



# **united transportation union**

**CALIFORNIA STATE LEGISLATIVE BOARD**

1005 - 12th STREET, SUITE 4, SACRAMENTO, CALIFORNIA 95814-3920 • (916) 441-2051 • FAX: (916) 441-2054

TO: ALL RAIL LOCAL LEGISLATIVE REPRESENTATIVES IN CALIFORNIA

FROM: JAMES (J.P.) JONES, STATE DIRECTOR, DECEMBER 6, 2005



RE: CARRIER OFFICERS AND MANAGERS DOING THE WORK OF  
OPERATING EMPLOYEES COVERED UNDER THE HOURS OF SERVICE

Dear Sirs and Brothers:

This office is continuing to receive an increasing number of questions and incidents of Carrier officers/ managers performing the duties of operating crews who are covered under the Federal Hours of Service Act.

It should be clearly understood by everyone that each time any carrier officer or manager performs any duties of a train or engine operating employee, said officer/manager is performing the duties of your job. Gone unreported and uncorrected this activity may well result in the elimination of your job. DO NOT ALLOW THIS TO CONTINUE.

I am enclosing the following: 1.) Notice for posting on employee bulletin board and for distribution to the membership explaining the regulations of the Federal Railroad Administration on this subject, and 2.) a pre-printed form upon which to report incidents of these actions taking place.

PLEASE POST THESE DOCUMENTS ON ALL EMPLOYEE BULLETIN BOARDS AND HAVE SUFFICIENT COPIES MADE AVAILABLE FOR AS MANY OF YOUR MEMBERSHIP THAT MAY WISH TO HAVE A COPY FOR THEIR FUTURE USE.

**REMEMBER: THE JOBS YOU SAVE  
COULD BE YOUR VERY OWN !!!!!**

CC: All Rail General Chairs with jurisdiction in California

(12-06-05)

# **DO NOT LET CARRIER MANAGERS AND OFFICERS DO YOUR WORK - STOP THE EROSION OF YOUR JOBS – REPOPT ANY VIOLATIONS TO PROTECT YOURSELVES.**

(by: J.P. Jones, Director – California State Legislative Board – UTU)

If any manager or officer of a railroad performs or engages in activity connected with the movement of any train, said manager or officer is considered an employee under, and is therefore covered by, the Federal Hours of Service Act (The Act).

Once these carrier managers and officers come under The Act they are limited to a maximum of twelve (12) hours on duty. This time is calculated from the time they first go on duty for the tour of duty in question, regardless if the tour of duty began as a covered employee or officer/manager.

The Federal Railroad Administration (FRA) also requires that every carrier must keep records of the times on and off duty, as well other additional and detailed information, in connection with each tour of duty, for employees covered under The Act. This information would include all time spent performing service in each occupation of work, as well as total time on duty in all occupations of work.

FRA has a general rule that non-covered employees that perform covered service under The Act less than once in a quarter, are not placed in the random substance testing pool of employees. Therefore, those manager and officers that perform covered service more than once in a quarter should be subject to random testing like any other covered employee.

All incidents of carrier managers/officers performing the duties of any operating employee covered under The Act should immediately be reported to this office for handling with the FRA. As much information as possible should be provided when reporting these incidents (time, date location, officer name, crew I.D. which the officers was working with, actual service performed – lining switch, taking shove, passing signals, etc.).

## **PROTECT YOUR JOB – REPORT VIOLATIONS**



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## SCAB INFORMATION FORM

(also known as: Carrier Manager/Officer Doing the  
Job Duties of Operating Employees Covered Under  
The Federal Hours of Service Act)

.....

Carrier Officer/Manager  
Name and Title Performing Work: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

Crew Identification That  
Manager/Officer Assisted: \_\_\_\_\_

Brief Description of the Duties That The  
Officer/Manager Performed In This  
Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GIVE THIS COMPLETED FORM TO YOUR LOCAL U.T.U. OFFICER FOR  
TRANSMISSION TO THE U.T.U. CALIFORNIA LEGISLATIVE BOARD OFFICE  
FOR HANDLING, OR SEND IT DIRECTLY TO THE BOARD OFFICE AT:

UNITED TRANSPORTATION UNION  
CALIFORNIA LEGISLATIVE BOARD  
1005 12<sup>TH</sup> ST., SUITE #4  
SACRAMENTO, CALIFORNIA, 95814  
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