



# Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Freddie N. Simpson  
*President*

David D. Joynt  
*Secretary-Treasurer*

November 4, 2019

Michael Skipper, Director of Labor Relations  
Winston Salem Southbound Railway Company  
500 Water St, J-455  
Jacksonville, FL 32202

Dear Mr. Skipper:

The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED) hereby serves notice, in accordance with Section 6 of the Railway Labor Act, of our desire to amend our existing agreements establishing the rates of pay, rules and working conditions for all maintenance of way employees of the Carrier represented by BMWED.

In the past, the Carrier has designated the National Carrier's Conference Committee ("NCCC") as its designated representative for bargaining with BMWED, and the Carrier has bargained as part of a coalition with other Carriers in national handling with the NCCC as its representative. I have been advised by the NCCC that the Carrier again seeks to bargain with BMWED in coalition with other carriers through the NCCC. BMWED is prepared to again bargain with the Carrier as part of a national handling coalition of certain carriers. The carriers that BMWED intends to bargain with on a national basis are listed in Attachment A hereto.

Attachment B are BMWED's proposals for changes of the rates of pay, rules and working conditions of the agreements covering the Carrier's maintenance of way employees that BMWED is duly designated and authorized to represent.

Please contact me to schedule a date and time for negotiations to commence.

Sincerely,

Freddie N. Simpson  
President

cc: Vice Presidents  
General Chairpersons  
P. Kennedy  
R. Shanahan, Jr.  
Z. Voegel  
R. Edelman  
D. Griffin  
T. Roth  
Brendan Branon, NCCC

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ATTACHMENT "A"

CARRIERS SUBJECT TO BMWED NOTICES SERVED ON OR AFTER NOVEMBER 1, 2019

Alton & Southern Railway Company  
The Belt Railway Company of Chicago  
BNSF Railway Company  
Central California Traction Company  
CSX Transportation, Inc.  
The Kansas City Southern Railway Company  
    Kansas City Southern Railway  
    Louisiana and Arkansas Railway  
    MidSouth Rail Corporation  
    Gateway Western Railway  
    SouthRail Corporation  
    The Texas Mexican Railway Company  
    Joint Agency  
Los Angeles Junction Railway Company  
New Orleans Public Belt Railroad  
Portland Terminal Railroad Company  
Terminal Railroad Association of St. Louis  
Texas City Terminal Railway Company  
Wichita Terminal Association  
Winston Salem Southbound Railway Company

ATTACHMENT "B"

**SECTION 6 NOTICE**

**Wages and other Compensation:**

1. General Wage Increases:
  - a. Provide percentage general wage increases (GWIs) on no less than an annual basis for all classifications and positions coming within the scope of the applicable agreements.
2. Profit Sharing:
  - a. Supplementary to the GWIs requested in Paragraph 1, establish a productivity bonus/profit sharing plan based upon Carrier profitability.
3. High Cost of Living Wage Adjustment
  - a. In areas such as, but not limited to Seattle, Chicago, Washington D.C, where the cost of daily living is significantly higher, effective January 1, 2020 all basic rates of pay for employees living in these areas will be raised by 20%. Should another area present itself as eligible for the COLA increase the Union will propose it and the Carrier will within ten days agree to meet within thirty days to discuss adding the new area to the employees eligible to receive the COLA increase. Should the employee dispute the Union's contentions the Union may move the issue to an expedited party pay arbitration panel which shall determine the question for the parties.
4. Lump Sum Bonus:
  - a. \$1,500 Lump Sum Signing Bonus
5. CDL Differentials
  - a. Adjust Commercial Driver's License (CDL) differentials for all classifications and positions for all Carriers participating in this round of national negotiations.
6. Retroactivity and Interest
  - a. Full retroactivity with interest to be paid on all "Wages and Compensation" proposals, in the event the Agreement is not resolved by January 1, 2020.

**Health & Welfare:**

1. Investigate alternative arrangements for the delivery and administration of existing benefits and seek improvements in both Plan design and costs for such benefits as applicable to employees represented by BMWED.

**Rules:**

1. Travel Allowance:
  - a. Improve and/or obtain travel allowance benefits for employees in mobile service when traveling from home to the worksite over rest day periods.
  - b. Improve and/or obtain travel allowance benefits for employees required to accept fixed headquarter positions away from their residence.
  
2. Lodging:
  - a. Improve lodging allowances for employees currently paid a lodging or “camper” allowance.
  - b. To the extent such rules do not exist, establish minimum standards for the quality of company provided lodging for employees subject to such rules.
  - c. Improve and/or obtain lodging or lodging allowances for employees required to accept fixed headquarter positions away from their residence.
  
3. Meal Allowances:
  - a. Improve meal allowances for employees subject to such rules.
  - b. Improve and/or obtain meal allowances for employees required to accept fixed headquarter positions away from their residence.
  
4. Bereavement Leave:
  - a. Revise and improve bereavement leave rules to accommodate additional family members.
  - b. Revise and improve bereavement leave rules to permit additional flexibility in the timing of taking bereavement leave.
  
5. Paid Parental Leave:
  - a. Establish paid parental leave program(s).

**Vacation:**

- a. Revise and improve vacation rules to provide additional paid leave for newly hired employees.
- b. Revise and improve vacation rules to provide additional paid leave for long service employees.
- c. Revise and improve vacation rules to permit a pro-rata accumulation of paid leave for those employees who do not perform sufficient compensated service to obtain the maximum paid leave possible for an employee with their length of service.

### **Contracting-out of Maintenance of Way Work:**

- a. Revise and improve the notice and conference provisions related to contracting-out. Revisions and improvements should contain, among other things:
  - i. Greater advance notice of the proposed contracting transaction
  - ii. Greater specificity regarding the proposed contracting transaction
  - iii. Conferees should have full authority to resolve issues related to the notice.
  - iv. Expedited resolution of subcontracting dispute if parties cannot agree on resolution in conference.
- b. Prohibit contracting-out of work if any maintenance of way employee with seniority to do the work is in furlough status
- c. All rules concerning contracting-out of work apply when work is initiated by and paid for by another, when the work is performed in the Carrier's right of way.

### **Training Related to New Technology:**

1. The Carrier shall train its maintenance of way employees on all new equipment and technology, and related work methods that is used for performance of work that is covered by the Scope Rule of the applicable agreement, or that has been historically, customarily or traditionally performed by the Carrier's maintenance of way employees.