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140.80-10

MEMORANDUM AGREEMENT  
between    
UNION PACIFIC RAILROAD COMPANY    
and    
UNITED TRANSPORTATION UNION (C&T)    
(Eastern District)

     The October 31, 1985 National Agreement and Presidential Emergency Board No. 219 amended the local work rules governing Conductor  promotion. The Modified Crew Consist Agreement effective  February 1, 1992, eliminated many positions held by non-promoted employes and the parties recognized the need to expedite the opportunity for Conductor promotion. In addition to these issues, the Conductor's examination has been updated over the years to include areas outside of the basic air and operating rules.

Recognizing these changes the parties have agreed to cancel the provisions of Rule 90 and amend the rule as follows:

Rule 90 - Promotion to Freight Conductor

(a)  All brakemen/yardmen will be in line for promotion in accordance with their seniority on their respective prior right seniority district if a prior right employe, and on their respective zone if a non-prior right employe.

(b)  (1) Prior rights brakemen/yardmen who can hold any job other than a conductor's position will not be obligated to take the conductor's examination. If, however, the employe is later unable to hold such a position, the employe will be given thirty (30) days in which to complete promotion. Failure to do so will disqualify the employe from holding a position until such promotion is completed.

(2) When prior rights brakemen/yardmen are required to take promotion, it will be in accordance with paragraph (d) of this rule.

(c)  (1) Non-prior rights brakemen/yardmen with more than one year's seniority will be required to take promotion in seniority order in accordance with paragraph (d) of this rule.

(2)  Non-prior rights brakemen/yardmen with less than one year's seniority will be required to take promotion in accordance with the Conductor Training schedule of this rule (paragraph e).

(3)  Employes hired after October 31, 1985, who fail to pass the exam as provided in paragraph (d) of this rule shall forfeit all seniority rights with the Carrier and shall be removed from service.

(d)  (1)  The Conductor's promotion examination shall be divided into two sections:

(a)  As of the effective date of this rule, Section 1 consists of Air, Safety, Hazardous Materials and Work Orders.

(b)  Section II consists of operating rules, track warrants, bulletins and block signals.

(c)  The parties recognize the need to update the examination over time and the Carrier may change the content of the examination as it deems necessary.

(2)  Each year shall be divided into two six-month periods. Period one (1) covers from January 1 through June 30, and period two (2) covers from July 1 through December 31.

(3)  The Carrier will post a notice and notify pre- October 1985 switchmen/brakemen by certified letter and offer the opportunity to take promotion at least 30 days prior to Section 1 of the examination being given.

(4)  Post-October 31, 1985 employes will be required to take promotion in seniority order under the provisions of Article XIII, Section 4 of the October 31, 1985 National Agreement and Article V of the Presidential Emergency Board No. 219. The Carrier will post a notice and notify post-October 1985 employes by certified letter at least 30 days prior to the date they are required to take Section 1 of the examination.

(5)  When insufficient post-October 31, 1985, employes are available, then pre-October 31, 1985 employes unable to hold a working position as outlined in (b) above will be forced in junior order in their prior rights district.

(6)  Section 2 of the examination may be given anytime after 30 days have elapsed after completion of Section 1.  At least 10 days' written notice by certified letter of the date and time shall be given to employes who pass the first section of the examination. In lieu of certified letter, written notice may be given while employes are taking the first examination. An employe may request to take the examination in less than 30 days, and if arrangements can be made, the employe will be permitted to do so.

(7)  An employe will be allowed three opportunities to pass Section One of the exam and two opportunities to pass Section two of the exam. There shall be a minimum of 30 days between attempts if a failure occurs unless an opportunity is requested earlier by an employe and arrangements can be made to retake the part of the Section not passed in less than 30 days.

(8)  All employes who pass both sections of the Conductor's exam on their first attempt in period one or at the first available opportunity will be accorded a seniority date of January 1 of that year, and those who pass the exam on their first attempt in period two will be accorded a seniority date of July 1 of that year.  All trainmen will be slotted in the order of their trainman's date with all others who are accorded the same date due to passing the conductor exam in accordance with this paragraph 8.

NOTE: Prior right employes will continue to be placed on their prior right roster with a 3-31-84 date (Zone 100) and a 9-20-88 date (Zone 200) ahead of other employes not holding prior rights on that district, and the January 1 and July 1 dates will apply to rosters on which they do not have prior rights and to employes holding only zone rights.

(9)  An employe who fails their first attempt but passes on their second attempt (next available opportunity will be accorded the same date as those who pass on their first attempt, however, they will be placed below those who passed on their first attempt.

EXAMPLE: The senior prior right employe in a promotion class fails on their first attempt which is given April 1, 1993. They pass on their second attempt given on May 15, 1993. They will be given a January 1, 1993 conductor seniority date on the non-prior right rosters and a 4-1-84 date on the Zone 100 roster but will be placed below all those who passed on their first attempt on April 1, 1993.

(10) An employe who fails the second attempt of the first Section shall lose their relative standing for promotion in that class, but will be placed in seniority order in the next class if they pass on their third attempt.

(11) Employes not available for either section of the examination but who successfully pass it at the first opportunity will be accorded the same consideration as though they had been available and had passed the examination.

(e)  A switchman/brakeman with less than one year of service will be required to complete a Conductor-Training course in order to be qualified as a Conductor. [See[Item 90(e)](http://utu953.org/ed/eastern/road/other/conductor_promotion/new_hire.htm).]

Dated at Omaha, Nebraska, this  8th   day of September, 1992.