

BINDING INTERPRETATIONS OF CONTRACTUAL PROVISIONSEngineers Rule 14(b)/Conductors Rule 17(b)

The following questions and answers, definitions and statements represent precedent setting and binding interpretations of the Collective Bargaining Agreements, letters of understandings and the past practice between Metro-North and ACRE Division 9 (Engineers) and between Metro-North and ACRE Division 1 (Conductors and Assistant Conductors). These interpretations have been reviewed and approved by the General Chairman of ACRE Division 9 (Engineers), the General Chairman of ACRE Division 1 (Conductors and Assistant Conductors), Metro-North's Director of Labor Relations and Metro-North's Chief Transportation Officer. Unless otherwise specified, these interpretations apply to both ACRE Division 9 (Engineers) and ACRE Division 1 (Conductors and Assistant Conductors) represented employees.

In the January 15, 1999, letter of questions and answers on Rule 14(b) and 17(b), the answer to question #2 states that a payment is due if you are ordered to turn your equipment at a point beyond your scheduled turning point if that "further point is at least to the next recognized turnaround point (a turnaround point is a CP point)." What are the combined "recognized turnaround points" for the purposes of this Rule?

New Haven Line	- CP215-217	is one recognized turnaround point
	- CP231-235	is one recognized turnaround point
	- CP240-241	is one recognized turnaround point
	- CP255-257	is one recognized turnaround point
	- CP271-275	is one recognized turnaround point
Harlem Line	- CP116-119	is one recognized turnaround point
	- CP123-124	is one recognized turnaround point
	- CP152-154	is one recognized turnaround point

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Hudson Line        - CP5-8            is one recognized turnaround point  
                         - CP10-12        is one recognized turnaround point  
                         - CP25-26        is one recognized turnaround point  
                         - CP33-35        is one recognized turnaround point  
                         - CP58-61        is one recognized turnaround point  
                         - CP72-75        is one recognized turnaround point

Examples:

Question: 1) If I am scheduled to turn at CP116 and I am subsequently instructed to turn at CP119, does this generate a 14(b)/17(b) payment?

Answer: 1) No.

Approved: RB: [Signature] MK: [Signature] MD: MO AB: [Signature] Date: 11/14/02

Question: 2) If I am scheduled to turn at CP116 but subsequently I am directed to go to CP119 and into Scarsdale, make a station stop to discharge and/or pick up passengers and then turn, does this generate a 14(b)/17(b) payment?

Answer: 2) Yes, because of the additional station stop which requires you to do more than clear CP119, you are entitled to a 14(b)/17(b) payment.

Approved: RB: [Signature] MK: [Signature] MD: MO AB: [Signature] Date: 11/14/03

Question: 3) In order to leave Poughkeepsie Station, I am instructed to make a reverse move back to CP75 to come south on the other track. Do I receive a 17(b) payment?

Answer: 3) No, because CP72-CP75 is considered one turnaround point under this Rule.

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Question: 3a) I am instructed to take my equipment from Poughkeepsie Station to CP75 in order to yard my equipment. Do I receive a 14(b)/17(b) payment?

Answer: 3a) No.

Approved: RB: [Signature] MK: [Signature] MD: H10 AB: [Signature] Date: 11/14/03

Question: 3b) I am instructed to take my equipment to CP75 in order to clear for an Amtrak and to make my return trip. Do I receive a 14(b)/17(b) payment?

Answer: 3b) Yes.

Approved: RB: [Signature] MK: [Signature] MD: H10 AB: [Signature] Date: 11/14/03

Question: 4) Upon leaving or arriving at Brewster Yard, I am instructed to proceed south of the yard and bring my train into the yard from CP152. Usually I enter the yard from the north (CP154). Am I entitled to a 14(b)/17(b) payment?

Answer: 4) No. CP 152 - 154 is a combined turn around point and entering or exiting a yard from the opposite direction does not generate a 14(b)/17(b) payment.

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Question: 4a) My assignment requires that I bring my train out of the yard at Brewster and proceed to Southeast Station for my first stop. I am instructed instead to bring my train to Brewster Station and pick up passengers there and proceed north to Dover Plains (Wassaic). Am I entitled to a 14(b)/17(b) payment?

Answer: 4a) Yes, because you went south below CP152 and picked up passengers.

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Question: 5) I am an Engineer working as a Hostler and I am used to operate a passenger train. Am I entitled to a 14(b) payment?

Answer: 5) Yes.

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Question: 6) I am an engineer working as Hostler and I am assigned to make switching moves with a conductor. These moves involve moving complete consists and are not restricted to a pair or triplet. Am I entitled to a 14(b) payment?

Answer: 6) Yes.

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Question: 7) Under Q&A #4 of the January 15, 1999 letter, I can be instructed to yard the cars of my inbound consist to multiple yard tracks without penalty. If I am ordered to couple on to cars already in the yard and make switching moves that now includes these cars, am I entitled to a 14(b)/17(b) payment?

Answer: 7) Yes.

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Question: 7a) In yarding the car of my inbound consist to multiple tracks, I am instructed to couple on to cars already on the track and leave them there. Am I entitled to a 14(b)/17(b) payment?

Answer: 7a) No.

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Question: 8) I am a member of a traveling switcher crew (including the work, wire, sand, water world trains) and I am instructed to rescue a disabled train and bring the disabled train to a station to discharge the customers. I am then instructed to bring the disabled equipment to a maintenance facility. Am I entitled to a 14(b)/17(b) payment?

Answer: 8) No.

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Question: 9) In question #8, if I am instructed to make multiple station stops with the disabled equipment to discharge and/or pickup passengers, am I entitled to a 14(b)/17(b) payment?

Answer: 9) Yes.

Approved: RB: RB MK: [Signature] MD: MD AB: [Signature] Date: 11/14/03

Question: 10) I am a member of a traveling switcher crew (including work, wire, sand and water world trains) and I am instructed to rescue a disabled Amtrak train. Am I entitled to a 14(b)/17(b) payment?

Answer: 10) Yes.

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Question: 11) I am a member of the crew on a work train. I am instructed to cut off my engine and go to MO and swap engines. I return to the work train with my new engine. Am I entitled to a 14(b)/17(b) payment.

Answer: 11) No. Exchanging engines will not generate a payment.

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Question: 12) I am a member of the crew on a work train. I am instructed to cut off my engine and go to MO. I pick up 4 M-2's with my engine and bring them to Stamford and drop the 4 M-2's, then return to the work train with my engine. Am I entitled to a 14(b)/17(b) payment?

Answer: 12) Yes.

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Question: 13) I am a member of the crew on yard job in North White Plains. I am instructed to take equipment from North White Plains to Brewster and return to North White Plains with other equipment. Am I entitled to a 14(b)/17(b) payment?

Answer: 13) No. This is within the limits of the advertised assignment and falls within the scope of a traveling switcher.

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Question: 14) I am a member of the crew on the yard job in North White Plains. I am instructed to take equipment from North White Plains to Stamford and deadhead back to North White Plains. Am I entitled to a 14(b)/17(b)?

Answer: 14) Yes. The advertised limits of the assignment dictate whether a penalty payment is required. In this example, the inter-divisional run is not within the assignments advertised limits.

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Question: 15) I am a member of a passenger crew who is instructed to make a "shop move" in Stamford. For various reasons, this "shop move" takes more than one hour to complete. What is my additional payment for this move?

Answer: 15) Employees who are instructed to make a "shop move" that exceeds one hour receive the time consumed at the time and one half rate of pay.

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Question: 16) I am a member of passenger crew who is instructed to switch out the entire shop (that is, the extent of the moves exceed a basic "shop move"). What is my additional payment for these switching moves?

Answer: 16) Making switching moves that exceed a basic "shop move" in the shop or yard at NWP, Brewster or Stamford generates a 14(b) payment and a separation of service payment.

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Question: 17) I am a member of a yard crew and I am instructed to make a scheduled or unscheduled deadhead equipment move. Do I receive a 14(b)/17(b) payment?

Answer: 17) No.

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Question: 18) I am a MU Conductor and I am pressed into revenue passenger service and it is not an emergency. Do I receive a 17(b) payment?

Answer: 18) Yes.

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