



FEDERAL EXPRESS #7982 1993 1922

July 20, 2007

Mr. Jed Dodd  
General Chairman – BMW  
121 North Broad Street, Suite 503  
Philadelphia, PA 19107

**RE: PH2-MW-04-0607**  
**Various Track Foreman Positions**

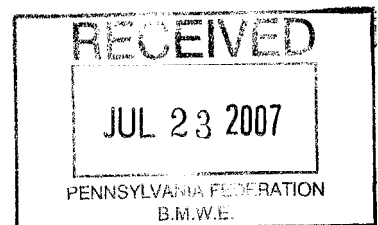
Dear Mr. Dodd:

This is in response to our discussions in connection with grievance concerning the establishment of various Assistant Foreman Track positions in New Jersey for the purpose of Roadway Worker Protection on New Jersey Transit Station Projects.

Without prejudice to either party's position regarding the establishment of Foreman, or Assistant Foreman Track positions, without the M/W 1000 qualification requirement, we are agreeable to settle the grievance as follows:

Establish, through advertisement and award up to eight (8) "Foreman Watchmen" positions subject to the following conditions:

- **Rate of Pay** – Southern District, plus 65 cents per hour incentive for night work
- **Headquarters** – Initial (4) Adams MW Base, (2) Metro Park Station, (2) Princeton Jct.  
(2) Newark Train Station
- **Per Diem** – will be applied in lieu of all other allowances since positions may be assigned to other designated headquarters consistent with the limits of the positions required Physical Characteristic
- **Physical Characteristics** – (2) Midway to Ham not inclusive, (2) Morris to Ham not inclusive, (2) Iselin to Menlo not inclusive, (2) Dock to Hudson



*Mr. Jed Dodd*

*RE: PH2-MW-04-0607*

*Various Track Foreman Positions*

*Page 2*

- **Qualification** – Identical to all other Track Foremen positions with exception they will not be initially required to possess M/W 1000
- **Duties-** Assist Foreman in supervising trackman and watchman who are assigned to perform Roadway Worker Protection of contractors working on or near the railroad. Perform other duties, except M/W 1000 related, commonly required of a Foreman
- **Tour of Duty-** 10:00 PM to 6:00 AM; Rest Days - Saturday and Sunday; meal period, 20 minutes

Positions established in accordance with this agreement will be awarded to employees possessing seniority in the Track Sub-Departments based on earliest date entered service.

Should existing Track Foremen and Inspectors in Zone 5, on the New York Division, be the successful applicants for these new positions, in order to fulfill operational requirements in that territory, Amtrak may hold such employees on their current positions until such time as qualified replacements can be obtained. It is understood that should Amtrak hold Track Inspectors or Foremen on their current assignments as provided above, they will only be held until their positions are advertised and awarded or, in the event there are no qualified applicants, until an employee assigned pursuant to Rule 18 is provided necessary training on physical characteristics. In any event, employees will not be held off of their awarded position for more than 30 days. If held beyond the commencement of actual work on the project for which a specific position is established, the employee shall be compensated at the rate of their awarded position including any applicable incentive and lost overtime.

Successful applicants for these positions who are not qualified on M/W 1000, upon acquiring 24 months of active service as a trackman, will be required, as operating conditions allow, to attend scheduled MW 1000 Classes. Training will be provided consistent with the requirements of the 1977 Training Agreement. Employees who are unable to successfully complete the M/W 1000 training shall be governed by Rule 6 of the agreement.

It is understood that no new work classification will be established as a result of an award to any position established by this understanding. Should new seniority be established as a result of an award, the incumbent will be placed on the Southern District Track Foreman and associated subordinate rosters as may be required.

Mr. Jed Dodd

RE: PH2-MW-04-0607

Various Track Foreman Positions

Page 3

In addition to the above referenced positions, one (1) Track Foreman position will be established requiring complete foreman qualifications, including Physical Characteristics, MP 3.0 to MP 76. This position's duties will be:

- Supervise "Foreman Watchman", Trackman and Watchman in performance of Roadway Worker Protection of contractors working on or near the railroad. Perform other duties including M/W 1000 related activities commonly required of a Foreman
- This position will be primarily headquartered at Adams M/W Base under the same conditions as the Foreman Watchman. In the event a personal vehicle is used in the performance of duties, the incumbent will be compensated for mileage at the authorized Amtrak mileage rate which is the same as the published IRS rate

It is understood that the purpose of this agreement is for resolution of grievance concerning the establishment of various Assistant Foreman Track positions in New Jersey for the purpose of Roadway Worker Protection on New Jersey Transit Station projects. It is also understood, and agreed, that a copy of this agreement will be attached to any position advertisement that is subject to, and governed by, its provisions. The agreement is made without prejudice to either party's position regarding the establishment of Foreman or Assistant Foreman positions without the requirement to be qualified on MW-1000, and will be non-referable in any hearing or dispute between Amtrak and the BMWED that is not related to these specific circumstances.

If the foregoing meets with your approval, in the full and final settlement of this grievance, please so indicate by signing in the space provided below, returning the original copy to me.

I concur: \_\_\_\_\_

Date: \_\_\_\_\_

Very truly yours,



Steven C. Falkenstein

Deputy Chief Engineer Maintenance

cc: T. Mulvey  
R. Palmer