

SMART
Transportation Division
MEMORANDUM

JOHN D. WHITAKER, III
GENERAL CHAIRMAN (SCL)

3560 Cardinal Point Dr.
Suites 103 and 104
Jacksonville, FL 32257

TRAVIS RAYNES
GENERAL CHAIRMAN (CO)

DALE BARNETT
GENERAL CHAIRMAN (LN)

JAMES DARBY
GENERAL CHAIRMAN (AWP)

March 24, 2017

TO: LOCAL CHAIRPERSONS

RE: CSRA ARTICLE 46 (C)

We are moving forward in mediation with the dispute in which the Carrier is using pool crews out of the away-from-home terminal improperly.

The Organization has sent the Carrier a letter outlining our position.

CSRA Article 46 (C) is clear that the word "initially" was placed in the sentence for a reason. We contend that Article 46 "C"'s intent was to first use the home terminal before using the away-from-home terminal.

- C. Trains that are tied up on line due to being overtaken by the Hours of Service Law may be re-crewed with a qualified Trainman initially from the home or away from home destination; if none, from the nearest source of supply point via highway miles; without penalty to the Company.

We will update all when we have further information concerning this issue.



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March 23, 2017

Michael Wanner, HDO
CSXT - Labor Relations
6735 South Point Drive, South, J-455
Jacksonville, Florida 32216

RE: CSRA Article 46, paragraph C

Dear Sir,

The Organization disputes the Carrier's misapplication of the clear and unambiguous language contained in CSRA Article 46, paragraph C. The Carrier is calling crews from the away from home terminal (AFHT), without consideration of first calling from the jurisdiction of the home terminal; as required by Article 46.C, and Article 37, Section 1.D of the CSRA.

Paragraph C is shown below with the term "initially" highlighted as it appears in the CSRA:

- C. Trains that are tied up on line due to being overtaken by the Hours of Service Law may be re-crewed with a qualified Trainman **initially** from the home or away from home destination; if none, from the nearest source of supply point via highway miles; without penalty to the Company.

The word "Initially is defined by the Merriam Webster Dictionary means "at the start". This clearly meant at the start of the vacancy fill process, per Article 37, CMC should call the home terminal of jurisdiction. Since the Carrier has never had the ability to call for a vacancy at the AFHT, the Organization bargained to allow the Carrier to complete the vacancy fill by first calling the home terminal of jurisdiction and then, if exhausted, call a trainman from the AFHT.

Let's review the language again with the word "initially" removed.

- C. Trains that are tied up on line due to being overtaken by the Hours of Service Law may be re-crewed with a qualified Trainman from the home or away from home destination; if none, from the nearest source of supply point via highway miles; without penalty to the Company.


In this case, the language could be argued to mean that the Carrier has a right to choose whether to call from the home or AFHT. That is not what the actual clear and unambiguous agreement language states.

Given the seriousness of this matter, please respond immediately in writing.

Furthermore, and because of the importance of this issue, we would expect an immediate meeting regarding this matter since the Act places and affirmative duty on the parties to 'make and maintain agreement'.

Please advise as to when we can meet.

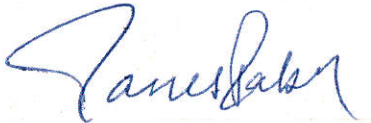
Sincerely,




JD Whitaker
General Chairman (SCL)



Dale Barnett
General Chairman (LN)



James Darby
General Chairman (AWP)



Travis Raynes
General Chairman (CO)