

Local Rule - Seven Day Board and handling of employees in Road Service

LOCAL AGREEMENT BETWEEN CANADIAN PACIFIC RAILWAY COMPANY AND TEAMSTERS CANADA RAIL CONFERENCE – MOOSE JAW, SK. (Conductors and Brakepersons)

1.0 Purpose of Agreement

This agreement will stipulate procedures for placement of Trainpersons in the Pool and on the Spareboard based on the seven-day board system.

2.0 Coverage

Conductors and Brakepersons with home terminal Moose Jaw will be governed by the terms of this agreement.

3.0 Seven Day Set Up System

- 3.1** The Seven day set up period will be from 0001 Monday until 2359 the following Sunday.
- 3.2** For the purpose of this agreement all known vacancies that extend for the seven day set up period will be considered as temporary vacancies.
- 3.3** The filing of all temporary vacancies that cover the seven day setup periods will be done by straight seniority. This means that the filling of the job will be based on seniority and not by craft. So a permanent setup Conductor can relieve a seven day vacancy as a Brakeperson.
- 3.4** Increases or reductions in the unassigned freight pools and/or movement to/from claimable vacancies will be done at 2201 Sunday, to be effective at 0001 Monday.
- 3.5** Except due to unforeseen circumstances beyond the Company's control, establishment and/or abolishment of assigned road service assignments will be done at 2201 Sunday, to be effective for 0001 Monday.
- 3.6** Should unforeseen circumstances arise which necessitate an increase or reduction in unassigned service, such increase or reduction may be done immediately in consultation with local chairpersons and will be done in a manner consistent with the management of the seven day system. An example of an unforeseen circumstance would be line blockage, which significantly impacted on the operation of a pool of employees.
- 3.7** At each general change of assignments (Change of Card) each employee in all classes of service should submit a Preference Bid Card. If no Preference Bid Card is submitted, the Preference Bid Card in effect prior to the general change of assignments will be considered to have been re-submitted.

- 3.8** New Preference Bid Cards may be submitted at any time but must be submitted prior to 0800 Thursday to be effective for the following seven day set up period. Employees who are unable to get a bid card in by 0800 Thursday, due to circumstances beyond their control, may phone CMC and communicate changes to the bid card prior to 0800 Thursday.
- 3.9** If an employee cannot hold any of their choices that they have listed on their bid cards, they will be placed on the Trainperson's Spareboard and remain there for the next seven day period.
- 3.10** When it becomes necessary to force employees to positions due to no one bidding them, they will be forced from the bottom of the Seniority list in the following order:
- 1) Outside of the Moose Jaw Zone as per the collective agreement.
 - 2) Moose Jaw Yard.
 - 3) Moose Jaw out of town.
 - 4) Moose Jaw in town.
- 3.11** Local officers of the company and the TCRC will jointly determine pool changes by 1000 Thursday. The Company will determine Spareboard changes.
- 3.12** An employee whose turn has been removed from the working lists account off sick when a planned date of return is known must advise the Company prior to 0800 Thursday if the employee expects to return to active duty in the following seven day set up period. Failure to do so will result in a turn being added to the pool or Spareboard the employee would have held had he so advised the Company, without any subsequent displacements. This is subject to mutual agreement between the Local Chairpersons and a company officer.
- 3.13** At 2201 Sunday, employees who will be off for the next seven day set up period will be removed from the working lists.
- 3.14** At 2201 Sunday, all new positions, resulting vacancies in road service will be awarded to the senior person who applied for it.
- 3.15** Employees who own a turn as a trainperson and who will be set up as a locomotive engineer in the next seven-day period will have their trainpersons turn removed from the working lists. However, this will not make the trainpersons turn a permanent vacancy and these vacancies will be filled in accordance with the provisions of Article 39.

4.0 Unassigned Service

- 4.1** Separate lists for Conductors and Brakepersons will be maintained for each pool. The lists will operate independently of each other.

Moose Jaw

- **West Pool** (Swift Current Subdivision)
The Trainperson's Spareboard will man turn service out of Moose Jaw, all work train service, pilot on the Sperry car or the rail grinder.
- **East Pool** (Indian Head Subdivision)
The Trainperson's Spareboard will man turn service out of Moose Jaw, all work train service, pilot on the Sperry car or the rail grinder.
- **South Pool** (Weyburn Subdivision)
The Trainperson's Spareboard will man turn service out of Moose Jaw, all work train service, pilot on the Sperry car, the rail grinder, Weyburn Straight-away's and Estevan Straightaway's.
- **Trainperson's Common Spareboard:**
 - 1) Will be maintained and will work in addition to that listed in each pool, all spare work on the following subdivisions:
 - a) Outlook Subdivision;
 - b) Expanse Subdivision;
 - c) Gravelbourg Subdivision;
 - d) Fife Lake Subdivision;
 - e) Radville Subdivision;
 - f) Bromhead Subdivision;
 - 2) When a Conductor and Brakeperson are required for a train and both are called from the Trainperson's Spareboard, the senior of the two will be the Conductor.
 - 3) The Trainperson's Spareboard will fill temporary vacancies in Yard Service as per the collective agreement.

5.0 Handling Employees

- 5.1** For the purpose of establishing turns in their respective pool or Spareboard at 2201 Sunday the following will apply:
- a) Unassigned service: AOMTS will apply, except when straightaway deadheading off duty time will apply, do not enter an arrival time.
 - b) If DH Combo service follows working service off duty time will apply.
 - c) Assigned service and Yard service: Off duty time will apply. (Note: If the employee booked off the Sunday shift, their board time is still the off duty time of their assignment on Sunday)
 - d) A Spareboard employee who was on off status will be placed based on their book on time.

- e) Returning from annual vacation you will be placed to the bottom of the pool or Spareboard at 2201 Sunday.
- f) Employees returning to the working lists from absence which resulted in the employee not having a turn in the previous seven day set up period will have their turn established at the bottom of the pool or Spareboard to which they are moving.
- g) Should more than one employee with the same time establish a turn at the bottom of a pool or Spareboard, the employees will be placed at the bottom of the pool or Spareboard in seniority order.

5.2 ANNUAL VACATION

- a) Employees will commence their annual vacation at 0001 Monday.
- b) Employees in road freight service who commence a tour of duty at the away from home terminal on Monday will commence their annual vacation on the first day following their return to the home terminal.
- c) If one or more General Holidays fall within an employee's annual vacation period, one of the following electives may be taken.
 - Take an extra day(s) annual vacation at the end of annual vacation period.
 - Take an extra day(s) annual vacation prior to annual vacation period commencing.
 - Bank a day(s) annual vacation to be taken at a later date, in conjunction with another weeks AV which the date must be approved by the Company and must be cleared by the end of the year.
 - If election is not taken extra day will be at the end of annual vacation.
- d) If the extra day is taken following AV the employee's turn will be added to the pool at 2201 Sunday and if at 2201 Monday the turn is in, will go in turn. If the turn is out, will establish a new turn at 2201 Monday and the original turn will be returned home.

Note: Election must be made no later than four days prior to commencement of annual vacation

- e) Employees who have been awarded annual vacation on either the Road or Yard AV list will hold their scheduled AV even if they move between Road or Yard Service in Moose Jaw.

5.3 Board Placement when returning to the working lists

- a) When an employee in pool service returns from any off status (except off for miles) to the working lists, if the employee's turn is in, the employee will go in their turn; if the employee's turn is out, the employee will go waiting turn and after the

expiration of 24 hours (from time turn ordered for duty) will be placed on the bottom of the board.

The employee will be responsible for determining whether the turn returns to the home terminal within the 24-hour period and if it has not, the employee must notify the CMC to have the turn established as noted herein. Failure to notify will not result in any additional expense to the Company. (Exception: When returning from off for miles, if turn is out, employee will be placed on the bottom of the board at 2201 and where multiple turns are involved, seniority governs. Upon arrival, old turn(s) will be abolished)

- b) When a pool employee returns from off for miles, if the employee's turn is in, will go in their turn; if the employee's turn is out, will establish a new turn at 2201 and the original turn will be returned home.
- c) When a Spareboard employee returns from any off status or off for miles to the working list, the employee will establish their turn at the bottom of the Spareboard. If more than one employee establish their turn at the same time, seniority will govern, senior being first.
- d) When an assigned road employee returns from any status to the working lists, the employee will go to their assignment.
- e) Employees who are off account personal leave, missed call, annual vacation, off for miles, and other statuses of specified periods of time will automatically be booked okay for duty at the expiration of the specified period of time. (Note: Bereavement will not generate automatic book on)
- f) The specified period of time ends at 2201 of the last day of vacation or mileage period.
- g) Employees who are off account sick or personal leave must be off a minimum of 12 hours.
- h) In placement of multiple turns to the bottom of the pools seniority governs.

5.4 **Missed Call**

- a) The penalty for missing a call is to be held off the board for twelve (12) hours from the on duty time of the missed call. After twelve hours the employee missing the call will automatically be booked okay for duty. If an ESB misses a call for an Engineer trip, they will only be held off for work as an Engineer for twelve (12) hours and can still be called in their proper turn in the pool or Spareboard.

Unassigned Pool – If the employee's turn is in, employee will go in turn. If turn is out, employee will go waiting turn for 24 hours, from on duty time of turn missed, or return of turn, whichever is first.

When the employee's turn is out the employee will be responsible for determining whether it returns to the home terminal within the 24 hour period and if it has not the employee must notify the CMC to have their turn established as noted herein, failure to notify will not result in any additional expense to the company.

When a Spareboard employee returns from a missed call to the working list, the employee will establish their turn at the bottom of the Spareboard. If more than one employee establish their turn at the same time, seniority will govern, senior being first.

- b) At the expiration of the time penalty, the employee will be automatically booked okay for duty.
- c) The following will bear the penalty for missing a call:
 - First two unassigned pool employees off rest;
 - Assigned rested employee called for their own turn;
 - First two Spareboard employees off rest;
- d) Any other employee, who is not available for a call, will have a notation made, RJNA, to signify that an attempt was made to call them; however, they will not be penalized in accordance with Item (a) above for having missed the call.

5.5 Standard Call

The standard call at all terminals will be two (2) hours.

5.6 Personal Rest

- a) The amount of rest booked will have no effect on board placement.
- b) Employees moving from one position to another in application to the seven-day system will have their rest applied to themselves in their new position.
- c) When an employee is called and cancelled after reporting for duty, the employee may book rest up to eight hours at the home terminal and will retain their original position
- d) Should a Trainperson work as an Engineer any rest booked by the employee will not apply to their own unassigned pool turn. In these circumstances, while the employee is under rest, the employee's own unassigned pool turn, will in its proper rotation, run spare.

NOTE: If the turn which the employee worked and their own unassigned pool turn both go out on the same tour of duty, the employee's personal rest will apply to their own unassigned pool turn.

- e) A Trainperson who works other than their regular pool, within the Trainperson's ranks, will have the right to apply any rest to their regular pool turn. This rest will be absolute.
- f) Changes to personal rest can be made provided that it is done within 2 hours from off duty time at the home terminal and 30 minutes at the away from home terminal. This also applies to booking a short trip or repositioning under the no scoop agreement.

5.7 Ordering employee to deadhead

- a) When an employee in an unassigned freight pool is ordered to deadhead on a train, the following will apply:
 - Out of home terminal: first employee deadheads, second works
 - Out of away terminal: first employee works, second deadheads

5.8 Closing Turns and called to work in other than own pool

- a) Turns will not be closed when there are employee's available on the Trainpersons Spareboard to fill vacancies. (As per decision tables)
- b) Only the available turn standing first out will be closed and when closed, it will go with the employee closing the turn. On return, the closed turn will stand out ahead of the working turn. If the working turn is scooped, only the working turn will be repositioned.
- c) Should an Trainperson, whose turn was closed, book okay for duty while the closed turn is out, they will go waiting turn for 24 hours (from time turn ordered) or until turn returns, whichever is first.

When an employee's turn is out the employee will be responsible for determining whether it returns to the home terminal within the 24 hour period and if it has not the employee must notify the CMC to have the turn established as noted herein, failure to notify will not result in any additional expense to the company.

- d) When an employee's turn is in and they are called to work in other than their own pool, they will carry their turn with them. Upon returning they will be placed back in their own pool based on their previous arrival or board placement time. They must book a minimum of 3 hours rest.
- e) When a pool employee is available and waiting for turn to return and is called to work, the turn will be transferred home and go with the employee. When the employee arrives back in Moose Jaw they will go to the bottom of their pool.

5.9 USE OF MAKE UP TURNS

- a) At the home terminal, when all turns are on rest, make-up turns will be created as necessary to crew trains or deadheads.

5.10 Choice of Trips

- a) When two or more employees are called for the same time in the same pool, or two or more employees called from the same Spareboard for the same time, the first out employee will have the choice of trip. This does not apply to two or more straight away deadheads called to the same objective terminal.
- b) This rule will only apply when it is known, at the beginning of the calling process, that the same pool or Spareboard would be the employee source for the trips. In respect of Spareboard employees, this will apply only to filling of vacancies in the pool or assignments known to exist at the start of calling process as well as positions filled directly from the Spareboard.

5.11 Leaves of Absence for Union Officers

Local Elected Union officers will be granted leaves of absences to handle Union Business. The union officer must clearly advise the CMC that the leave is for Union Business.

5.12 Holding Turn While on Union or Company Business

1. An employee's turn in the unassigned pool or Spareboard may be put on hold. When so done, the turn will move in its normal rotation to the top of the pool or Spareboard until it is first out. The turn will remain first out until the employee books okay for duty. The turn will not be treated as a vacancy.
2. Turns may be placed on hold to attend to Company or Union business.
3. The employee, with the guidance of his local union officer and/or a local officer of the company will determine the circumstances when a turn will be placed on hold to attend to company or union business.
4. When booking on from Company Business while off for a company required medical, a minimum of 3 hours rest and up to a maximum of 0400 the following may be booked.

5.13 Calling Employees

1. When calling employees, attempts must be made with all numbers provided to CMC.

2. Fifteen (15) Minutes will be considered a reasonable time to allow an employee to respond to a call. This will apply to an employee in his own turn or the first available employee called to fill a known spare turn.

Note: This does not apply to subsequent employees being called.

3. In the event of a subsequent employee receiving a short call, they must make a reasonable effort to ensure the train is not delayed.

6.0 Cancellation Clause

These local rules are effective as of January 26th, 2012 and supersede all previous Local Rules Agreements governing the working conditions at Moose Jaw and will remain in effect until cancelled or revised, either in part or in whole, upon Seven (7) days notice from either party.

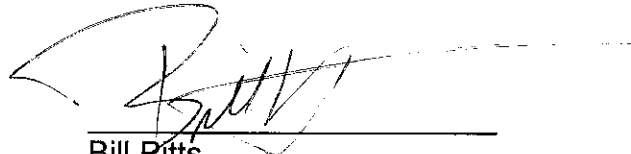
SIGNED AT MOOSE JAW, SASKATCHEWAN ON January 26th, 2012.

FOR THE COMPANY

FOR THE TCRC



Peter Marotta
Superintendent
Sask. South



Bill Pitts
Local Chairman Conductors



Gary Hiscock
Local Chairman Trainpersons



Daryl Taylor
Local Chairman Yardpersons