An Injury to One Is An Injury to All

Pennsylvania Federation
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June 27, 2017

To: Members of Zone 6, SES and Independent Track

From: Jed Dodd
General Chairman

Re: Penn Station New York Bonus Agreement

Amtrak is reducing its train service to permit the much needed repair of certain track infrastructure in Penn Station New York. Amtrak is offering its management in charge of these initial track repairs in Penn Station New York a bonus if they complete the projects assigned and full service is restored on September 5, 2017. They have offered a similar bonus program to the members of the BMWED who are working on the project. This bonus program is explained in the attached agreement. BMWED members who are working on the project will receive the same percentage share of the bonus that management receives. Under the formulae it is possible to earn zero dollars in bonus money during the measurement period or up to $5,000.00.

Independent Track and SES will be assigned to these infrastructure repairs. Management has informed us that they also intend to use many of the employees in Zone 6 to assist these gangs. Each day (including rest days) that an employee works on the project they will earn a “production credit.” Each production credit is worth $75.00. At the end of the project period, and full service is restored, and management is paid a production bonus, BMWED employees will be paid $75.00 times the production credits they earned. If management is paid less than 100% of the bonus, then the employees will be paid the same percentage less. No one, management or union, will earn a bonus if full service is not restored on September 5, 2017.

Between July 6 - July 14, 2017 there will be a limited period in which Zone 6 track department employees may displace, if senior and qualified, employees in SES and Independent Track.
WHEREAS the track infrastructure in Pennsylvania Station New York will require extensive repairs and it will begin with an interruption in some train services between the dates of July 7, 2017 and September 5, 2017. Between the previously mentioned dates Amtrak intends to engage in a period of intensive repair of the most critical problem areas in the infrastructure; and

WHEREAS, Amtrak will be offering a bonus program to select management assigned to these critical initial repairs who have completed certain goals and Amtrak has informed the BMWED that they desire to extend a similar bonus program to the BMWED; and

WHEREAS, it is in the interests of both management and labor to effectuate these initial repairs as quickly as possible to restore the infrastructure for safe train movement and to eliminate the need for further disruption in service; therefore

It is agreed:

1. Without prejudice to either party's position regarding the use of Rule 90A Southern District units for the Pennsylvania Station track infrastructure repair work, it is agreed that the SES and Independent Track may be used for the initial and subsequent Pennsylvania Station repairs. It is understood that additional repairs to the infrastructure may take more time to complete and during this period Amtrak will have the flexibility to use the Independent Track with Southern District 90A conditions but reporting to local Division management. It is also understood that sub-division forces from Zone 6 may be called to augment these efforts. If overtime is called for these projects, and the group consisting of Independent Track and SES gangs has exhausted its employees, then overtime will be offered first to senior, qualified employees in Zone 6 Division.

2. From July 6 - July 14, 2017 any track department employee in Zone 6 may elect to displace, if senior and qualified, any position in SES or Independent Track. Displaced employees of SES or Independent Track shall exercise their seniority in accordance with the rules of the agreement. If a Zone 6 track department employee elects to displace into the SES or Independent Track units they may only leave the position through the normal collective bargaining agreement rules.

3. Each day worked by any employee (including but not limited to employees of Independent Track, SES, Zone 6 track department employees, and BMWED employees from other departments such as, but not limited to ET and B&B) who are assigned to assist the initial repair work, eight (8) or more hours, from July 7 to September 5, 2017 (including rest days) will result in a "production credit." Employees can only earn one production credit in any twenty four (24) hour period which for the purposes of this calculation will begin at 12:01 AM on July 7, 2017.
NEW YORK PENN STATION BONUS PROGRAM TERMS
BY AND BETWEEN
NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
AND THE
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

4. Each production credit will be worth $75.00. If the management bonuses are paid in total then each employee will be compensated $75.00 for each production credit that they earned. If management fails to earn their total possible bonus then the managers with the top three bonus percentages will be averaged and that percentage will be used to pay the agreement employee bonuses. As an example if the top three management bonuses average 75% of the total possible bonus payments, then the employees will received 75% of the sum of their total bonus credits.

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\text{[(Production Credits) } \times (\$75.00)] \times (\text{Average } \% \text{ of top 3 Management Bonuses})
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5. No payments under this program will be made in the event that Penn Station is not returned to normal service on or before September 5, 2017.

6. The employee's name and bonus payments will be provided to the General Chairman. Payments will be made within thirty (30) days of September 5, 2017.

7. If there are changes to the scope and/or schedule of the work, outlined herein, which will affect the payment calculation of the Manager's bonus, and in result affect the agreement bonus, Amtrak will promptly meet with the General Chairman to review the bonus calculation in a good faith effort to reach agreement on the formula for BMWED members. If no agreement is reached the parties will promptly submit the dispute to arbitration.

SIGNED THIS 27th DAY OF JUNE, 2017 AT PHILADELPHIA, PA

[Signatures]
Jed Dodd
General Chairman

Approved,

Freddie Simpson
President