



**BURLINGTON NORTHERN RAILROAD**

Daniel J. Kozak  
Assistant Vice President - Labor Relations  
817 333-3053 Fax: 817 333-7049

3000 Continental Plaza  
777 Main Street  
Fort Worth, TX 76102-5384

August 18, 1995

Mr. Austin G. Morrison, General Chairman  
Brotherhood of Locomotive Engineers  
5410 Bill Street, Suite 409B  
Amarillo, TX 79109-6222

Dear Mr. Morrison:

This letter is a follow-up to our meeting of August 1, 1995, in Minneapolis regarding the calling of engineers to fill conductor vacancies.

We investigated the facts regarding the assignment of Mr. B. A. Hedges and Mr. K. D. Silva as conductors on July 16, 1995. Our Denver crew office indicated that these individuals were informed that they were being demoted as engineers. They then were in "to place" status and subsequently were called for the conductor positions at issue. However, at approximately the same time that they were called for the conductor positions, they also were set up to the engineer's extra board.

You indicated at our August 1 meeting that these individuals never were in "to place" status and they were called out of the engineer's pool for the conductor positions. In support of your statement you showed manning reports stating that Messers. Hedges and Silva owned assignments on the engineer's extra board on July 16.

While Burlington Northern clearly had a right under applicable schedule agreements to call the aforementioned individuals as conductors after they were demoted as engineers and were in "to place" status, it has been extremely difficult to determine exactly when the above described engineers were formally notified that they were being demoted as engineers. One explanation was that they were verbally notified of their demotion according to usual practice and this change was not recorded on the crew reports because they were marked back up on the engineer's extra board almost immediately. The facts indicate that there was no contractual violation in the events that you mentioned. Nevertheless, the sequence of events, with the almost immediate mark-ups back to the engineer's board, certainly lead to some confusion and we regret any problems that this may have caused to the above individuals or to your committee. We will take steps to prevent a reoccurrence in the future.

As you mentioned, this issue initially arose as early as 1979. You provided the attached letter of June 25, 1979, written by former Director of Labor Relations D. M. Tisdale, to your predecessor, stating that "the Carrier would refrain from calling engineers in the capacity of conductors." Burlington Northern reaffirms this position. We will not call

engineers who are in the engineer's pool for conductor positions. This, of course, does not preclude BN from calling a demoted engineer who no longer is in engine service and is in "to place" status for a conductor position.

I trust that this response addresses the issues pertaining to the events of July 16, 1995 and our discussions of August 1, 1995.

Sincerely,

A handwritten signature in cursive script, reading "Daniel J. Reynolds". The signature is written in black ink and is positioned below the word "Sincerely,".

cc: Denver Crew Office  
Jerry Duffy  
Dan Watts  
Joe Hilly  
John Waldron  
Gene Shire



CHAIRMAN  
A. G. MORRISON

# BROTHERHOOD OF LOCOMOTIVE ENGINEERS

GENERAL COMMITTEE OF ADJUSTMENT  
BURLINGTON NORTHERN RAILROAD (FORMER C&S, FW&D, JTD)  
5410 SOUTH BELL STREET  
BUILDING B, SUITE 409  
AMARILLO, TEXAS 79109  
(806) 358-9025 \* FAX (806) 354-8463

July 17, 1995

Mr. Ronald P. McLaughlin, President  
Brotherhood of Locomotive Engineers  
Mezzanine, Standard Building  
1370 Ontario Street  
Cleveland, Ohio 44113-1701

Dear Sir and Brother:

Pursuant to the job action taken at Trinidad, Colorado on Sunday July 16, 1995 please find enclosed copy of memorandum resolving the dispute.

Again, I wish to commend your leadership efforts in assisting this office in order to obtain corrective action to assure all Locomotive Engineers represented by this General Committee are treated in a fair manner by BN. I personally feel the action taken will solve a voluminous amount of problems we have been facing with Centralized Crew Calling, and should deter any at will violation of the working agreements now in place.

Again, your assistance was greatly appreciated, and as always, I remain;

Fraternally yours,

A.G. Morrison,  
General Chairman

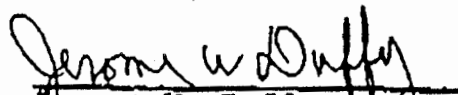
Enclosure

cc: C.V. Monin, FVP/BLE  
R.E. Dean, VP/BLE  
All Local Chairmen

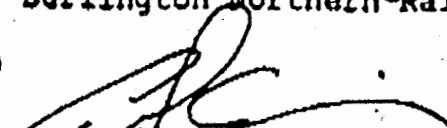
Austin G. Morrison  
BLE General Chairman  
via fax 806 354 8463

It is understood that Burlington Northern Railroad ("BN") is prohibited from calling or requiring locomotive engineers to perform duties other than the duties of employees in the craft or class of locomotive engineers and that locomotive engineers will not perform duties other than the duties properly assigned to locomotive engineers. In exchange for the above, it is understood that the Brotherhood of Locomotive Engineers ("BLE") will not strike or picket BN over the assignment of any engineer to any position that occurred prior to July 16, 1995. BN and BLE further agree to meet within thirty (30) days to consider and discuss the utilization of engineers.

This memorandum of understanding is effective on this the 16th day of July, 1995 and may be cancelled by either party thirty (30) days after giving written notice to the other party of the intent to cancel. This memorandum is without prejudice to either parties' contractual position on other issues and will not set a precedent for any other issues or disputes.

 7/16/95  
Jerome W. Duffy  
Burlington Northern Railroad

AGREED AND ACCEPTED

 7-16-95  
Brotherhood of Locomotive Engineers



**BURLINGTON NORTHERN RAILROAD** 708

JOHN M. STARKOVICH  
Director Labor Relations

373 Inverness Drive South  
Englewood, Colorado 80112  
Telephone (303) 220-3440

July 14, 1989

Mr. A. H. Morrison  
General Chairman, BLE  
P. O. Box 9237  
Amarillo, Texas 79105

Re: EFH 890517B  
E-3731-C&S


Dear Mr. Morrison:

Reference Mr. Clark's letter dated May 17, 1989 involving the use of engineers to perform service as conductors.

As discussed with Mr. Clark during conference and by telephone, it is not the Carrier's intention to have engineers perform service as conductors and steps were taken to inform local officers of this. As far as we know, this practice has stopped; however, if you are aware of further uses of engineers as conductors, please advise this office immediately.

I trust that this problem has been remedied. If you have any questions or comments, please contact Carol Jow at 220-3452.

Sincerely,

  
J. M. Starkovich  
Director, Labor Relations



THE COLORADO AND SOUTHERN RAILWAY COMPANY

A SUBSIDIARY OF BURLINGTON NORTHERN

2100 EXECUTIVE TOWER / 1405 CURTIS STREET / DENVER, COLORADO 80202 / (303) 458-7200

BURLINGTON  
NORTHERN

LABOR RELATIONS DEPARTMENT

Mr. C. B. Clark  
Chairman BLE  
632 Corona St.  
Denver CO 80218

June 25, 1979

BLE

Dear Mr. Clark:

This will acknowledge your letter of May 23, 1979, file E-2817, concerning the use of Engineer D. E. Grable as a conductor on May 19, 1979.

We discussed this matter and I advised you the Carrier would refrain from calling engineers in the capacity of conductors.

Yours truly,

D. M. Tisdale  
Director-Labor Relations