officials of the Railroad and the General Committee or General Chairman. When such rulings or interpretations are made, a copy of same will be furnished to the parties affected and the General Chairman.

(d) Interpretations of the United States Railroad Administration will apply to rules covered by Supplements Nos. 15 and 24, unless mutually agreed to the contrary.

LOCAL AGREEMENTS:

(e)

1. Local officials will not enter into local agreements with local committees or with any individual engineers in conflict with this Agreement, without the approval of the General Officials and General Chairman.

2. Local agreements properly approved supersede specific provisions of General Agreement.

3. Any questions pertaining to the handling of men, filling vacancies, etc., not covered by these rules, may be temporarily provided for by local arrangement between the local officials and local chairman, subject to approval of the General Officials and General Chairman.

ARTICLE 33

YARD SERVICE:

(a) Engineers in yard switching service will be paid as shown on rate sheet.

(b) When road engines are used in yard switching service any portion of a day, an additional 79 cents will be allowed in addition to the regular rates. Overtime rates will be increased proportionately when road engines are used.

Note. See Article 21, Section (c), covering engineers deadheaded to outlying points, where no extra board is maintained, for extra yard service.

ARTICLE 34

BASIC DAY: (Yard Service)

Eight hours or less shall constitute a day's work.

ARTICLE 35

OVERTIME: (Yard Service)

(a)

1. All time worked in excess of 8 hours continuous service in a 24-hour period shall be paid for as overtime, on the minute basis, at 1½ times the hourly rate, according to the class of engine, except when changing off where it is the practice to work alternate days and nights for certain periods, working through two shifts to change off; or where exercising seniority rights.

Example 1. Where an engineer is regularly assigned to work 12:00 midnight to 8:00 a.m., and is called upon to perform additional service when such service is not affected by exceptions outlined in this rule; for instance, is required to cover the third shift on the same day, 4:00 p.m. to 12:00 midnight, he should be allowed 8 hours at time and one-half for the extra service performed.

Example 2. If an engineer on a similar assignment is required in an emergency to work 8:30 a.m. until 11:30 a.m., he should be allowed 8 hours at time and one-half for the additional service.

Example 3. If required in an emergency to work 8:00 p.m. to 12:00 midnight (4 hours) on the same day, he will be allowed 8 hours at time and one-half for the extra service performed.

Example 4. If given 48 hours notice that an assignment is moved up an hour, starting at 11:00 p.m., and being relieved at 7:00 a.m., consequently in a 24-hour period working 9 hours but not more than 8 hours on a shift, under the 48-hour provision, which makes it permissible to change beginning time, the engineer is only entitled to a minimum day.

2. Engineers assigned to regular shifts, who, after completing their regular shifts, are used in emergency to protect another shift, commencing within a 24-hour period, which they do not stand to protect, are entitled to pay at time and one-half, at the rate applicable to the service performed, for the additional shift. This also applies where under the same conditions they are used on a shift they do not stand to protect, and later are used on their regular shift within a 24-hour period. Under this condition time and one-half rate will apply for their regular shift.

Note 1. The above does not apply to engineers who are worked on an additional shift in the exercise of their seniority, or as otherwise provided in the first paragraph of Article 35.

Note 2. Engineers, after completing a yard shift on which they have not been on duty in excess of 8 hours, will be permitted to work a following shift that regularly does not work overtime and that is not likely to work overtime, when working two shifts to change off or where exercising seniority rights

from one assignment to another, without having been off duty 8 hours subject to Hours of Service Law requirements.

3. Section (a) 1 will apply to extra men as follows:

a. This rule applies only to service paid on an hourly or daily basis and not to service paid on mileage or road basis.

b. A tour of duty in road service shall not be used to require payment of such overtime rate in yard service. The term "road service as used in this paragraph (b) shall not apply to employees paid road rates but governed by yard rules.

c. Where an extra man commences work on a second shift in a 24-hour period, he shall be paid at time and one-half for such second shift except when it is started 22½ to 24 hours from starting time of the first shift.

A 24-hour period, as referred to in this rule, shall be considered as commencing for the individual employe at the time he started to work on the last shift on which his basic day was paid for at the pro rata rate.

d. An extra man changing to a regular assignment, or a regularly assigned man reverting to the extra list, shall be paid at the pro rata rate for the first 8 hours of work following such change.

e. Except as modified by other provisions of this rule, an extra employe working one shift in one grade of service and a second shift in another grade of service shall be paid time and one-half for the second shift, the same as though both shifts were in the same grade of service, where there is another man available to perform the work at pro rata rate.

4. When relieved by order of the railroad before a day's work is completed and relieved by another engineer, each will be paid at least a minimum day. If relieved on account of sickness or at their own request, before a day's work is completed, they will be paid the proportion of the rate for the service they have rendered. Engineers relieving others under such circumstances will be paid at least a minimum day.

(b) When an engineer in yard switching service performs additional work on instructions given after arrival at the relief point upon completion of work previously assigned, and after being on duty 8 hours or more, he will be considered as beginning a new day, computed from the time the instructions are given. (This does not apply to engineers assigned to transfer service.)

ARTICLE 36

ASSIGNMENTS: (Yard)

(a) Engineers shall be assigned for a fixed period of time which shall be for the same hours daily for all regular members of a crew. So far as practicable, assignments shall be restricted to 8 hours work.

(b)

1. Engineers will be assigned to regular jobs in yard service by bulletin regardless of engine used.

2. When bulletining yard jobs, the bulletin will designate the point for going on and off duty (the point for going on and off duty must be the same) and will show the nature of the work, district and number of days per week to be worked, and will be used, so far as practicable, in the district and on the work to which assigned.

(c) When assigned to a yard job bulletined to work a certain number of days per week and it is annulled for one day or more, the engineer will be permitted, on his request, to exercise displacement rights. However, if he does not desire to relinquish the job, he may lay off until the job is re-established providing it is re-established within 4 days. When it is known that a job will be annulled for 4 consecutive days or 4 days in the aggregate in a 30-day period, or when an engine is worked as much as 4 days more than provided for during a 30-day period, it will be considered a new job and rebulletined accordingly.

Note 1. Engineers are not entitled to payment for service on days on which their jobs are annulled provided they are notified in accordance with Article 36, Section (h), and are given the privilege of exercising displacement rights; otherwise they will be paid for the days their jobs are annulled.

Note 2. When working conditions are changed, the usual notice will be given to enable engineers to exercise their seniority rights.

(d) Jobs to which one or more men are assigned will be re-bulletined only when:

1. The time for going to work or being relieved has been changed as much as one hour as long as worked in the same district or terminal;

2. The point for going on duty or being relieved is changed as much as one-half mile (the shortest accessible route to govern);

3. The off-day or off-days of a job are changed;

4. Extra jobs worked as much as 6 consecutive days, will be considered regular assignments and be bulletined accordingly.

5. Job is changed to operate 6 days per week instead of 7 days, or vice versa.

Note. It is the job and not the man that governs the re-bulletining of jobs. The job governs, regardless of how many men have filled it since it was last advertised as a result of change in conditions.

(e) Where new jobs are created, or a second engineer assigned to a job to which only one engineer has been assigned, such new job or second shift will be bulletined. Engineers displaced on account of their jobs, being re-bulletined, under the above rules, will have displacement rights.

(g)

1. Where extra boards are maintained, vacancies on yard engines or extra engines of less than 5 days will be filled by the men standing first out on the extra board from day to day. Vacancies of 5 days or more may be filled by the senior extra man for a period of 30 days, or until the regular man reports, if earlier, except that men assigned to second shift will be entitled to claim vacancies of 5 days or more on first shift, and men assigned to third shift will be entitled to claim such vacancies on either first or second shift, except that they will not be permitted to displace a senior man who may be filling or claims the vacancy.

2. At a point where no extra board is maintained, men assigned to second shift will be entitled to claim vacancies on yard engines of 5 days or more and up to 30 days on first shift, and men assigned to third shift will be entitled to claim such vacancies on either first or second shift, provided they file written notice with the carrier representative at the outlying point before man is ordered to protect the original vacancy.

Note 1. The words, "original vacancy," as used in Section (g) 2 refer to the first day a vacancy exists on the shift involved. The rule means that at a point where no extra board is maintained, men assigned to the second shift will be entitled to claim vacancies on yard engines of 5 days or more and up to 30 days on first shift, and men assigned to third shift will be entitled to claim such vacancies on either first or second shift, when it is known at the time the vacancies first occur that they will be for as much as 5 days, provided they file written notice with the carrier representative at the outlying point before a man is ordered to protect the job the first day a vacancy exists.

Note 2. In applying Sections (g)1 and (g)2 of this Article, engineers going to work at the following hours will be considered as assigned to the following shifts:

First shift-6:30 a.m. to and including 10:00 a.m.

Second shift-10:01 am. to and including 4:00 p.m.

Third shift-4:01 p.m. to and including 12:00 midnight.

(h) When yard engines are not going to be used and engineers are required to report for duty without being called, they will be notified one hour and 30 minutes before the time they should report for duty; except at points where it is customary for crews to leave home in excess of one hour and 30 minutes in order to take charge of their engines at time designated, they will be notified before such time. Failing to so notify engineers in either case, they will be paid 3 hours at yard overtime rates.

(i) When called for yard service and not used, they will be paid a minimum of 3 hours at overtime rates; and if not relieved within 6 hours from the time they are called to report, they will be paid a minimum day.

Note. When an engine clears the lead switch of the roundhouse track or the lead switch of the "ready track" en route to train or yard, the engineer will be considered as having been used within the purview of the foregoing rule and will be entitled to a minimum day.

TRANSFER SERVICE:

(j)

1. Articles 6 and 7 apply to transfer service with the exception that the yard switching rules providing 20 minutes for lunch without loss of pay and 10 minutes for preparing engines for service instead of 30 minutes as provided in road service, apply to the following transfer runs:

Division

Cincinnati Terminals.....Cincinnati Bridge Transfer.

Louisville Terminals.....Crews 204, 205, 206, Louisville-Big Four Transfer;

Crew 101, Tenth Street District;

Crew 207, South Louisville District;

Crew 213, South Louisville District;

Crew 214, South Louisville District;

Crews 201, 202, 203, 3-crew transfer South

Louisville District;

L.S. Junction-Youngstown K. & I. Transfer.

Nashville Terminals.....Job 13, Kayne Ave-Radnor, 2-crew transfer;

Job 14, Kayne Ave.-Radnor, 2-crew transfer;

Job 15, Kayne Ave.-Radnor, 1-crew transfer;

Job 17, Kayne Ave.-Radnor, 3-crew transfer;

Job 18, Kayne Ave.-Radnor, 1-crew transfer;

Job 19, Radnor-Kayne Ave., 3-crew transfer.

Nashville Sub-Division... Sheffield, 1-crew transfer.

Birmingham Division..... Crews 31, 32, Boyles. Birmingham, 2-crew transfer.

New Orleans Sub-Division..New Orleans-Gentilly, 5-crew transfer.

Memphis Sub-Division.....Broadway run, 1-crew transfer.

Memphis-Leewood Transfer.

Henderson Sub-Division... Earlington-Atkinson-Morton District, switching crews.

St. Louis Sub-Division... Howell-Wansford Transfer

2. Engineers in transfer service (also engineers in yard service performing transfer service on days full complement of transfer crews not employed) will be paid for a second day at time and

one-half:

a. When required to depart the relief yard on a trip after expiration of 8 hours on duty.

Note. The word "depart" means time the transfer cut clears the yard track in which cut is made up.

b. When required to perform switching not in connection with cars to be picked up and/or set off while enroute to their relief yard after expiration of 8 hours on duty.

c. When assigned work requiring a back movement from one yard or industry to another yard or industry, or from one industry to another industry, while en route to relief yard after expiration of 8 hours on duty.

d. When required to perform switching not in connection with disposing of own cut; or when there are cars in the track in which the train is to be yarded and crew is required to clear track of such cars; or when required to deliver a car or cars, out of the cut, to an industry, or a foreign line interchange track, or to place them at icing platform, house track or stock pens, after arriving at the relief yard and after expiration of 8 hours on duty.

ARTICLE 37

STARTING TIME:

(a) Regularly assigned yard crews shall each have a fixed starting time and the starting time of a crew will not be changed without at least 48 hours advance notice.

(b) Where three 8-hour shifts are worked in continuous service, the time for the first shift to begin work will be between 6:30 a.m. and 8:00 a.m.; the second 2:30 p.m. and 4:00 p.m.; and third 10:30 p.m. and 12:00 midnight.

(c) Where two shifts are worked in continuous service, the first shift may be started during any one of the periods named in Section (b).

(d) Where two shifts are worked not in continuous service, the time for the first shift to begin work will be between the hours of 6:30 a.m. and 10:00 a.m., and the second not later than 10:30 p.m.

(e) Where an independent assignment is worked regularly, the starting time will be during one of the periods provided in Section (b) or (d).

(f) At points where only one yard crew is regularly employed, they can be started at any time, subject to Section (a).

(g) In yards where continuous yard-switching engine service is maintained, if an extra yard-switching engine is started between 8:00 a.m. and 2:30 p.m., the engineer's time will be computed as beginning at 8:00 a.m.; if between 4:00 p.m. and 10:30 p.m., the time will be computed from 4:00 p.m., and if between 12:00 m.n. and 6:30 a.m., the time will be computed from 12:00 m.n. For example, if an extra yard-switching engine is started at 10:00 a.m.,

and the engineer relieved at or before 4:00 p.m., the engineer will be paid for 8 hours, computed from 8:00 a.m. to 4:00 p.m. At 4:00 p.m., overtime begins.

(h) A reasonable time, not to exceed 10 minutes for inspecting and oiling engines, will be allowed when changing crews or when taking charge of engines under other conditions. Engineers on yard diesels will consume only such time as needed in preparation to move on signal. This applies also to engineers assigned to combination yard-helper service.

ARTICLE 38

(Blank.)

ARTICLE 39

POINT FOR BEGINNING AND ENDING DAY:

(a) Yard crews shall have a designated point for going on and off duty (which shall be the same).

(b) The point for going on and off duty will be governed by local conditions. In certain localities, instructions will provide that engine crews will report at the hump, others report at yard office, others at engine houses or ready tracks. It is not considered that the place to report will be confined to any definite number of feet, but the designation will indicate a definite and recognized location.

ARTICLE 40

LUNCH TIME:

(a)

1. Yard crews will be allowed 20 minutes for lunch between 4½ and 6 hours after starting work without deduction in pay.
2. The time for fixing the beginning of assignment or meal periods is to be calculated from the time fixed for the crew to begin work as a unit without regard to preparatory or individual duties.

(b) Yard engineers will not be required to work longer than 6 hours without being allowed 20 minutes for lunch without any deduction in pay or time therefor.

Note. This rule to apply in all cases of yard engineers where required to work as much as 6 hours beyond last meal period.

ARTICLE 41

ARBITRARIES AND SPECIAL ALLOWANCES:

EXCHANGING ENGINES:

(a)

1. An engineer in passenger, through or irregular freight, or local freight service, when, at an intermediate point on his trip

(including the turning point), required to move either or both engines in exchanging the engine with which he began the trip for another engine with which he then completes the trip, will be allowed 30 minutes to pro rata rate in addition to all other compensation earned on that tour of duty. (This Article will not apply if the exchange is due to failure of his engine or incidental to the delivery of an engine under Article 25, Section 5.)

2. Not more than one 30-minute allowance will be made for an exchange. Should two engineers, both of whom are handling passenger, through or irregular freight, or local freight trains participate in an exchange of engines at a point which is an intermediate point on their respective runs, the allowance will be made only to the one whose engine does not necessitate the exchange.

Example 1. A operates a local freight train over a branch line, tying up at the end of the branch. It is necessary that an engine be brought to the shops. B, on main line through freight, brings new engine to A and completes trip with A's engine. The exchange is made at the point where the branch line diverges from the main, therefore, it is an intermediate point for both A and B. Both engineers participate in the exchange. The 30-minute allowance is due B, as his engine did not necessitate the exchange.

Example 2. Main line through freight engineers involved. A has light engine and B has engine which is too heavy for the territory in which he is to run. B exchanges the heavy engine for A's lighter engine. Both engineers participate in the exchange. The 30 minutes is due A, as his engine did not necessitate the exchange.

Note. The 30 minutes is allowed regardless of the time so consumed, whether it be more or less. The distance run at point where the exchange is made is not computed.

3. This rule is not to be construed as applying in connection with changing engines as provided by Article 25, Sections 6(a) and 6(b), or when engine is temporarily changed for another because of its weight and part of the work is done with a lighter engine, the trip then being completed with the engine with which begun.

4. When exchange of engines is made at a terminal or by an engineer in otherservice as, for example, that classified as yard, helper, transfer, mine switching, work, or wrecker, it is considered as incidental to the trip and no additional allowance is made therefor; neither is any allowance made when an engineer does not participate, as when made by a hostler.

Note. Only one arbitrary will be allowed for a combination service described in Article 41(a) and Article 41(d) (Circular L-281). Such payment will be made on the basis of time consumed with a minimum of 30 minutes.

SERVICING ENGINES EN ROUTE:

(b)

1. When an engineer, on either a passenger run or a through freight run, is required to take fuel and/or sand at an

intermediate point-

- a. Because the engine was not supplied at his initial terminal, or
- b. When there is insufficient fuel and/or sand on the engine to enable him to complete his trip; he will be allowed 30 minutes at pro rata rate for such service in each case, independent of other earnings of the trip.

2. It is not the intention that the present practice shall be extended so that hostling service at the terminals will be reduced because of engines being thus supplied.

YARD CREWS USED IN ROAD SERVICE:

(c) Where regularly assigned to perform service within switching limits, yard engineers shall not be used in road service when road crews are available, except in case of emergency. When yard crews are used in road service under conditions just referred to, they shall be paid miles or hours, whichever is the greater, with a minimum of one hour for the class of service performed in addition to the regular yard pay and without any deduction therefrom for the time consumed in said service.

Note 1. When yard engineers are required to perform road service in an emergency, they will be paid as prescribed in Article 41, Section (c), and no allowance will be made to any road man.

Note 2. When yard engineers are required to perform road service and no emergency exists, they will be paid as prescribed in Article 41, Section (c), and the road engineer standing for the service will be allowed a minimum day's pay at the rate applicable to the road service performed.

Note 3. When payment is due a road man under the above, it will in no manner affect his standing on the board or otherwise.

Note 4. When yard engineers are required to go beyond the switching limits to perform road service, time under Article 41, Section (c), will be computed for the time they were engaged in road service, instead of computing it from the time they passed out of the switching limits until they returned to the switching limits.

Note 5. After departing from yard, when engineer performs yard work within the switching limits and is then required to perform service beyond the switching limits, his time under Article 41, Section (c), will be computed from the point and time at which he stopped yard work and began road service up to the time he returned to the yard or yard service.

Note 6. In order to meet conditions existing at Howell and Corbin, or at points where similar conditions obtain where it has been the practice to use yard crews to help trains out of such points beyond yard or switching limits, a regular crew or crews may be assigned to perform this combination work and paid road or helper rates; with the further understanding that if such regular assigned crew or crews are not available when a train is to be helped, other yard switching crews may be used and paid for the service under Article 41, Section (c).

Note 7. One yard crew will be assigned on each shift to assist trains out of Loyall beyond former location of yard limit board at Mile 237.91 and

paid road or helper rate, so long as this service is necessary; other yard crews assisting trains within present yard limits will be paid yard rates.

(d) Engineers required to make or break connections between diesel units when picking up or setting out units during a tour of duty will be compensated for such service as follows:

For actual time consumed at pro rata rate, with a minimum of 30 minutes in each case. If a set-out and pick-up is made at the same point, only the time consumed over the minimum allowance of 30 minutes, if any, will be paid under this rule for service at the same point.

Payment under this rule is independent of all other earnings of that tour of duty.

Example 1. Units 750-751 coupled. At intermediate point "A", diesel unit 751 is disconnected and set out. Time consumed in setting unit out - 15 minutes. Due 30 minutes at pro rata rates.

Example 2. Units 750-751-752 coupled. At intermediate point "A", middle diesel unit 751 is disconnected and set out, units 750-752 connected. Time consumed - 35 minutes. Due 35 minutes at pro rata rates.

Example 3. Units 600-603 coupled. At intermediate point "A", picks up and connects unit 605. Time consumed 20 minutes. Due 30 minutes at pro rata rates.

Engineers will cooperate in performing the necessary duties in disconnecting and setting out or picking up and connecting the units, and will keep themselves informed as to the proper manner of performing the work.

Engineers will not be required to make or break connection between diesel units for the purpose of setting out or picking up units where qualified mechanical forces are employed and on duty, except to avoid delay to an important train.

Note. Only one arbitrary will be allowed for a combination of services described in Article 41(a) and Article 41(d) (Circular L-281). Such payment will be made on the basis of the time consumed with a minimum of 30 minutes.

ARTICLE 42

SHOP ENGINEERS:

(a) Rate of Pay (See Rate Sheet).

(b) The term "helper" applies to employes when used to assist shop engineers.

(c) Eight (8) hours or less shall constitute a day's work. Time in excess of 8 hours shall be paid for on the minute basis at one and one-half times the hourly rate according to Article 35, Section (a) 1 and the exceptions contained therein.

(d) (Blank)

(e) (Blank)

(f) Agreement rules which apply to:

1. Shop Engineers and Shop Engineer-Helpers: Articles 18(a), (e) and (f); 25, Section 11(f); 30; 31; 36; 37; 39(a); 40; 43; and 45.
2. Shop Engineers only: Articles 13(d); 24(c); 25, Sections 1 and 2; 25, Section 9(a)8; 25, Section 12(a)5; 26, Sections 11 and 12; 32; and 35(a).
3. A separate seniority list will be posted in January of each year for shop engineer-helpers.

(g)

1. Shop engineers will be used at:

Cincinnati Terminal

Ravenna

North Hazard

Corbin

Loyall

Knoxville

Etowah

Atlanta-Tilford

Chattanooga-Wauhatchie

Cowan

Louisville Terminal

Nashville-Radnor Terminal

Memphis-Leewood

Bruceton

Birmingham-Boyles Terminal

Montgomery

Mobile-Sibert Terminal

Pensacola

New Orleans-Gentilly

Evansville-Howell Terminal

East St. Louis

to make all movements of locomotives limited to roundhouse and engine tracks except:

- a. Movements made by non-propelled locomotive spotters and similar machines.
- b. Movements made by Mechanical Department employes engaged

in locomotive repairs on the tracks where repairs are under way for access to and adjustment of different parts of the locomotive, and spotting movements for the filling of grease cups.

2. To handle all locomotives between passenger station and roundhouse for outgoing and incoming trains, except where engine crews handle their own locomotives.

3. To handle all locomotives from roundhouse to back shop for repairs, and when moved from back shop to roundhouse after repairs have been made, at points such as South Louisville and Corbin. After delivery of locomotives to back shop tracks, all movements within the back shop tracks necessary in connection with repairs and testing service after repairs are completed may be made by the Mechanical Department employees.

4. Handling locomotives as above provided does not prohibit movements of locomotives by other employes in emergency conditions resulting from fire, flood, hurricane or the like, or emergency conditions incident to accident, if shop engineer is not immediately and readily available.

5. To handle all locomotives between engine house and yards or between different points in the yard or yards outside of roundhouse or engine tracks, except:

a. Where engine crews handle their own locomotives.

b. When yard crews are used to tow locomotives, with or without trains, of crews tied up within the terminal limits, account of Hours of Service Law.

c. Locomotives towed for any reason.

6. Shop engineers used at points specified in Section (g)1 will not be required to fill headlight or signal lamps; put on or take off tools or supplies on locomotives; clean or wipe locomotives; fill or drain lubricators or fill grease cups or hand oilers. Red and white lanterns will be cleaned, filled and otherwise maintained in good condition by mechanical forces and placed on locomotives with the other tools and supplies in good condition.

(h)

1. At points other than those specified in Section (g) 1, when the number of outgoing locomotives on the same shift during any calendar month amounts to 104 or more, a shop engineer will be employed during the succeeding month and thereafter as long as the number of outgoing locomotives amounts to 104 per month on the same shift.

2. For the purpose of count of locomotives hostled, a shift, with respect to this provision, will be considered as being from 7 a.m. to 3 p.m.; 3 p.m. to 11 p.m. and from 11 p.m. to 7 a.m.

3. For the purpose of applying this provision a locomotive will be counted on the shift, as defined above, on which the locomotive is

set to depart.

Note. "Set to depart" as herein used means the time for which a road train is set to depart, (by call), and the time a yard engine, (departing from the roundhouse) is assigned to start work, and the time yard engines actually depart from roundhouse where shop engineers exchange yard engines out in the yard or "field."

4. Employment of shop engineers under this provision will be within 5 days after the end of the month used to determine his employment, provided a shop engineer is available.

5. Shop engineers employed as provided in Section (h) 1 may be required to perform other services during their tour of duty, such as placing and removing engine tools, cleaning and filling lamps and lanterns, draining and filling lubricators, filling grease cups, filling hand oilers, blowing boilers in connection with water treatment, obtaining fire box forms; and at points where the service requires only a limited force to be employed, they may be required to take water and assist in taking sand. Also, they may be required to perform other work than that herein named as may be further agreed to between the officials and the committee representing the Shop Engineers.

(i) Should the engine terminal be moved from one of the points shown in Section (g) 1, the provisions of that Section will apply at the new location.

(j) (Blank)

(k) Helpers who accompany a shop engineer on an outside movement will be paid the shop engineer helper rate for the day.

(l)

1. At points where extra boards are maintained, shop engineers assigned to second shift will be entitled to claim vacancies of 5 days or more on first shift, and shop engineers assigned to third shift will be entitled to claim such vacancies on either first or second shift, except that they will not be permitted to displace a senior man who may be filling or claims the vacancy.

2. At points where no extra board is maintained, shop engineers assigned to second shift will be entitled to claim vacancies of 5 days or more and up to 30 days on first shift, and shop engineers assigned to third shift will be entitled to claim such vacancies on either first or second shift, provided they file written notice with the carrier representative, at the outlying point before a man is ordered to protect the original vacancy.

Note. The provisions of this section are applicable to shop engineer-helpers. In other words, shop engineer-helpers may advance in the same manner as shop engineers. Extra men filling vacancies of 5 days or more will not be considered regularly assigned under this rule.

(m) (Blank.)

(n) (Blank.)

(o) (Blank.)

(p)

1. Shop engineers will not be employed or re-employed for hostler service only, except by concurrence of the General Chairman representing shop engineers.

2. This rule does not affect the status of men who have been reinstated with restrictions that they are to be used in hostler service only, or may hereafter be reinstated under the same conditions.

(q) New positions created, or permanent vacancies to be filled as shop engineer, will be filled from the ranks of engineers on that Division or Seniority District, the oldest qualified man to have the preference.

(r) Exceptions may be made to Section (q) by agreement between the officials and the committee representing the shop engineers, in order to take care of disabled or disqualified engineers by employment of them as shop engineers on the Division where they have been previously employed or held seniority.

(s) Permanent and temporary vacancies of shop engineers will be filled in the same manner as engineer vacancies except where agreed otherwise.

(t) (Blank.)

(u) If no applications are received, the junior qualified man on the working list will be assigned to the job and remain on it until there is a junior qualified man available to relieve him, in which event he will be relieved upon his request, with the understanding that no extra or additional deadhead pay will be incurred under the circumstances.

Note. Under the provisions of this Article, if a man is forced on a hostling job and desires to relinquish it, when a junior qualified man becomes available to relieve him, he should notify the carrier representative, in writing, and when relieved from the job should be permitted to exercise seniority rights in accordance with the provisions of Article 25, Section 11(f) and claim any run or job held by a junior man, except if he claims a pool of runs he must displace the junior regularly assigned man in the pool.

(v)(Blank.)

(w) No attempt was made to define all the duties a shop engineer may be required to perform. It is understood that shop engineers may be required to perform such duties, in addition to handling engines, as they have been performing in the past, except such duties as are specifically prohibited hereinabove.

ARTICLE 43

VACATIONS (National Agreement):

1

(a) Effective July 1, 1949, each employe, subject to the scope of schedule agreements held by the organizations signatory hereto, will be qualified for an annual vacation of one week with pay, or pay in lieu thereof, if, during the preceding calendar year, the employe renders service under schedule agreements held by the

organizations signatory hereto amounting to 160 basic days in miles or hours paid for, as provided in individual schedules.

(b) Effective July 1, 1949, each employe, subject to the scope of schedule agreements held by the organizations signatory hereto, having five or more years of continuous service with employing Carrier will be qualified for an annual vacation of two Weeks with pay, or pay in lieu thereof, if, during the preceding calendar year the employe renders service under schedule agreements held by the organizations signatory hereto amounting to 160 basic days in miles or hours paid for as provided in individual schedules and during the said five or more years of continuous service renders service of not less than 800 basic days in miles or hours paid for as provided in individual schedules.

(c) (Dining car service.) (Not reproduced.)

(d) Calendar days on which an employe assigned to an extra list is available for service and on which days he performs no service, not exceeding 60 such days, will be included in the determination of qualification for vacation; also, calendar days, not in excess of 30, on which an employe is absent from and unable to perform service because of injury received on duty will be included.

(e)

1. Where an employe is discharged from service and thereafter restored to service during the same calendar year with seniority unimpaired, service performed prior to discharge and subsequent to reinstatement during that year shall be included in the determination of qualification for vacation during the following year.

2. Where an employe is discharged from service and thereafter restored to service with seniority unimpaired, service before and after such discharge and restoration shall be included in computing 800 basic days under Section 1(b).

(f) Only service performed on one railroad may be combined in determining the qualifications provided for in this Section 1, except that service of an employe on his home road may be combined with service performed on other roads when the latter service is performed at the direction of the Management of his home road or by virtue of the employe's seniority on his home road. Such service will not operate to relieve the home road of its responsibility under this Agreement.

2

(a) An employe receiving one week's vacation, or pay in lieu thereof, under Section 1(a) shall be paid 1/52 of the compensation earned by such employe, under schedule agreements held by the organizations signatory hereto, on the Carrier on which he qualified under Section 1 (or Carriers in case he qualified on more than one Carrier under Section 1(f) during the calendar year preceding the year in which the vacation is taken, but in no event shall such pay be less than six (6) minimum basic days' pay at the

rate of the last service rendered.

(b) An employe receiving two weeks' vacation, or pay in lieu thereof, under Section 1(b) shall be paid 1/26 of the compensation earned by such employe, under schedule agreements held by the organizations signatory hereto, on the Carrier on which he qualified under Section 1 (or Carriers in case he qualified on more than one Carrier under Section 1(f) during the calendar year preceding the year in which the vacation is taken, but in no event shall such pay be less than twelve (12) minimum basic days' pay at the rate of the last service rendered.

3. Vacations, or allowances therefor, under two or more schedules held by different organizations on the same Carrier shall not be combined to create a vacation of more than the maximum number of days provided for in any of such schedules.

4 Time off on account of vacation will not be considered as time off account employe's own accord under any guarantee rules and will not be considered as breaking such guarantees.

5 The absence of an employe on vacation with pay, as provided in this Agreement, will not be considered as a vacancy, temporary, or otherwise, in applying the bulletin rules of schedule agreements.

6 Vacations shall be taken between January 1 and December 31; however, it is recognized that the exigencies of the service create practical difficulties in providing vacations in all instances. Due regard, consistent with requirements of the service, shall be given to the preference of the employe in his seniority order in the class of service in which engaged when granting vacations. Representatives of the Carriers and of the employes will co-operate in arranging vacation periods, administering vacations and releasing employes when requirements of the service will permit. It is understood and agreed that vacationing employes will be paid their vacation allowances by the Carriers as soon as possible after the vacation period but the parties recognize that there may be some delay in such payments. It is understood that in any event such employe will be paid his vacation allowance no later than the second succeeding payroll period following the date claim for vacation allowance is filed.

7

(a) Vacations shall not be accumulated or carried over from one vacation year to another. However, to avoid loss of time by the employe at end of his vacation period, the number of vacation days at the request of the employe may be reduced in one year and adjusted in the next year.

(b) After the vacation begins lay over days during the vacation period shall be counted as a part of the vacation.

8 No vacation with pay, or payment in lieu thereof, will be due an employe whose employment relation with a Carrier has terminated prior to the scheduled vacation period as provided in Section 6, except that employe retiring under the provisions of the Railroad Retirement Act shall receive payment for vacation due.

Note 1. Any dispute or controversy arising out of the interpretation or application of any of the above provisions of this vacation Agreement will be

handled on the property in the same manner as other disputes. If the dispute or controversy is not settled on the property and either the Carrier or the organization desires that the dispute or controversy be handled further, it shall be referred by either party for decision to committee as provided for in Section 10 of the Vacation Agreement of April 29, 1949.

Note 2. No vacation period will be assigned which will include a gouge period for the engineer, and no vacation period will start on an assigned lay over day: This note is to remain in effect for one year from date of this Agreement after which it stands canceled unless extended or modified by agreement.

ARTICLE 44

CO-ORDINATION AGREEMENT:

If this company in conjunction with one or more Carriers co-ordinates, unifies, consolidates, merges, or pools in whole or in part its separate railway facilities or any of the operations of service previously performed by it through such separate facilities, this company will negotiate with the committee representing the employes affected to a conclusion the issues concerning the treatment of such employes who may be affected by such co-ordination, unification, consolidation, etc.

ARTICLE 45

RETIREMENT:

(a) All engineers who reach their 70th birthday during the first six months of the year (January 1 to June 30) will be allowed until July 1 of that year to retire from active service, while those who attain their 70th birthday during the last six months of the year (July 1 to December 31) will be allowed until January 1 of the following year.

ARTICLE 46

DURATION OF AGREEMENT:

The rates, rules, and working conditions as provided herein, shall be continued in effect, subject to 30 days written notice by either party.

For the Louisville & Nashville Railroad:

W. C. MOORE

Assistant Vice President Personnel and Labor Relations

For the Engineers:

J. C. LANEY

General Chairman Brotherhood of

Locomotive Engineers

(ROAD OVERTIME ON MILEAGE BASIS CHART NOT REPRODUCED IN ELECTRONIC

FORMAT)