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united transportation



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April 14, 2010

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

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

SCANNED & SENT

Dear Sir:

This office has been notified by several Local Chairmen on the Florence Service Lane that Senior Road Foreman of Engines Dana McWhite has contacted several locomotive engineers that have been working as conductors for quite a period of time and who have recently been stepped up to engine service stating that "she was severely disappointed that they have not maintained their qualifications as a locomotive engineer while working in train service."

The requested action would be a violation of the Crew Consist Agreement in that while the conductors are acting in a requalification stage as a locomotive engineer, there is no conductor on the train. Please see previous correspondence of this matter and March 11, 2002 letter addressed to Mr. Rick Hiel concerning this issue.

Our position in this matter has not changed; we would appreciate the Carrier's compliance with our Crew Consist Agreement, and when the Carrier finds it necessary to bring engineers up to work as a locomotive engineer who have not performed such service in excess of 1 year, that it provide proper qualifications to those engineers as required by Federal Regulations and the Schedule Agreement.

Sincerely,


John C. Hancock
General Chairman

JCH:gmt

Enclosures

Cy: All Local Chairpersons, CSXT

Shared/Johnsletters/Becker2010/McWhite

"Taking Care of Business"

JOHN C. HANCOCK
General Chairman

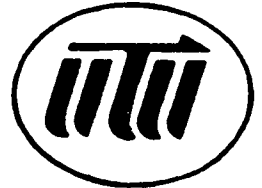
J. ALLEN GLOVER, JR.
R. GERALD FOSTER
Vice General Chairmen

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March 11, 2002

Article CC-2, Section 1(A)

Mr. Rick D. Hiel
Sr. Director Labor Relations
CSX Transportation - J455
500 Water Street
Jacksonville, FL 32202-4465

Re: Your Correspondence of October 2, 2001, File: 8033-04SCL

Dear Mr. Hiel:

This refers to the above-referenced matter, and our concerns regarding the use of engineers working as train service employees to operate locomotives in either a qualifying status or alternating with a locomotive engineer to operate the train.

In your letter, you assert that a Conductor or Trainman can perform fireman duties on the property as supported by Article 8, Section 3 of the UTU 1985 National Agreement. You have your facts wrong. We are not asserting that a Conductor could not perform duties formerly performed by fireman. The issue in this case is the Carrier operating the train with an engineer and thereafter using the Conductor, who also has engineer seniority, to operate the train. In essence, you have two engineers on the train in this situation and no conductor.

Article Crew Consist 2, Section 1(a) reads:

"Effective May 1, 1992, all road and yard crews shall consist of one Conductor/Foreman and one Brakeman/Helper except as hereinafter modified."

Article Crew Consist 3, Section 1(a) reads:

"Effective May 1, 1992, the Carrier may operate fifty (50) percent of through-freight service Conductor only in each Seniority District. This percentage may increase by ten (10) percent each year on May 1. There shall be no work event restrictions on service operated under this provision."

"Taking Care Of Business"

Mr. Rick D. Hiel
March 11, 2002
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Article Crew Consist 3, Section I(b) reads:

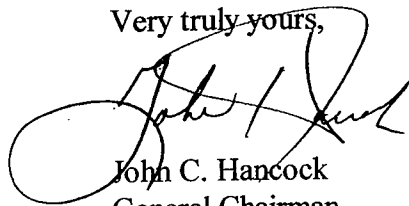
“Effective May 1, 1992, the consist of crews on other than through freight shall be one Conductor/Foreman and one blankable Brakeman/Helper position, with the exception of those assignments which are presently operated by agreement with a Conductor/Foreman or single employee only.”

These rules require the Carrier to have, at the very minimum, a Conductor on each train when operated. The Carrier does not have the right to change the crew assignment within the train and move him from the Engineer's position to the Conductor's position, and allow the two individuals to swap jobs. Such would fall under a different grade of service; this issue has been arbitrated on this property with respect to Engineer and Fireman. Accordingly, the issue is no longer a minor dispute.

In review of the situation before us, the Carrier, if it uses a Conductor to then assume the duties of a Locomotive Engineer in training or in actual operation would, in effect, have no Conductor on the train. In light of the above undisputed and clear contractual language and arbitration precedent, we would view that issue as a major dispute.

If the Carrier maintains its current position that it can operate a train without a conductor, we reserve the right to take any steps, including peaceful withdrawal of service, to assure our rights in this area.

Very truly yours,



John C. Hancock
General Chairman

JCH: lss

c: Mr. Byron A. Boyd, International President - UTU
Mr. Paul Thompson, Assistant President - UTU
Mr. David Hakey, VP Administration - UTU
Mr. Rog Boling, Vice President - UTU
Mr. Clinton J. Miller, Esquire, General Counsel - UTU
Local Chairmen