

# Consolidated Rail System Federation Northeastern System Federation Pennsylvania Federation



July 3, 2009

Dear Amtrak BMWED Members,

Over the last several months we have been meeting with Amtrak in an attempt to negotiate a special agreement to raise the foreman rate of pay, provide more money to members who are required to obtain a Commercial Drivers License (CDL), improve the 65-cent incentive allowance and increase the travel money for members in production gangs. There is a general consensus in the membership that foremen, and positions that require a CDL, are underpaid in relation to other positions under our contract and we wanted to address this issue. We also wanted to improve upon the incentive allowance and travel money because we were unable to accomplish this in our last general agreement.

A tentative agreement is attached which addresses all of these issues. This agreement requires the approval of the membership before we can sign it and make it effective. Enclosed is a ballot for you to approve, or reject, this agreement. If a majority of members who return ballots approve of the agreement, we will sign the agreement. If a majority who return ballots reject the agreement, we will not sign it. The ratification process is being handled by the American Arbitration Association (AAA). The AAA will conduct the ratification independently of the Union and will ensure that it is a fair process. It is important that you read the enclosed materials and cast a ballot for, or against, the agreement. All ballots received in the offices of the AAA by 10:00 A.M. on July 27, 2009 will be counted.

This proposed agreement is separate and apart from the general agreement. If this agreement is approved, we will still have the right to serve Amtrak to renew the current agreement on January 1, 2010. We intend to pursue that very aggressively. We will start that process at the beginning of the new year. Accepting, or rejecting, this agreement will not have any impact on that process. Obviously, we are hopeful that with a government that is friendlier to the issues of working people, and passenger rail, we will be able to negotiate a fair deal more quickly than we were able to do under the last administration.

## Summary of the Agreement

- \* Effective August 1, 2009, all Foremen or foremen rated positions (this includes, but is not limited to, B&B Inspectors, Track Inspectors and Pilots) will have their hourly rate increased by \$1.00.

- \* An experimental bonus program will be implemented where any employee who stays in the foremen class for an entire calendar year will receive a \$2000.00 bonus. For calendar year 2009, any employee who stays in the foremen class from July 1, 2009 to December 31, 2009 will receive a \$1000.00 bonus. The parties must both agree to continue this program each year.
- \* All employees that hold positions that require a CDL will receive an additional \$1.00 per hour differential for all hours worked.
- \* Amtrak may use contractors to clear trees from the vicinity of overhead wires and signal systems on the Northeast Corridor and it will not be considered a violation of the agreement. Members of the Union will continue to perform all of the protection associated with this work and will continue to perform general cutting and clearing of brush and vegetation from the right of way that is not in the vicinity of the overhead wires or signal systems.
- \* Effective August 1, 2009, the sixty-five-cent incentive allowance is increased to \$1.00.
- \* Effective August 1, 2009, the travel allowance for production units is increased to \$15.00 for each trip.
- \* A minor change in the training agreement was made which closed a loop hole, so that employees who bid up and then down during the six-month period in which they can be assigned to positions for which they have been trained, are still subject to assignment to such positions.
- \* Rule 18 of the NEC Agreement and Rule 8 of the off corridor agreement (Corporate Agreement) have been changed so that employees who fill a vacancy while exercising their seniority after being bumped, or abolished, will be considered automatic bidders for the position they have filled.
- \* Rule 4 of the NEC Agreement has been amended so that employees have a demand right to fill all vacancies except vacancies created by the establishment of new positions. Employees who exercise this right will be considered an automatic bidder for the position when it is advertised.
- \* The Southern District B&B Bridge gang rule has been amended to permit the gang to do any capital B&B work and their territories have been reduced from three to two. The new territories will be the Metropolitan Division and the Mid-Atlantic Division. Amtrak must rebid these gangs each October and describe the territory and jobs that each gang will be assigned to perform on the bid sheet.
- \* A new position has been created on the Southern District called a Structural Inspector. No new seniority roster will be created and this position will be controlled by the B&B Foremen/Inspector class. Effective August 1, 2009, it will pay \$29.41 per hour. This will be a contract position where the employee must stay in the job for 24 months, with the right to renew it when the 24 month period

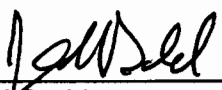
is over. This position may not be displaced by a senior employee unless it means that the senior employee will have to furlough, or travel outside of the former operating territories which were New York, Mid-Atlantic North and Mid-Atlantic South.

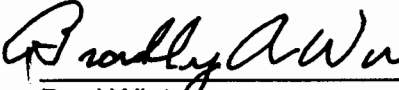
- \* The special agreements for Lineman/Hi-Rail/Catenary Car Operator in the Electric Traction Department are eliminated and effective August 1, 2009, the new rate of pay for these positions will be \$27.64/hour. When these positions require a CDL, they will also receive the extra \$1.00 per hour differential.
- \* Some ET work zones are combined to be equal to Track and B&B Department work zones.
- \* The provisions regarding the contracting out of tree cutting and the CDL differential may be cancelled by the BMWED in five years.

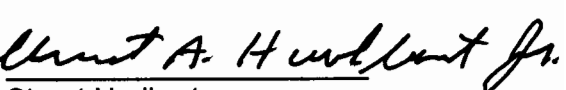
We believe that overall this is a good agreement. The agreement is the product of negotiations and not everything in the agreement is good. We also understand that there are still plenty of other problems to work upon and we are continuing to look for ways to correct other issues as well. However, for now, this agreement addresses the broad issues of compensation for Foreman and CDL positions with the obvious concession of letting contractors cut trees in the wires and some work rule changes that are both good and bad.

We hope you agree with us and vote yes to support this agreement. However, it is most important that you participate in this process whether you support, or oppose, this proposal. Your participation in our Union can only make it stronger. Please read over the enclosed proposal, educate yourself about it and cast an informed vote. Please make sure to have your ballot returned by July 27, 2009 so it can be counted.

In solidarity,

  
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Jed Dodd  
General Chairman  
Pennsylvania Federation  
BMWED-IBT

  
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Brad Winter  
General Chairman  
Consolidated Rail System Federation  
BMWED-IBT

  
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Stuart Hurlburt  
General Chairman  
Northeastern System Federation  
BMWED-IBT

cc Fred Simpson, President BMWED