

JOHN C. HANCOCK, johnh@utu851.org
General Chairman

united
transportation



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union

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GENERAL COMMITTEE GO-851
CSX/SCL - FECR - WSSB - HPTD - GM - GARR - SCPR - SCCR

February 9, 2009

Mr. Myron Becker
Director, Labor Relations
CSX TRANSPORTATION
500 Water Street, J-455
Jacksonville, FL 32202

SCANNED & SENT

Dear Sir:

This refers to our January 15, 2009 letter to which we have not yet received a response. However, we have discussed the issue verbally, and you agreed with our position.

This is proper notification that should the Carrier not fill a switchman's must-fill position as required by the Schedule Agreement, we will consider such to be a plain and willful violation of the Schedule Agreement. We will take the necessary action in accordance with the law to protect the integrity of the agreement.

Sincerely,

John C. Hancock
General Chairman

JCH:gmt

Cc: Mike Futhy, International President, UTU
Arthur Martin, Asst. President, UTU
Kim Thompson, GS/T, UTU
Clint Miller, Chief Counsel, UTU

All CSXT Local Chairpersons, UTU
Steve Crable, Vice President, Labor Relations, CSXT
David Ingoldsby, Asst. Vice President, Labor Relations, CSXT
Mike Pendergrass, Vice President, Southern Region, CSXT

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January 15, 2009

Mr. Myron Becker
Director, Labor Relations
CSX TRANSPORTATION
500 Water Street, J-455
Jacksonville, FL 32202

HAND DELIVERED

Dear Sir:

On December 20, 2008, RCO Switchman R.C. Fail (209453) reported for duty on job Y390-20 at Savannah Yard, Savannah, GA. Upon reporting for duty, he was notified that his regular assignment had been converted to the Y690-20 – conventional assignment, and he was elevated to the foreman's position.

Yard Foreman Fail inquired if the switchman's position would be filled, and was informed that that it would not, because instructions were issued that no switchman's positions would be filled when converting RCO assignments to conventional assignments.

In your November 10, 2008 (file 5036-SCL/8035-04SCL), you agreed this is a direct violation of the Collective Bargaining Agreement (CBA), reading:

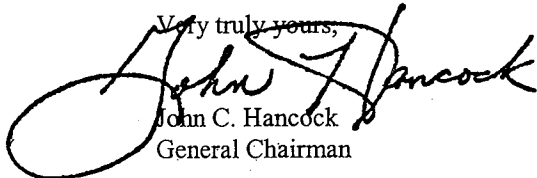
"This department subsequently advised Crew Management of the error by not filling the brakeman position. Inasmuch as this seems to be an isolated incident, and no conscientious action was made to circumvent the CBA by the company, the appropriate claim should be handled through the agreement process as outlined in the CBA."

Approximately forty days after your November 10, 2008 letter, the local trainmaster issued instructions to CMC to convert the Y390 as Engineer and Foreman only (see employee history attached). It appears that no preventative action was taken on the part of CMC to prevent this violation of the agreement between the parties.

We are requesting an immediate formal investigation into this matter. If the facts are as presented, and are undisputed, our office will seek the guidance of the UTU International President to enforce the agreement between the parties.

Due to the seriousness of the issue, we expect a quick response.

Very truly yours,



John C. Hancock
General Chairman

JD:gmt
Attachment