

UNITED TRANSPORTATION UNION
NATIONAL AGREEMENT
OCTOBER 31, 1985

AGREED UPON
QUESTIONS AND ANSWERS

UNITED TRANSPORTATION UNION
R&S DEPARTMENT
AUGUST 25, 1986

A R T I C L E I (UTU)

General Wage Increases

Q-1: Would a payment prescribed for a lunch period/meal period violation be considered a "duplicate time payment" in application of Section 8 of Article I?

A-1: No.

* * * * *

A R T I C L E 11 (UTU)

Cost-of-Living Adjustments

Section 1

Section 1 - Amount and Effective Dates of Cost-of-Living Adjustments

"(b) While a cost-of-living allowance is in effect, such cost-of-living allowance will apply to straight time, overtime, vacations, holidays and to special allowances in the same manner as basic wage adjustments have been applied in the past, except that such allowance shall not apply to duplicate time payments, including arbitraries and special allowances that are expressed in time, miles or fixed amounts of money or to mileage rates of pay for miles run in excess of the number of miles comprising a basic day."

Q-1: Section 1, Paragraph (b) provides, in part, that while a cost-of-living allowance is in effect, such cost-of-living allowance ". . . shall not apply to duplicate time payments, including arbitraries and special allowances that are expressed in time, miles or fixed amounts of money or to mileage rates of pay for miles run in excess of the number of miles comprising a basic day." In view of this language, should the 13 cent COLA float from the last agreement be backed out of all arbitraries prior to the rates for such arbitraries being frozen?

A-1: No.

* * * * *

A R T I C L E I I I (UTU)

Lump Sum Payment

"A lump sum payment, calculated as described below, will be paid to each employee subject to this Agreement who established an employment relationship prior to the date of this Agreement and has retained that relationship or has retired or died.

"Employees with 2,150 or more straight time hours paid for (not including any such hours reported to the Interstate Commerce Commission as constructive allowances except vacations and holidays) during the period July 1, 1984 through July 31, 1985 will be paid \$565.00. Those employees with fewer straight time hours paid for will be paid an amount derived by multiplying \$565.00 by the number of straight time hours (including vacations and holidays, as described above) paid for during that period divided by 2,150."

Q-1: In totaling an employees "straight time hours", as reported to the ICC, are hours earned in service under agreements other than the UTU to be omitted?

A-1: Yes.

* * * * *

Q-2: Is the lump sum payment to be allowed to employees who have transferred to a new seniority district, have not lost their seniority on the previous seniority district but who subsequently (made) an election to retain seniority on only one of the two seniority districts?

A-2: Yes.

* * * * *

Q-3: If the answer to the above question is "yes", are all "straight time hours" reported for service on both seniority districts to be included?

A-3: Yes.

* * * * *

Q-4: Are lump sum payments applicable to suspended employees as well as employees who are later reinstated with rights unimpaired?

A-4: Yes.

* * * * *

Q-5: Would hours reported for service performed as an engineer as well as a fireman be included?

A-5: Only if the service as an engineer was under an agreement with the UTU.

* * * * *

Q-6: If a fireman is furloughed and works part-time as a brakeman, would hours reported for service performed in both crafts be included?

A-6: Yes.

* * * * *

Q-7: (a) Is the lump sum payment applicable to an employee who, on the effective date of the UTU Agreement, was working as an engineer under the BLE Agreement?

(b) If so, are only hours reported for service performed under the UTU Agreement to be included?

A-7: (a) Yes.

(b) Yes.

* * * * *

A R T I C L E I V (UTU)

Pay Rules

Section 1

Section 1 - Mileage Rates

"(a) Mileage rates of pay for miles run in excess of the number of miles comprising a basic day (presently 100 miles in freight service and 100 miles for engine crews and 150 miles for train crews in through passenger service) will not be subject to general, cost-of-living, or other forms of wage increases.

"(b) Mileage rates of pay, as defined above, applicable to interdivisional, interseniority district, intradivisional and/or intraseniority district service runs now existing or to be established in the future shall not exceed the applicable rates as of October 31, 1985. Such rates shall be exempted from wage increases as provided in Section 1(a) of this Article. Car scale and weight-on-drivers additives will apply to mileage rates calculated in accordance with this provision."

Q-1: Is the over-mile rate for interdivisional runs already in effect frozen?

A-1: Yes, at the rate of pay in effect on October 31, 1985.

* * * * *

Q-2: Are local or system agreements dealing with interdivisional runs cancelled or have the over-miles just been frozen?

A-2: Such agreements are not cancelled; however, in application of Section 1(b) of Article IV, payments for miles run in excess of the number of miles encompassed in the basic day are frozen at the rate of pay in effect on October 31, 1985 for the first 100 miles or less.

* * * * *

A R T I C L E I V (UTU)

Pay Rules

Section 2

Section 2 - Miles in Basic Day and Overtime Divisor

"(a) The miles encompassed in the basic day in through freight and through passenger service and the divisor used to determine when overtime begins will be changed as provided below:

Effective Date of Change	Through Freight Service		Through Passenger Service	
	Miles in Basic Day	Overtime Divisor	Miles in Basic Day*	Overtime Divisor
November 1, 1985	102	12.75	153-102	20.4
July 1, 1986	104	13.0	156-104	20.8
July 1, 1987	106	13.25	159-106	21.2
June 30, 1988	108	13.5	162-108	21.6

**The higher mileage numbers apply to conductors and brakemen and the lower mileage numbers apply to engineers and firemen.

"(b) Mileage rates will be paid only for miles run in excess of the minimum number specified in (a) above.

"(c) The number of hours that must lapse before overtime begins on a trip in through freight or through passenger service is calculated by dividing the miles of the trip or the number of miles encompassed in a basic day in that class of service, whichever is greater, by the appropriate overtime divisor. Thus after June 30, 1988, overtime will begin on a trip of 125 miles in through freight service after $125/13.5 = 9.26$ hours or 9 hours and 16 minutes. In through freight service, overtime will not be paid prior to the completion of 8 hours of service."

Q-1: Is the 102/108 mile day applicable to locals, work trains or road switchers?

A-1: No.

* * * * *

Q-2: Under an existing agreement covering pooling of cabooses, employees are allowed an additional 1¢ per mile, with a minimum of \$1.00 for the run. On a run of 120 miles the payment would be \$1.20 and on a run of 90 miles the payment would be \$1.00. Under the provisions of Section 2(a) would the payment for the 90 mile run be \$1.02?

A-2: No.

* * * * *

Q-3: In a commuter operation, the short turnaround passenger service rule provided in the November 21, 1947 ORC-BRT Agreement is utilized, i.e., "no single trip of which exceeds 80 miles". Are the provisions of Section 2(a) of Article IV applicable to this operation?

A-3: No, the provisions of Section 2(a) are applicable to through passenger service and are not applicable to the short turnaround passenger service operation described.

* * * * *

Q-4: Article IV, Section 2(c) illustrates how to compute the number of hours of overtime, if any, associated with a given through freight or through passenger run. How is the payment for those hours to be computed?

A-4: The overtime payment can be computed in terms of hours or miles with identical results. On an hourly basis, the number of hours determined by the Article IV, Section 2(c) calculation will be multiplied by the basic day rate and by the .1875 factor (which results from multiplying by the punitive factors of 1.5 and dividing by 8 hours). If the hours are converted to miles by multiplying the number of hours by the current overtime division (12.5, 12.75, 13, 13.25 or 13.5) and by the 1.5 punitive factors, then the results will be multiplied by mileage rate derived by dividing the basic day rate by the number of miles encompassed by the basic day (100, 102, 104, 106 or 108).

As an example, a trip of 125 miles made in November 1985, and completed in 11 hours would go on overtime after 9.8 hours (125 divided by 12.75); thus 1.2 overtime hours would be due. At a basic day rate of \$96.00, the overtime pay on an hourly basis would be \$21.60 (1.2 hours * 96.00 * .1875). Converted to miles, the 1.2 overtime hours = 22.95 miles (1.2 hours * 12.75 mph * 1.5). Multiplying rate of .9412 (96.00 divided by 102 miles) also produces the \$21.60 result (1.2 * 94.12 * .19125).

* * * * *

Q-5: How shall non-duplicate time payments expressed in miles be paid following changes in miles in basic day pursuant to Section 2? (e.g., 50 miles runaround rule.)

A-5: Where the obvious intent of the parties was to apply a percentage of a basic day (e.g., 50 miles equals 50%), such intent shall be continued (50% equals 51, 52, 53 or 54 miles depending on effective date of change.)

* * * * *

Q-6: Are road employees who are confined to runs which are paid for on a daily basis without a mileage component (basic day) entitled to holiday pay?

A-6: Yes, if they meet the other qualifying requirements.

* * * * *

A R T I C L E I V (UTU)

Pay Rules

Section 4

Section 4 - Engine Exchange (Including Adding and Subtracting of Units) And Other Related Arbitraries

"(a) Effective November 1, 1985, all arbitrary allowances provided to employees for exchanging engines, including adding and subtracting units, preparing one or more units for tow, handling locomotive units not connected in multiple, and coupling and/or uncoupling appurtenances such as signal hose and control cables are reduced by an amount equal to one-third of the allowance in effect as of October 31, 1985.

"(b) Effective July 1, 1986, all arbitrary allowances provided to employees for performing work described in paragraph (a) above are reduced by an amount equal to two-thirds of the allowance in effect as of October 31, 1985.

"(c) Effective July 1, 1987, all arbitrary allowances provided to employees for performing work described in paragraph (a) above are eliminated."

Q-1: Under a local agreement, employees in a certain territory are currently paid an engine arbitrary of one hour for picking up engines. Is this agreement still applicable?

A-1: Yes, except for the pay provisions. The one hour arbitrary will be eliminated over the period described in Sections 4(a), (b) and (c) of Article IV.

* * * * *

