Memorandum of Understanding

Between

BNSF Railway Company

And

United Transportation Union
(former CB&Q)

The parties previously codified the eligibility for entering the fireman and ground service crafts in Memorandum of Understanding dated October 29, 2009, to include the manner in which such placement was to be executed within the applicable zone. In conjunction with the previous Understanding and consistent with the intent of Article XIII of the October 31, 1985 UTU National Agreement and Article VIII, Section 3, of the August 25, 1978 UTU National Agreement, this interpretation will clarify the eligibility requisite in which dual service seniority (engine/ground service) employees who have properly exercised their ground service seniority may subsequently exercise their ground seniority to another zone.

It is therefore understood:

1. Employees who possess dual service seniority and have properly exercised ground service seniority under existing agreements/understandings may subsequently exercise such ground service seniority to another zone only if they are unable to hold any position in engine service within the zone to which they are relocating.

2. This understanding applies to all dual service seniority employees that are properly working in the ground service craft, regardless of their initial ground service placement within the current consolidated seniority district, subject to the following exception;

   Exception: This understanding does not change or modify existing agreement provisions prohibiting the exercise of ground service seniority to property under the jurisdiction of this committee by employees that had either entered ground service or remained in ground service by virtue of the January 1, 2001, ATSF Flowback Agreement.

This understanding made effective APRIL 9, 2010.

For BNSF Railway Company:

M.H. Siegele, Jr., AVP Labor Relations

For United Transportation Union:

R.S. Knutson, General Chairman

R.K. Kerley, Vice President

Ebb & Flow
Memorandum of Understanding
10/29/09 & 4/9/10

Agreed To Questions & Answers

Q1. If a dual seniority employee is properly working in ground service within a zone (CB&Q), can they make a voluntary exercise of ground service seniority to another zone (CB&Q) if they have sufficient seniority to hold a position in engine service within the zone to which they are relocating?

A1. No. A dual seniority employee cannot exercise ground service seniority to another zone where they have sufficient seniority to hold as an engineer.

Q2: If a dual seniority employee is properly working in ground service within a zone (CB&Q) and becomes unable to hold any position in active service, can they make a voluntary exercise of ground service seniority to another zone (CB&Q) where they have sufficient seniority to hold a position in engine service?

A2: Same as A1.

Q3. If a dual seniority employee is properly working in ground service within a zone (CB&Q), can they make a voluntary exercise of ground service seniority to another location within the consolidated seniority district that is not under the jurisdiction of the former CB&Q rules/agreements?

A3. An exercise of ground seniority to another property would be governed by the rules in place on that other property. This same principle would apply in reverse with regard to a dual seniority employee working on a property not governed by CB&Q rules/agreements exercising seniority to CB&Q property.

Q4. Should a dual seniority employee working as an engineer be decertified under federal regulations, would they be eligible to exercise ground service seniority within that zone?

A4. Yes, subject to the displacement protocol in Item 2, MOU 10/29/09 and provided they are not otherwise prohibited from working in ground service (e.g., account discipline). However, the decertified engineer will be eligible to remain in the ground service craft only through the expiration of the decertification period unless he/she is unable to hold the engineer's quota in the zone where decertified.

Q5. In the scenario set forth in Q&A4, would this employee be eligible to subsequently exercise his/her ground service seniority to another zone <u>during</u> the decertification period?

A5. Yes, subject to the restrictions and requirements set forth in Q&A Nos. 1- 4, above.