

# AGREEMENT

*BETWEEN*

THE CHICAGO AND NORTH WESTERN  
TRANSPORTATION COMPANY

*AND ITS EMPLOYES REPRESENTED BY THE*

UNITED TRANSPORTATION UNION  
(former ORC&B)

EFFECTIVE DECEMBER 1, 1946



Letters under captions refer to decisions and agreements as follows:

A - Agreement between Order of Railway Conductors and Brotherhood of Railroad Trainmen governing handling of work within the Chicago Switching District, effective April 21, 1920.

C - Commission of Eight.

M - Memorandum of Agreement of April 8, 1924.

N - Memorandum of Agreement of April 18, 1925.

O - Memorandum of Agreement of November 23, 1928.

S - Supplement 25 to General Order 27.

PREAMBLE

The following schedule is a reprint of agreement between the Chicago and North Western Railway Company and the Order of Railway Conductors, signed by the duly authorized representatives of the Railway Company and the Order of Railway Conductors effective June 5, 1931, together with such additions and amendments incorporated herein as have been properly negotiated and signed by the duly authorized representatives of the Railway Company and the Order of Railway Conductors subsequent to June 5, 1931, and is subject to termination by thirty days' written notice from either party to the other.

This reprinted agreement, effective December 1, 1946, will govern the employment, compensation and define the seniority and other rights of conductors in the employ of the Chicago and North Western Railway Company, and supersedes all previous agreements and rulings thereon.

PASSENGER SERVICE

RATES OF PAY. 1. (a) Rates for conductors on trains propelled by steam or other motive power:  
PASSENGER SERVICE.  
(0)

<u>Per Mile</u>	<u>Per Day</u>	<u>Per Month</u>
\$.07026	\$10.54	\$316.20

NOTE. - The monthly guarantee for conductors on runs formerly classified as first class is \$325.58.

NOTE. - When additional help is required to collect transportation in other than Suburban Service, the present practice of using conductors will be continued.

(M.N.) 1. (b) When the monthly earnings of regularly assigned passenger conductors from daily guarantees, mileage, overtime and other rules do not produce \$10.84 per day, they will be paid for each day service is performed, \$10.84.

(N.) Regularly assigned passenger conductors who earn from mileage, overtime and other rules less than \$325.20 (Note - 30X\$10.84) when assigned to trains carded or scheduled to run 28.7 days or over in a 30-day month will have daily earning guarantee computed by using the number of days trains are carded or scheduled to run (to be averaged where daily, daily-except-Sunday, etc., trains are included in assignment): except if there are more men of a class assigned to passenger train runs than can earn the average daily minimum due to rules prohibiting the Railway Company reducing passenger crews or absorbing constructive mileage, the number of runs in the assignment divided by the number of conductors assigned thereto shall be the number of days to govern as to how many days shall be paid for under the average daily earning guarantee.

(M) When extra conductors fill vacancies in regular positions they take conditions of the regular positions. Service performed by extra conductors not filling place of regular conductors will be paid not less than the daily earning minima for each day service is performed.

The term "extra conductors" as used in this rule has reference only to

conductors assigned exclusively to passenger service and who are compensated under passenger rates and rules.

Method of applying daily and monthly guarantees:

Conductor on 30-day assignment; paid daily minimum, plus eight minutes overtime daily, or a total of four hours, at \$1.3175, equals \$5.27, total of \$321.47. As average daily earning for the days on which service is performed is less than \$10.84 will receive  $30 \times \$10.84$  equals \$325.20.

Conductor in preceding example lays off five days. He received 25 days at \$10.84, or \$271.00; extra conductor  $5 \times \$10.84$  equals \$54.20.

Conductor on 30-day assignment, making 140 miles daily, is subject to the monthly guarantee of \$316.20; makes 10 minutes overtime daily, amounting to \$6.59; is required to perform extra service. Payments accruing under the schedule rules for the extra service will be applied against the payment of  $30 \times \$10.84$  per day, viz., \$325.20. If such additional payments produce compensation in excess of \$325.20, daily earning guarantee not involved.

Conductor on 30-day assignment, paying daily minimum, which equals \$316.20, average daily earning guarantee  $30 \times \$10.84$  equals \$325.20. Regular conductor lays off ten days during month and received  $20 \times \$10.54$  equals \$210.80; extra conductor working ten days in regular conductor's place earns \$125.16

(including overtime). Regular conductor receives \$210.80; extra conductor receives \$125.16; total \$335.96. As this is more than average of \$10.84 for days of assignment, guarantee is not involved.

Conductor on 26-day assignment; makes no overtime and performs no extra service; therefore, is subject to the monthly guarantee of \$316.20.  $1/26$  of \$316.20 equals \$12.16 per day. Daily earning guarantee not involved.

Conductor in preceding example lays off one day; daily earning guarantee not involved; therefore, regular conductor receives  $25/26$  of \$316.20 - extra conductor working in his place  $1/26$  of \$316.20.

Conductor on 26-day assignment makes no overtime; is required to perform extra service on one Sunday for which schedule requires payment of \$10.54 which is applied against monthly guarantee of \$316.20; \$316.20 divided by 27 equals \$11.71. Daily guarantee not involved.

Conductor on 28-day assignment, subject to the monthly guarantee of \$316.20, earns 10 hours' overtime at \$1.3175, which equals \$13.18; total \$329.38;  $28 \times \$10.84$  equals \$303.52. Daily earning guarantee not involved.

Conductor on 28-day assignment which is subject to the monthly guarantee of \$316.20 lays off one day; receives  $27/28$  of \$316.20, or \$304.91, the extra conductor  $1/28$  or \$11.29. Daily earning guarantee not involved for either regular or relief conductor.

Extra conductor (not filling place of a regular conductor) on first day (a) is used under conditions resulting in 2 minimum days; second day (b) makes 200 miles; third day (c) makes 125 miles, no overtime; fourth day (d) makes 125 miles and 4 hours' overtime.

(a) will be paid 2 days at \$10.54 or \$21.08.

(b) will be paid 200 miles at \$.07026, or \$14.05.

(c) will be paid daily earning guarantee or \$10.84.

(d) will be paid daily minimum - \$10.54 plus 4 hours' overtime at \$1.3175, or \$15.81.

On runs where conductor receives monthly guarantee of \$325.58: In a 30-day calendar month during which 28 days are made (the new standard daily rate is \$10.54) which for 28 days amounts to \$295.12. Twenty-eight days at the new average daily earning guarantee of \$10.84 amounts to \$303.52; inasmuch as the new monthly guarantee is greater than either of the daily guarantees the new monthly guarantee of \$325.58 will be paid.

(O)

1. (C) Conductors who handle U.S. Mail sufficient to require payment of differential of 34¢ per day will be allowed average daily earning minimum of \$11.18 for such days.

(See Questions 1 to 8 and answers thereto)

BASIC DAY. 2. One hundred and fifty miles or PASSENGER less (straight-away or turnaround) shall SERVICE. constitute a day's work. Miles in excess (S) of one hundred and fifty will be paid for at the mileage rates provided.

A passenger day begins at the time of reporting for duty for the initial trip. Daily rates obtain until the miles made at the mileage rates exceed the daily minimum.

OVERTIME - 3. (a) Except as otherwise provided, SHORT TURN-AROUND PASSENGER SERVICE. (C.S.) conductors on short turnaround passenger runs, no single trip of which exceeds eighty miles, including branch line service, shall be paid overtime for all time actually on duty, or held for duty in excess of eight hours (computed on each run from the time required to report for duty to the end of that run) within ten consecutive hours; and also for all time in excess of ten consecutive hours computed continuously from the time first required to report to the final release at the end of the last run. Time shall be counted as continuous service in all cases where the interval of release from duty at any point does not exceed one hour. This rule applies regardless of mileage made.

For the purpose of calculating overtime under this rule, the management may designate the initial trip.

Runs may be assigned and conductors compensated on basis of short turnaround trips (Rule 3-a), on certain days, and on basis of straight-away trips (Rule 3-b) on other days.

OVERTIME - 3. (b) OTHER PASSENGER SERVICE (S) Conductors on other passenger runs shall be paid overtime on a speed basis of twenty miles per hour computed continuously from the time required to report for duty until released at the end of last run. Overtime shall be



computed on the basis of actual overtime worked or held for duty, except that when the minimum day is paid for the service performed, overtime shall not accrue until the expiration of seven hours and thirty minutes from the time of first reporting for duty.

OVERTIME  
RATE  
(C)

3. (C) Overtime in all passenger service shall be paid for on the minute basis at a rate per hour of not less than one-eighth of the daily rate herein provided.

NOTE:- Conductors in other than short turnaround passenger service will be paid for overtime on speed basis of twenty miles per hour after seven hours and thirty minutes.

SUBURBAN  
SERVICE  
DEFINED

5. Chicago suburban service shall be considered as referring to conductors making one or more round trips daily, or daily except Sunday, between Chicago Passenger Terminal and Racine or Harvard on the Wisconsin Division; Williams Bay, Aurora or St. Charles on the Galena Division, or intermediate points.

MONTHLY  
GUARANTEE-  
PASSENGER  
SERVICE.  
(S)

6. Regularly assigned conductors who are ready for service the entire month and who do not lay off of their own accord shall receive the monthly guarantee provided for in Rule 1, exclusive of overtime.

Extra service may be required sufficient to make up these guarantees and may be made between regular trips; may be made on lay-off days; or may be made before or after completion of the trip.

If extra service is made between trips which go to make up a day's assignment, such extra service will be paid for on the basis of miles or hours, whichever is the greater, with a minimum of one hour. Extra service before or after the completion of a day's work will pay not less than the minimum day.

The bases of pay for extra service apply only in making up the guarantees. After guarantees are absorbed, provisions of Rule 2 apply.

Extra passenger conductors who lay off of their own accord, reporting for duty at or prior to 12 o'clock noon, or who lay off subsequent to 12 o'clock noon, will be considered in service as of that date. When they lay off at or prior to 12 o'clock noon or report for duty subsequent to 12 o'clock noon, they will not be considered in service on that date except that they actually make a trip.

(See Examples under Rule 1 (b).)

**SWITCHING- PASSENGER SERVICE** 8. (a) Conductors in passenger service required to switch consist of their own train at initial terminal, turnaround point or final terminal, inclusive of setting out car or cars or picking up car or cars to go forward in their own train where yard engines are not operated will be paid on a minute basis with a minimum of one hour at passenger overtime rate.

Compensation for switching under this rule will be computed on the following bases:

(1) At initial terminal from time

crew required to report as a unit without regard to preparatory time or performance of individual duties until completion of work and train is coupled together ready for road trip.

- (2) At turnaround point, time actually engaged in switching computed on a cumulative basis.

Example: - Switch 7:00 A.M. to 7:30 A.M. after arrival at turnaround point, then from 9:15 A.M. to 9:50 A.M. prior to departure. Allowance, 1 hour 5 minutes at passenger overtime rate.

- (3) At final terminal from time of arrival at passenger station until switching is completed.

This rule does not apply to movement with train intact between passenger stations and yards, neither does it provide for dual compensation under provisions of road rules 9, 10 and 11.

Allowances under this rule will not be used to make up daily or monthly guarantees.

8. (b) Conductors in passenger service required to pick up car or cars first out or set out car or cars in one block at initial terminal, intermediate point, or final terminal where yard engine is operated will be paid thirty minutes at rate of \$1.3175 per hour.

8. (c) Except as provided in section (b), conductors in passenger service required to switch consist of their own

train (including picking up and setting out cars in connection with their own train) at points where yard engines are operated will be compensated on the following bases:

- (1) If such switching is performed when yard crew is not on duty will be paid on minute basis for time actually consumed, with a minimum of one hour at yard foreman's overtime rate.
- (2) If such switching is performed when yard crew is on duty will be paid on basis of a minimum day at yard foreman's pro rata rate.

Compensation for switching under this section will be computed on the following bases:

- (1) At initial terminal from time crew required to report as a unit without regard to preparatory time or performance of individual duties, until completion of work and train is coupled together ready for road trip.
- (2) At intermediate point time actually engaged in switching, computed on a cumulative basis.  
Example: - Switch 7:00 A.M. to 7:30 A.M. after arrival at turnaround point, then from 9:15 A.M. to 9:50 A.M. prior to departure. Allowance, 1 hour 5 minutes.
- (3) At final terminal from time of arrival at passenger station until switching is completed.

8. (d) The provisions of sections (b) and (c) do not apply to conductors on passenger runs for service in territory Union Passenger Station, Omaha-Council Bluffs, as referred to in rule 21, nor to movement with train intact between passenger stations and yards at points where it has been the practice for conductors in passenger service to perform such service; neither do these sections provide for dual compensation under provisions of road rules 9,10 and 11.

Allowances under provisions of sections (b) and (c) will not be used to make up daily or monthly guarantees in road service.

(See Examples Nos. 1 to 3, and agreed to understanding, Pages 72 and 73)

INITIAL  
TERMINAL  
DUTY -  
PASSENGER  
SERVICE.

9. Conductors will report for duty as required by local conditions, which ordinarily will be thirty minutes before time set for the departure of their trains. If required to report for duty more than thirty minutes before time set for departure of their trains at initial terminal, they will be paid additionally for all time in excess of thirty minutes, on the minute basis, at one-eighth of the daily rate per hour, this allowance to include all service performed.

This rule does not apply to conductors in suburban service; nor to other conductors governed by the provisions of Rule 3 (a) on trips on which overtime is allowed.

**INITIAL  
TERMINAL  
DELAY -  
PASSENGER  
SERVICE.**

10. Except on suburban and short turnaround runs, conductors shall, when overtime is not allowed, be paid for all time they are delayed at initial terminal, on the minute basis, at one-eighth of the daily rate per hour, provided that time is one hour or more, computed from the time train is ordered to leave. Delay time will not be used to make up constructive mileage on each day's work, but will be used to make up the guarantee of forty-five hundred miles at the end of the month.

**FINAL  
TERMINAL  
DELAY -  
PASSENGER  
SERVICE.**

11. Except on suburban and short turnaround runs, conductors shall, when overtime is not allowed, be paid for all time delayed at final destination, provided they are delayed thirty minutes or more from time of arrival at terminal station, until finally relieved on the minute basis, at one-eighth of the daily rate per hour. This shall include any time consumed in making delivery of passenger equipment to foreign lines, time to be computed from time of diversion from C.& N.W. main line. Delay time will not be used to make up constructive mileage on each day's work, but will be used to make up the guarantee of forty-five hundred miles at the end of the month.

**PASSENGER  
CONDUCTORS  
PERFORMING  
FREIGHT  
SERVICE.**

12. Conductors will not be required to perform freight service not included in their regular assignments, except in emergencies arising through wrecks, washouts or snow blockades, and when thus used will be compensated in accordance with freight rules and at freight rates.

PASSENGER SERVICE DEFINED. 13. Passenger service shall be understood to mean such trains as are made up entirely of passenger equipment; exception is made to this, however, when perishable freight, stock or freight equipment loaded with express matter, is required to be handled in case of emergency.

EXTRA PASSENGER CONDUCTORS IN FREIGHT SERVICE. 15. An extra passenger conductor who may be in freight service a portion of a calendar month will be paid miles at through freight rates under passenger rules for passenger service performed during that month, with a minimum of one hundred miles for each day worked.

An extra passenger conductor performing both passenger and freight service in a calendar month, who is ready for duty the entire month, losing no time on his own account, will be allowed a minimum of twenty-six hundred miles per month at through freight rate. Should a conductor lay off, above guarantee will be proportionately reduced for each day not ready for service.

(See Examples 4 and 5, Page 73)

ADDITIONAL PASSENGER CONDUCTORS 16. Except as otherwise provided in the rules, when there is more passenger work than can be done by regularly assigned extra passenger conductors, the senior qualified freight conductor available shall be used as follows:

(a) He may be continued in passenger service on various runs so long as his services may be required therein, subject to Section (b), and Rule 93.

(b) At the expiration of a period of five days, the senior conductor, having

