

TO: ALL LOCAL CHAIRPERSONS
FROM: TROY L. JOHNSON, GENERAL CHAIRMAN
SUBJECT: RAIL SAFETY IMPROVEMENT ACT (RSIA) HOURS-OF-SERVICE REFORMS IMPLEMENTATION ON JULY 16, 2009

The Hours-of-Service reform portion of the Rail Safety Improvement Act (RSIA) came into effect at 12:01 AM on July 16, 2009. Those Hours-of-Service reforms include:

- Maximum of 276 total hours on-duty per month. On duty time includes limbo time and all other service at the behest of the carrier (rules classes, simulator training, mandatory safety meetings ...)
- Maximum 40 hours limbo time a month, reduced to 30 on October 16, 2009
- A requirement for 10 hours undisturbed rest after tie-up.
- Additional rest if on duty more than 12 hours.
- A requirement of 48 hours off if an employee initiates a start in covered service on 6 consecutive calendar days.
- An employee may not work 7 consecutive days, except, an employee who works to the away from home terminal on the 6th consecutive day may return on the 7th day. The employee will receive 72 hours rest due to initiating a start on 7 consecutive days.

The UTU has met with representatives of UP in an attempt to adopt a mutually agreeable RSIA implementation plan. To date UP has refused to cooperate in negotiating such a plan. UP advises that it will treat employees who are off due to RSIA rest requirements the same as for any other layoff. To that end it is this committee's understanding that the UP has created a new codes "FR" (Federal Requirement) into which they will place employees who are removed from their assignment after initiating starts 6 or 7 consecutive days or "FZ" (Federal Requirement Manual) after approaching 276 hours in a month. The "FR" or "FZ" status designates that the employee is "unavailable" and will be treated the same as a layoff for personal reasons ("LP").

Employees will be removed from their assignment for the 48 or 72 hour rest period, and UP will count the time off as unavailable for the purpose of calculating any guarantee or protection payment due the employee. In addition, UP does not intend to compensate regularly assigned employees who are unable to perform service on their regular assignment due to observing an RSIA-mandated rest period.

UTU believes that UP does not have the right under our Collective Bargaining Agreements (CBA) to remove employees from their assignment and place them in FR or FZ status, returning them to the bottom of the board or pool upon completion of the federally mandated rest period. UTU's position is that given past practice and the current Collective Bargaining Agreements all employees withheld from service due to required

rest under the Federal Hours of Service requirements are entitled to be made whole for any and all time lost.

It is apparent that UP looks at the new law as an opportunity to ignore our CBAs and further reduce our members' pay. The UTU is currently in internal discussions on the proper response if the Carrier implements the above. In order for this office to document the violations of our contract and to protect our members' earnings we ask all employees who are affected by UP's improper handling to submit the appropriate claim.

We have included on the following pages suggested templates for an employee's claim for lost earnings due to the required rest of the RSIA Hours-of-Service reforms.

TRAINMEN:

6-7 DAY ASSIGNMENTS:

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim earnings of my regular assignment as a Conductor/Brakeman on (*insert JOB ID*) on duty at (*insert TIME, MM/DD/YY*) with Conductor/Brakeman (*insert NAME*), due to being withheld from service account obtaining required rest in compliance with RSIA Hours of Service reforms. (Article 5, Sections A & C of the Trainmen's Agreement)

POOL FREIGHT:

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim earnings of my regular assignment as a Conductor (*insert POOL TURN ID*) on duty at (*insert TIME, MM/DD/YY*) with extra Conductor (*insert NAME*) due to being withheld from service account obtaining required rest in compliance with RSIA Hours of Service reforms. (Article 18, Sections 1 & 6 of the Trainmen's Agreement)

ROAD EXTRA BOARD:

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim extra board guarantee payment for the period of time from (*insert TIME, MM/DD/YY*) to (*insert TIME, MM/DD/YY*) due to being withheld from service to obtain the required rest in compliance with RSIA Hours of Service reforms. (Article 18, Sections 3 & 4 of the Trainmen's Agreement)

SWITCHMEN:

YARD EXTRA BOARD:

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim extra board guarantee payment for the period of time from (*insert TIME, MM/DD/YY*) to (*insert TIME, MM/DD/YY*) due to being

withheld from service to obtain the required rest in compliance with RSIA Hours of Service reforms. (Article 13A of the Yardmen's Agreement, and Article 3(b), Section (3)(5) of the Memorandum of Agreement A321-12, 5727-LF effective 11/1/74)

HELD OFF ASSIGNMENT 48 HOURS, WORKED 6TH CONSECUTIVE DAY)

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim earnings of regular assigned job as a (*insert POSITION*) on (*insert JOB ID*) on duty at (*insert TIME, MM/DD/YY*) due to being withheld from service account obtaining required 48 hours rest in compliance with RSIA Hours of Service reforms. (Memorandum of Agreement A321-12, 5727-LF, effective 11/1/74)

FIREMEN (FIT), HOSTLER & HOSTLER HELPERS: - Same as Yardmen

ALL EMPLOYEES:

PROTECTIVE ALLOWANCE (TPA) DEDUCTIONS

Without prejudice to the Organization's position that what is involved may be a "major" dispute under the Railway Labor Act, claim all deductions of TPA for (*insert DATES*) as a result of being withheld from service due to RSIA Hours of Service Reforms. After time claims have been filed, TPA shortages should be handled through this office.