

UNION PACIFIC RAILROAD COMPANY

April 17, 1962

*FIVE
ASSIGNED FRT RUNS
NORTH END SEATTLE*

ODF-1102 ODC-748
ODF-812 ODC-750
ODE-670 ODC-749

Mr. E. A. Helliker
General Chairman BLF&E
Portland 5, Oregon

Mr. J. P. McInnis
General Chairman, BRT
Portland 5, Oregon

Mr. E. E. Smith
General Chairman, BLE
Portland 5, Oregon

Mr. H. L. Criddle
General Chairman, ORC&B
Pocatello, Idaho

Gentlemen:

This letter has reference to and is in confirmation of our discussions in the joint conference held at Portland, Oregon on Thursday, April 12, 1962.

The conference revolved around certain claims identified by the above file references and all of which concern operations of assigned through freight runs, particularly out of Ayer, Washington.

The pertinent facts upon which the claims for the several dates are made need not be detailed, as they are a matter of record and have been considered in a number of conferences.

Existing regulations and practices in connection with the operation of trains in assigned through freight require that a starting time (which is known as the departure time) shall be shown on vacancy and assignment bulletins when such assigned through freight runs are not operated on timetable schedules. The time shown and specified on seniority vacancy and assignment bulletins governs in establishing the so-called "departure time".

Crews (conductors, brakemen, engineers and firemen) on assigned through freight runs may be brought on duty in advance of the specified bulletined and/or scheduled departure time. Assigned through freight runs and crews assigned thereto or working thereon may be operated late on the bulletined and/or scheduled departure time. Likewise, assigned through freight runs and

crews assigned thereto and working thereon may be operated and caused to depart from the terminals of such runs in advance of the specified bulletined and/or scheduled departure time.

When assigned through freight runs have been required to depart from the terminals--either the home terminal or far terminal--in advance of the specified bulletined and/or scheduled departure time, claims have been made for payment of a penalty allowance equivalent to a basic day's pay (100 miles).

The organizations, parties to the discussions, assert and allege that claims for such penalty allowances have heretofore been paid--most without question--and cite numerous past settlements and time returns in support of these assertions. The further contention is made that, even though such penalty claims and payments therefore are not specifically authorized by any terms of the effective agreement, the practice of making such payments is well established and should--where assigned through freight runs depart from the terminals ahead of the specified starting (departure) time--be continued as a matter of principle. The organizations specifically agree, however, that an assigned through freight run departing the terminal late or after the starting (departure) time as specified in the bulletin is permissible without any basis for a penalty claim of any kind.

The carrier, on the other hand, takes the position that practices, when contrary to schedule rules--no matter how long in existence--do not and cannot change and unambiguous rules.

Notwithstanding the respective views of the contending parties, it is agreed that in circumstances where assigned through freight runs and crews assigned thereto and working thereon are required to depart from the terminals in advance of the departure time specified in the bulletins, the crew members (conductors, engineers, brakemen and firemen) will be paid one basic day's pay as an arbitrary.

The pending claims, as we agreed in our discussions, will be disposed of as follows:

<u>File No.</u>	<u>Claimant</u>	<u>Allowed</u>
ODF-1102	Engineer F. E. Blair	200 mi.
"	Firemen J. A. Whittington	200 mi.

<u>File No.</u>	<u>Claimant</u>	<u>Allowed</u>
ODC-750	Conductor L. C. Magy	500 mi.
ODC-748	Conductor H. A. Lindley	500 mi.
ODC-749	Conductor R. C. Bishop	500 mi.
ODE-670	Engineer P. M. Steindorf	500 mi.
"	Engineer R. L. Pentegast	500 mi.
ODF-1054	Engineer C. W. Munger	500 mi.
"	Fireman H. E. Bars	200 mi.
"	Engineer M. W. Douglas	300 mi.
"	Fireman R. M. Ralls	500 mi.
"	Fireman D. V. Reed	500 mi.
ODB	Brakemen J. F. Sanders	100 mi.
"	G. E. Powell	100 mi.
"	D. R. Weibe	100 mi.
"	E. M. Foust	100 mi.
"	L. H. Thompson	100 mi.
	Brakemen E. D. Smith	100 mi.
"	G. F. Lind	100 mi.
"	B. V. Leonard	100 mi.
"	D. N. Miller	100 mi.
"	G. C. Harvey	100 mi.
	Brakemen L. C. Magy	100 mi.
"	E. L. May	100 mi.
"	H. C. Krummel	100 mi.
"	F. O. Benns	100 mi.
"	A. H. Williams	100 mi.

General Chairman Helliker should arrange to withdraw his pending claims from the First Division, National Railroad Adjustment Board (file ODF-1054) and upon receipt of advice to that effect, arrangements can then be effectuated to place these claims in line for payment.

I am sending separately to each of the General Chairmen addressed five copies of this letter, all of which should be signed individually in the space provided for that purpose, returning three signed copies for my files and records. Payments will be made as soon as the individual General Chairmen signify their acceptance.

Yours truly
Orig /s/ N. B. Beckley

A C C E P T E D

Orig /s/ E. A. Helliker
General Chairman, BLF&E

Orig /s/ J. P. McInnis
General Chairman, BRT

Orig /s/ E. E. Smith
General Chairman, BLE

Orig /s/ H. L. Criddle
General Chairman, ORC&B