

64 Shelley Avenue
Port Chestewr, New York 10573

29 Sept 2005

Mr. Andrew J. Paul
Manager of Labor Relation
Metro-North Commuter Railroad
347 Madison Avenue
New York, New York 10017

Dear Mr. Paul:

Statement of Claim: Claim is made that the MTA Railroad is in violation of our weekend and Holiday assignments. General chairman Tony Botalicko doubled the amount of Weekend assignments from 15% to 30% of jobs that could work over 8 hours but had to be less then ten hours. The Holiday agreement remained at 15% of the assignments to be over 8 hours and not over 10 hours.

Statement of Fact: The MTA Railroad is in violation of this agreement on the Saturday schedule there are 102 Conductor jobs 31 are under 8 hours or less and 71 are over 8 hours. I know I have to add the 154 trainman jobs in the total of 256. Their are 97 jobs 8 hours or less and 57 jobs over 8 hours and less then 10 hours. The total job of 256 30% of 256 is 77 jobs.. The MTA Railroad has 128 jobs under 8 hours and 128 over 8 hours this is 50% not 30% also run C922 is over 10 hours another violation of this agreement on Saturday. The Saturday weekend is 51 jobs over the weekend agreement. The Sunday schedule has 86 conductor jobs 21 jobs are 8 hours or less 65 jobs more then 8 which 3 of these jobs C922, C319 and C322 are over 10 hours another violation of the agreement. There are 126 trainman jobs 84 under 8 hours or less and 42 over 8 hours but less then 10 hours for a total of 212 which 105 are 8 hours or less and 107 jobs are over 8 hours and less then 10 hours. This is over 50% of the Sunday jobs. 30% of 212 is 64 jobs. The MTA Railroad is 43 jobs over the Sunday weekend agreement

Position of The Employee: The Employee contends that the MTA Railroad is in violation of the agreement. Tony gave you 30% on the weekend assignments only in the 1996 agreement but as we all know he will never enforce the agreement because the General Chairman of Acre is on the MTA payroll for a no show job. Now that the carrier did not do the right thing by putting the right 30% into play in the new crew book. I am writing this claim as an employee. The employee contents that 51 employee's on Saturday and 43 employee's on Sunday are entitled to one days pay at the time and one half rate for each date in violation. The employee also contents the MTA is in violation of the Federal railway labor law. No conference necessary please respond in 30 day's.

Yours Very Truly,

Ronald Fabian