

# AGREEMENT

between

UNION PACIFIC RAILROAD COMPANY

And

BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

(BLET)

(UP SOUTHERN REGION)

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## **Vacation Agreement Administration Modification and Advance Scheduling of Single Vacation and Personal Leave Days**

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Effective with the implementation of this Memorandum of Agreement, the *2012 Vacation Agreement Administration Modification*, and effective January 1, 2013 will become suspended and the following shall govern regarding procedures to assigned vacation periods and allocate/schedule single vacation and personal leave days:

**NOTE:** Currently EAMS is unable to provide advance personal leave scheduling for employees assigned to supplemental extra boards. Until such time as the EAMS system is enhanced, engineers assigned to supplemental extra boards will continue to advance schedule single vacation day as applied since 2013.

**I. Single Day Vacation and Personal Leave Allotment:**

- A. Employees may, at the time of submission of their vacation request for the upcoming year, designate one (1) week of single day vacation to "float".
- B. Designated "float" weeks will be excluded from the number of total vacation weeks to be assigned in each vacation grouping and, as such, will not be included in the parameter allotment nor scheduled. The local chairman must advise Crew Management Systems (CMS) of the number of "float" weeks requested in their respective vacation grouping by

November 1, as well as the names of the individuals designating same, before the parameters are set.

**NOTE:** Where the term 'local chairman' is referenced in this document, that is understood to mean the local chairman or their designee.

- C. Under the current agreement provisions, employees are entitled to take up to three (3) weeks of their annual vacation in single day increments. Consistent with the parties' past practice handling and interpretation, an employee may continue to designate single day week(s), other than "float" weeks, at any time during the course of the year. Employees designating one (1) week as a "float" week under the terms of this agreement may, at any time during the course of the year, designate up to two (2) single-day weeks in addition to the "float" week consistent with that same past practice handling and interpretation. An employee designating a "float" week of single days must exhaust the "float" week prior to using any vacation days from other week(s) designated for single days.
- D. Beginning with the 2018 Vacations, employees may schedule any of their single vacation days ("float" and/or designated single weeks) and/or Personal Leave days in advance as outlined below.

**II. Method for Single Vacation Day and Personal Leave Day Scheduling:**

- A. Carrier will allow no less than 4% of the number of employees assignments encompassed within, or primarily protected by, a particular extra board (extra board protection territory). This minimum 4% single-day scheduling allotment will be independent of and in addition to the solid-week vacation allotment for any given week.
- B. As training boards, pilot boards, peer trainer boards, etc. are not protected by an extra board, such boards will not be considered in computation of the number of employee assignments for the purposes of this paragraph. Similarly, any time off allowed employees assigned to such boards will not count against the 4% daily percentage allotment.
- C. The 4% daily percentage allotment referenced herein specifically refers to and is only applicable in the particular layoff circumstances and statuses stipulated by this Agreement. Employees laying off and/or otherwise unavailable for service in other circumstances or statuses will not be

considered as part of nor counted against the 4% daily percentage allotment.

- D. It is understood this 4% daily percentage allotment may be increased or decreased for any day(s) or period of days, or for any extra board protection territory, by mutual consent of the BLET General Chairman and the Director – Labor Relations.
- E. Irrespective of the number of employees assigned within an extra board protection territory, the daily percentage allotment (minimum 4%) for that territory will equate to no less than one (1) slot per day.
- F. It is understood that an employee having personal leave day(s) scheduled in advance pursuant to this Agreement who, at the time the days are to be scheduled by CMS, occupies an assignment that is not eligible for personal leave, the employee will not be allowed to observe the scheduled time off in those statuses. Employees so situated will be allowed the option of changing any such advance-scheduled personal leave to single vacation days, if he or she has such days available at the time off as scheduled. Any daily percentage allotment slot(s) vacated as a result will be available for use by other employees pursuant to this Agreement.
- G. In calculating the 4% single-day scheduling factor, if the result is other than a whole number, it will be rounded to the next whole number when the whole number is less than two. When the whole number is greater than two it shall be rounded to the nearest number. (.50 or greater shall round to the next higher number; less than .50 shall be rounded down.)  
**Example:** There are fifty-three (53) employees assigned to a vacation extra board protecting area. Fifty-three (53) times the minimum % (.04) = 2.12 employees per day (rounded to two (2) who would be allowed to advance schedule single day/s vacation during the applicable scheduling period.
- H. Employees will make their “advance” single day vacation and/or personal leave day request via the Crew Management Employee Availability Management System (EAMS). The EAMS provides for a “first-come, first-served” method of granting request for access to single vacation and/or personal leave days.

**NOTE:** This programming is still in its developmental stages with enhancements and modifications that will remain on-going.

**Example 1:** An employee will be required to “activate” the personal leave and/or single vacation day on the day it is scheduled. All approved consecutive days of the same type of leave shall be activated at the same time.

**Example 2:** At this time, the EAMS is unable to activate two different types of compensated service at the same time. It will be necessary to activate personal leave days following single vacation days after the completion of the single vacation day(s) when they are consecutive. The same will apply to single vacation days that consecutively follow personal leave days.

- I. In addition to the foregoing, the following parameters will govern regarding scheduling single vacation days and or personal leave days:
  1. Employees may take up to (7) consecutive days of paid personal leave and/or paid single vacation days. These days may be comingled. Consecutive days whether Personal Leave Days, Single Vacation Days or comingled will not be considered as separate incidents in the calculation of guarantee extra boards payments and will not result in the forfeiture of guarantee.
  2. If the employee with scheduled time is at the away-from-home-terminal, the Carrier will not be required to deadhead the employee home. In these rare instances, the vacation or personal leave day(s) may be rescheduled.
  3. Personal leave and or single vacation day(s) request may be made between 2-days and 120-days advance of the day(s) requested.
  4. Personal leave and/or single vacation days that are approved in the system and within the parameters established, other than as provided in Article II F above, will not be cancelled by UPRR.
  5. Once approved, the scheduled day(s) must be taken. Until such time as the EAMS system is enhanced, the employee will be required to “activate” the personal leave and or single vacation day on the day it is scheduled.

6. An employee may advance or defer the start of his or her approved days(s) by sixteen (16) hours in order to accommodate a change in work schedule.
7. All remaining float vacation days in a calendar year will be scheduled no later than August 1 for single days beginning August 16<sup>th</sup> and ending December 15<sup>th</sup>.

**NOTE 1:** On or about July 16, CMS will provide the Local Chairman a listing of unused float vacation days remaining for the year.

**NOTE 2:** An employee failing to schedule his/her remaining float vacation day(s) by August 1 will have his/her remaining float days assigned by CMS.

### **III. Vacation Group Assignment and Parameter Allocation:**

- A. The grouping assignment of an employee's vacation for the upcoming year shall be based on the location and class of service where he/she was assigned for a preponderance of the time during the six (6) month qualification measurement period between April 1<sup>st</sup> and September 30<sup>th</sup> of the current year.

**NOTE:** Due to the unique circumstances regarding the Merged Roster #3 territory in Coffeyville/Van Buren, the "class of service" caveat above would not be applicable. Therefore, it is understood that vacation grouping assignment for those employees will continue to be handled as it has been previously.

- B. The number of vacations allowed per week in a vacation grouping will be determined by dividing the total number of vacation weeks, excluding the "Float" weeks, and dividing by forty-four (44) rounded to the lowest whole number. In instances where the 44-divisor requires additional vacation slots during a week(s), the local chairman will select the week(s) in which the additional slots are placed.

**Example 1:** There are two hundred and ten (210) vacation weeks to be scheduled in the year. The base parameter average using the 44-week divisor is four (4) per week (210 divided by 44 = 4.772). The .772 fraction equals thirty-four (34) weeks that will allow five (5) off

for vacation ( $.772 \times 44 = 34$ ). The local chairman will advise CMS of the thirty-four (34) weeks that the parameter will be adjusted to five (5) per week, with the remaining ten (10) weeks being allotted four (4) per week.

**Example 2:** There are three hundred and forty-seven (347) vacation weeks to be scheduled in the year. The base parameter average using the 44-week divisor is seven (7) per week ( $347/44 = 7.8863$ ). The .8863 fraction equals thirty-nine (39) weeks in which eight (8) will be allowed off for vacation ( $.8863 \times 44 = 39$ ), with the remaining five (5) weeks allotted seven (7) per week.

**Example 3:** There are two hundred and sixteen (216) vacation weeks to be scheduled in the year. The base parameter average using the 44-week divisor is four (4) per week ( $216/44 = 4.9$ ). The .9 fraction equals forty (40) weeks that will allow five (5) off for vacation ( $.5 \times 44 = 39.6$ ), with the remaining four (4) weeks allotted four (4) per week.

**Example 4:** There are two hundred and twenty (220) vacation weeks to be scheduled in the year. The base parameter average using the 44-week divisor is five (5) per week ( $220/44 = 5.000$ ). Five (5) will be allotted for vacation in each of the forty-four weeks.

#### **IV. Back Filling Vacation Weeks:**

- A. A vacation week/slot will be considered open/available once an employee uses all his/her single days from that week/slot, or vacates the week for other reasons, i.e., retirement etc. and the vacated week will be available to be filled by the local chairman with jurisdiction over the vacation grouping in which the vacancy occurs.
- B. Only a full week(s) of vacation may be moved under this Section IV.

#### **V. Vacation Group:**

The grouping assignment of an employee's vacation for the upcoming year shall be based on the location and class of service where he/she was assigned for a

preponderance of the time during the six (6) month qualification measurement period between April 1 through September 30 of the current year.

**VI. Board Adjustments:**

- A.** The Carrier may suspend or deactivate the pool turn of an employee who is observing a scheduled, solid week(s) vacation if the mileage regulation calls for the pool to be reduced during the period corresponding with the scheduled vacation.

**NOTE 1:** A vacationing employee's turn will not be removed from the pool's rotation if the regulation does not require a reduction in the pool.

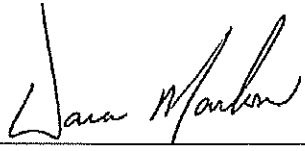
**NOTE 2:** In instances where a pool employee's turn has been suspended per this article, upon the return of the vacationing employee, the appropriate turn in the pool will be reduced unless the Local Chairman and CMS make the mutual determination that the reduction is no longer necessary.

- B.** A pool employee, whose turn is suspended or deactivated pursuant to article A of this Section VI, will be placed at the foot of the home terminal board upon marking up from vacation.

**VII. General and Savings Clause:**

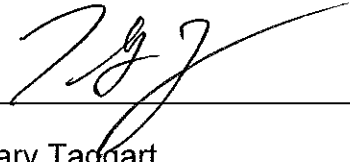
- A.** No later than seven (7) months after implementation of this Agreement, the parties agree to meet and resolve any issues that may have arisen
- B.** This Memorandum of Agreement may be cancelled by either party serving notice upon the other party by October 1<sup>st</sup> to be effective January 1<sup>st</sup>. If cancelled by either party, the 2012 Vacation Agreement Administration Modification, effective January 1, 2013 will be unsuspended and will govern.

**Agreed:**



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Dana Marlow  
General Chairman – BLET



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T. Gary Taggart  
Director-Labor Relations



**AGREED UPON QUESTIONS AND ANSWERS  
TO THE VACATION AGREEMENT MODIFICATION AND  
ADVANCED SCHEDULING OF SINGLE VACATION AND PERSONAL LEAVE DAYS**

**Article II – Method for Single Vacation Day and Personal Leave Scheduling**

Q1. What is the definition of an Extra Board Protection Territory?

A1. An Extra Board Protection Territory consists of all employee assignments (regular, pool, and extra boards) encompassed within, or primarily protected by, a particular employee extra board (extra board protection territory).

Training boards, pilot board, peer trainer boards, bump boards, etc., are not protected by an extra board, and such boards are not considered in the computation of the number of employee assignments in an extra board protection area.

Q2. Can personal leave and/or single vacation day/s be scheduled in the next calendar year?

A2. Yes, if the requested day/s are within the 2-120-day scheduling window and only for that calendar year (to me taken) personal leave and/or vacation allocation.

**Example:** On November 1, 2018, Employee “A” is assigned in rotating pool service and he/she submits a request for two (2) personal leave (PL) days for January 14 and 15, 2019. Assuming January 14 and 15, 2019 are under the daily percentage allotment Employee “A” will be allowed the PL days requested from his/her 2019 entitlement.

Q3. Must an employee request/observe his/her “float” single vacation days prior to December 16 in any calendar year?

A3. Yes.

Q4. If an employee pre-schedules a personal leave day and at the time of activation no longer occupies an assignment that qualifies for personal leave days, said employee has the option to convert the personal leave day to a single vacation day if available. Is the employee required to convert the personal leave day to a single vacation day?

A4. No.

Q5. What is a “walk-in” request and how are they handled?

A5. Although not specifically addressed in this agreement, a walk-in request is when an employee requests an immediate layoff and the granting of the request is contingent on sufficient manpower levels and needs.

- Q6. Can an employee that has pre-scheduled a single day vacation or personal leave day/s reschedule those day/s.
- A6. No, except as provided for in the agreement such as being at the away-from-home terminal at the time of the scheduled day off, etc.
- Q7. Are the provisions of the 2005 *Automatic Mark-Up Agreement* affected by this Vacation Modification Agreement?
- A7. No.
- Q8. If an employee is on a bump board with his/her 48-hour clock tolling and starts a prescheduled VAC/PL will the clock stop on the 48 bump?
- A8. Yes, the employees bump will be suspended until his prescheduled time concludes.
- Q9. If a calendar day's prescheduled allotment has not been met, will the walk-in employee be automatically approved?
- A9. No, walk up request are filled according to manpower needs.

#### **Article IV – Back Filling Vacation Weeks**

- Q1. If a scheduled vacation week/slot becomes available due to an employee's retirement, use of single vacation days, etc., does that slot add to the pre-arranged slots available?
- A1. No. The week/slot referred to in Article IV (A) only applies to a scheduled week of vacation, and does not affect pre-arranged slot(s).