

Agreed to Questions and Answers

Question 1: Who qualifies as a "Protected Employee" under the UTU 2002 National Agreement, Attachment A?

Answer 1: A protected class of employees shall be established to include those employees in train service (and engine service where UTU holds the contract) as of the effective date of this Agreement (National Agreement of August 20, 2002).

Question 2: Upon RC implementation at a location, will there be a separate extra board for RC qualified employees?

Answer 2: Yes, under most circumstances but the Local Overview Committee can agree to do otherwise depending upon the local service requirements and agreements. If a separate extra board is established, it will be a rotating extra board paid the applicable yard extra board guarantee.

Question 3: How will remote control assignments and training classes be bulletined?

Answer 3: Under most circumstances, bulletins advertising remote control assignments including extra board positions and remote control training classes for yardmen will be posted in the usual manner under the applicable collective bargaining agreement. It is understood that the Local Overview Committee needs to be involved with this process and may make any necessary changes for efficient implementation.

Question 4: Which employees are included in the "Source of supply" referenced in Section 5.1?

Answer 4: All employees protecting assignments protected by any extra board headquartered at the location where remote control is implemented. For purposes of this Agreement, extra board positions are considered an assignment.

Question 5: Will one of the two Local Overview Committee members become the RC Trainer?

Answer 5: One of the two Local Overview Committee members can become the RC Trainer but that is not a requirement. The UTU will select two Local Overview Committee members to start the implementation process and will later identify the RC Trainer. If an employee other than a Local Overview Committee member becomes the RC Trainer, the RC Trainer when qualified as such will replace one of the Local Overview Committee members.

Question 6: Does Section 3.1.1 mean that one of the Local Overview Committee members may take the RC training and not be subject to the 60-day hold down as provided in Section 3.9?

Answer 6: Yes. The intent was to get one of the Local Overview Committee members trained in order to be more qualified to assist with the day to day problem(s) and issue resolution(s).

Question 7: If the second Local Overview Committee member takes RC Training, will that employee be subject to the 60-day commitment established in Section 3.9?

Answer 7: Yes. The intent is to provide knowledge to the Local Overview Committee but it is not necessary for both members to be exempted from the 60-day commitment established in Section 3.9.

Question 8: Is the trainee referred to in Section 3.7 required to participate in actions constituting arbitrary payments i.e. Code 33?

Answer 8: Yes, the trainee is a part of the working crew and will perform all work performed by that crew but the trainee will not qualify for the arbitraries or penalty payments other than CA Code RE and late lunch, when appropriate.

Question 9: What authority does the Local Overview Committee have?

Answer 9: During our on property discussions, we agreed that the Local Overview Committee can make minor changes, as appropriate, for posting bulletins, filling permanent or temporary vacancies and maintaining sufficient RC trained employees. If the Local Overview Committee cannot resolve a particular issue, the General Committee and the designated representative of system Labor Relations will resolve any dispute.

Question 10: Is it the intent to train all ground service employees to become RC qualified?

Answer 10: The parties have agreed to train all yardmen to become RC qualified unless otherwise agreed. And, BNSF will offer RC training to other employees but will not force them to take RC training.

Question 11: How will permanent and temporary RC vacancies be filled after completion of the RC implementation process.

Answer 11: RC vacancies will be filled by a RC qualified employee in accordance with the appropriate collective bargaining agreement(s).

Question 12: Will road service employees trained under Section 5.2 be required to remain in yard service?

Answer 12: No, see Sections 5.2.1 and 5.2.2.

Question 13: Does the calculation of RC extra board positions under Section 3.10 change any collective bargaining agreement providing for staffing extra boards by formula?

Answer 13: No.

Question 14: Can employees assigned to the RC Training Board under Section 6 be used to fill vacancies?

Answer 14: No, not until all steps under the applicable agreement to call a rested and qualified employee are exhausted and the employee is qualified to fill the vacancy.

Question 15: Can employees be used to fill vacancies during their two week RC training class?

Answer 15: No, unless required to protect their engineer seniority where former BN BLE Agreements apply.

Question 16: Do employees in RC training during the second week go on overtime after being on duty for 8 hours?

Answer 16: Yes. It should be noted that during the first week of classroom training the time for lunch is deducted.

Question 17: Is it always necessary to establish a separate RC extra board?

Answer 17: No. The Agreement must be applied in a reasonable manner and there are small yards where the entire yard extra board is RC trained in the first training session, the RC Implementation Process is considered completed at that time.

Question 18: Will every location have their own leave behind trainer?

Answer 18: Yes, unless the Overview Committee agrees otherwise.

Question 19: How will RC extra boards operate during the Implementation Process?

Answer 19: The RC qualified employees assigned thereto will rotate on a first-in, first-out basis.

Question 20: What seniority date is used when awarding RC training?

Answer 20: The train service seniority date applicable at that location is always used. If the location has prior right yard seniority employees, then the yard seniority date is used to award the RC training classes.

Question 21 How will active RC Protective Slots be assigned at locations where no yard extra board is maintained?

Answer 21: At such locations, RC Protective Slots, as defined in Section 7, will be maintained on the extra board protecting yard vacancies.

Question 22: Will RC qualified employees be assigned to RC assignments during the daily mark process?

Answer 22: Yes. All RC assignments must be filled during the daily mark process during the Implementation Process. After the Implementation Process ends when the yard extra boards are combined, all jobs will be filled according to seniority.