

## LOCAL RULES @ KAMLOOPS

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**MEMORANDUM OF AGREEMENT**  
BETWEEN  
**CANADIAN PACIFIC RAILWAY**  
AND  
**TEAMSTERS CANADA RAIL CONFERENCE (T.C.R.C.)**  
**(Division 821 Conductors & Engineers)**

The company (CPR) and the unions (TCRC) have agreed to enter into this memorandum of agreement entitled Kamloops Local Rules. This local agreement will apply to all running trade employees at Kamloops effective the day of signing.

**LOCAL RULE #1 - Union Business**

The Engineer's Local Chairman's (LC) turn may be placed first out upon arrival. Engineer's LC rest is allowed but not required.

The Conductor's LC at his option, at any time, may have his turn placed first out on the appropriate pool or spareboard. Conductor's LC rest is allowed but not required.

LC and/or 1<sup>st</sup> vice LC may book "Company Business" at any time and their guarantees will not be reduced or pro-rated for doing so.

Designated local union officers may book "Union Business". Their turn will be put on hold and will move in its normal rotation to the top of the pool or spareboard. The turn will remain first out until the union officer books okay for duty.

The turn on Union Business will not be treated as a vacancy. Conductor's rest is allowed. Engineers rest is required with a minimum of 8 hours.

Turns lost while off on union business at Kamloops can be regained upon arrival after the first trip. Board placement will only be allowed up to the first out position.

The employee must notify the Crew Management Centre (CMC) of the correct turn placement. Failure to notify or incorrect information given to the CMC will not result in any additional expense to the Company.

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**LOCAL RULE #2 - Company Medical**

Running Trade Employees (RTE) will inform CMC to put their turn on hold to attend company medical examinations up to 24 hours prior to the appointment. Their turn will move in its normal rotation to the top of the pool or spareboard and then will remain first out and will not be treated as a vacancy. Employee must book on upon completion of medical before 1800. Rest is not allowed. Spareboard guarantee will not be reduced or pro-rated as a result of this local rule.

### **LOCAL RULE #3 - Short Turns**

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RTE's, who work a short turn in other than straightaway service regardless of former position on the board will become or remain first out in their newly established turn subject to the following provisions:

- a) Short turns are tours of duty in turnaround or TCS service for which the total chargeable miles are 199 or less. CT and EC claims are not chargeable. Employees canceled after commencing work are considered to have worked a short turn.
- b) Maximum number of short turns is two. After two consecutive short turns the employee will be placed at the bottom of the pool or spareboard.
- c) Employees on short turns are placed first out ahead of employees on rest at call time for the employee making the short turn for pools and spareboards. If more than one employee is on a short turn the call time will apply for first out placement.
- d) Vacant turns making short turns must be placed to the bottom of the pool.
- e) RTE's canceled after being called will become or remain first out. This will not be considered as making a short turn in application of two consecutive short turns.
- f) An ESB working a turn as a Locomotive Engineer will be placed at the bottom of the spareboard unless the short turn clause applies. If it does apply, then the employee will be placed back in their original position if turn is in. There will be no scooping of turns ahead on rest. If original turn went out before that person's return then compensation will be as per Collective Agreement (CA) and turn will be placed at the bottom of the board.
- g) ESB's making a short turn will be placed back in turn in the Conductor's pool if turn is in. If turn is out they go "waiting turn".

NOTE: The RTE must notify the CMC that he/she is booking a short turn. Failure to notify or incorrect information given to the CMC will not result in any additional expense to the Company. All repositioning must be done within 2 hours of going off duty

### **LOCAL RULE #4 – Booking on after < LOA / sick leave / unfit & missed call and company business >**

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Unassigned Locomotive Engineers, Conductor/Trainperson granted LOA, booking Unfit, booking Sick or missing a call will be held off for at least 8 hours before being allowed to book okay for duty.

Missed call penalty (held off for 8 hours) will only apply to the first out RTE in the pool or on the Spareboard who missed the call. A RTE who is being held off for missing a call could be used before the 8 hour penalty time expires in cases of shortage of manpower.

RTE's booking on after Company Business must book between 3 and 10 hours rest. This does not apply to employees covered under Local Rule #2.

### **LOCAL RULE #5 - No Scoop**

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RTE's working or deadheading scooped by other RTE's will regain their turn at the objective terminal.

At North Bend a two hour call applies from off duty time. If RTE's are not available for a two hour call they will regain their turn at Kamloops.

RTE's scooped while on personal rest at North Bend will be placed in the pool at Kamloops in the same sequence as they were called out of North Bend.

RTE's arriving at North Bend on MTOD will be treated as if they have not booked rest unless they also book personal rest. Crews turned on line will be treated as if in turn service.

RTE's called in straight away service out of North Bend whose call time is earlier than a TCS RTE's "work began" time at North Bend will regain their turn at Kamloops if scooped by the TCS crew while enroute. Short turn rules apply.

The affected employee must notify the CMC of the correct turn placement. Failure to notify or incorrect information given to the CMC will not result in any additional expense to the Company. All repositioning must be done within 12 hours of going off duty.

### **LOCAL RULE #6 - Rest**

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RTE's will be permitted to book up to a maximum of 32 hours of undisturbed rest at the home terminal of Kamloops with no minimum rest required at Kamloops or North Bend.

RTE's canceled prior to commencing work may book up to 8 hours rest with no minimum required.

All assignments that are scheduled to work less than six days per week will be governed by the provisions of the TCRC collective agreement, article 29.16 - Conductors and article 27.15- Engineers.

### **LOCAL RULE #7 - Seven Day Board**

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A seven-day board system will apply at Kamloops as outlined by the following:

Temporary vacancies of more than seven days will be filled by bid cards as per the approved CMA decision rules.

Bid cards must be submitted by fax to the CMC by 1200 Thursday for board change at 2200 the following Sunday.

#### **Annual Vacation (AV)**

- a) Employee AV may start midweek on the first and last vacation periods of the year to accommodate the calendar year (limited to AV periods occurring on or

including the first and last week of the calendar year). If desired, AV may be less than a week to accommodate returning on the Sunday night at 2201.

- b) LC and 1st Vice LC for Conductor's and Locomotive Engineer's may take their AV allotment outside of the regular allotment at the terminal provided that no more than one LC or 1st Vice is on vacation under this clause at any one time. If traffic volume and manpower permit, more than one position at a time may be allowed if the local manager is in agreement

*Note - Prime vacation periods will first be awarded equally to the LC's and the remaining prime vacation period equally to the 1st Vices.*

- c) Except as stated in (a) above, authorized changes will be permitted but must start at 0001 Monday returning at 2200 Sunday. Changes must be requested before 1200 Thursday of the week prior to start of AV.
- d) AV vacancies occurring in part of a week will be considered spare work.
- e) Employees will automatically be placed on AV at 2201 on the day prior to the date when AV is scheduled to begin. Therefore the employee may accept a call to be on duty up to 2359 on the day prior to the first scheduled AV day.
- f) CMC will automatically book employees available on the last day of the scheduled vacation period at 2201 subject to be called for 0001.
- g) Employees required to work their return tour of duty commencing on the first day of a scheduled AV period must at the time you tie up from this tour of duty call the CMC to advise if you want your AV period to be extended by one day.
- h) When a General Holiday falls within an employee's vacation period the vacation period may at the option of the employee be adjusted by either:
  - 1. Taking a day before the vacation period is to start or;
  - 2. Adding a day at the end of the vacation period or;
  - 3. Adding a day to a remaining vacation period.

NOTE: If either option 1 or 3 is desired the employee must advise CMC by fax at least seven days prior to commencement of the vacation period. If you fail to advise the CMC an adjustment will be made by adding a day.

- i) If annual vacation is extended by General Holiday(s) upon return the employees will be placed in the pool if turn is in or create a new turn at the bottom of pool if the turn is out. Spare employees will be placed at the bottom of the spareboard.

Board placement when returning to work lists:

- a) Returning from AV, Book on is automatic.

Pool & Spareboard - Placed to the bottom of respective pool or spareboard at 2201 for 0001

NOTE: Employees may book up to 8 hours rest upon returning from vacation. They must let CMC know by 2000 on last day of vacation period.

- b) Returning from Miles book on is automatic.

Freight pool employees will be placed into turn if in; if turn is out they will create a new turn at the bottom of pool at 2201 for 0001.

Spare employees will be placed to the bottom of their respective spareboard at the time they book on.

NOTE: Employees may book up to 8 hours rest when returning from miles. They must advise CMC by 20:00 on last day of mileage period.

- c) When returning from Sick Leave the employees must book themselves on.  
Pools - If the turn is in they will go into the turn. If the turn is out the RTE will wait for the turn for up to 24 hours from the time it was called at which time the RTE may have their turn returned home.

It is the responsibility of the RTE to contact CMC and request that their turn be returned home. The turn will be placed at the bottom of the pool at that time. RTE's must be off for a minimum of 8 hours.

Spareboard employees will be placed to the bottom of the respective spareboard at time of booking on.

#### for Locomotive Engineers

Engineers moving back and forth between pool and spareboard will be dovetailed **into position by last switch time, or last book-on time.** Engineers will then be placed to the bottom of pool/spareboard in the following order:

1. Engineer already in pool/spareboard with 2201 or earlier switch time.
2. Engineers returning from miles in seniority order. (If own turn is in they will go in turn.)
3. Engineers moving from assignments in seniority order.
4. Engineers returning from company business or leave of absence in seniority order.
5. Engineers returning from AV in seniority order.
6. ESB's by last switch or available time.

Engineers working at the time of change will be placed at the bottom of the pool/spareboard upon arrival. In the case of any ties seniority prevails.

- d) Seven day board set-ups & set-backs are effective Sunday at 2201 for 0001.  
Pool adjustments for the following week will be determined on Friday of each week and CMC will be advised. Weekly crew change will be posted by 1600 on ~~Friday.~~

#### For Conductors/Trainpersons

Conductors/Trainpersons moving back and forth between pool and spareboard will be dovetailed **into position by last switch time, or last book-on time.** Conductors/Trainpersons will then be placed to the bottom of pool/spareboard in the following order:

1. Employees in town and available in order.
2. Employees working arriving at 2201.
3. Employees already in the pool returning from miles whose turn is out (turn to be transferred back.)
4. Employees returning from OLA of 7 days or more.
5. Employees returning from furlough.
6. Employees returning from vacation.
7. Employees out of town by seniority (turn to be transferred back – pool only).
8. Employees off personal (OLA) or sick leave being set-up from spareboard to pool (create turn).
9. ESB's by seniority if in town. (Out of town create turn – pool only).

NOTE (1) In case of ties switch time/book on time applies.

NOTE (2) In case of further ties seniority prevails.

NOTE (3) Steps 5, 6 and 7 above could result in a vacancy if employee does not return before created turn gets in position to be called.

e) OLA - book on is automatic.

RTE's will be allowed 24 hours personal leave from CMC which they may allow subject to availability of employees. Such RTE's will be automatically booked on upon completion of 24 hours and placed in their pool turn if in. If turn is out wait return of turn or 24 hours from call time whichever comes first.

It is the responsibility of the employee to request that their pool turn be returned home after the 24-hour period and it will be placed at the bottom of the pool at that time. Spare employees will be placed at bottom of respective board.

Locomotive Engineers and Conductors/Trainpersons must be off for a minimum of eight hours.

Failure to notify or incorrect information given to the CMC will not result in any additional expense to the Company.

f) Preference Bid Cards – (PBC)

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At each general change of assignment RTE's in all classes of service will submit a PBC. If no PBC is submitted the last bid card in effect prior to the change of assignments will be considered to have been resubmitted.

Should a Locomotive Engineer not submit a PBC or have insufficient choices listed the following PBC will apply:

- 1) KRS-1            Day Rd Swt

- 2) KRS-5 Ashcroft Rd Swt
- 3) KRS-4 Ducks Rd Swt
- 4) Ass. A 470/472
- 5) Ass. B 471/473
- 6) Pool Freight
- 7) Spareboard
- 8) KRS-3 Swing Rd Swt
- 9) KRS-2 2300 Rd Swt
- 10) Work Train

Should a Conductor/Trainperson not submit a preference bid card or have insufficient choices listed the following preference bid card will apply:

- 1) Work Train Conductor
- 2) Work Train Trainperson
- 3) 471/473 Assignment
- 4) 470/472 Assignment
- 5) Pool Freight
- 6) ARS-5 Ashcroft RS Conductor
- 7) KRS-4 Ducks RS Conductor
- 8) ARS-5 Ashcroft RS Trainperson
- 9) KRS-1 Day RS Conductor
- 10) KRS-3 Swing RS Conductor
- 11) KRS-2 2300 RS Conductor
- 12) KRS-1 Day RS Trainperson
- 13) KRS-3 Swing RS Trainperson
- 14) KRS-2 Night RS Trainperson
- 15) KRS-4 Ducks RS Trainperson
- 16) Furlough Board
- 17) Spareboard

New preference bid cards for filling vacancies may be submitted at any time but must be submitted prior to 1200 Thursday to be effective for the following seven day setup period.

Subject to collective agreement provisions for the movement of employees the preference bid card will be used to award positions and vacancies for the following seven-day set-up period.

All new runs and permanent vacancies of seven days and over will be bulletined. All bids to close at 1200 Thursday.

Employees must remain with the awarded vacancy unless promoted or demoted at 2201 Sunday according to their last submitted bid card.

g) Assigned Service

With vacancies greater than one trip on out of town assignments the relief employee will be released from the vacancy after the assigned employee has booked on. Board placement for the relief man will be based on the off duty time of the assignment.

The employee affected may book up to 32 hours of rest when CMC informs him/her of new board placement.

Locomotive Engineers working in assigned service are allowed to bid off assignment to go to unassigned service with a ten day bid to coincide with the next seven day board adjustment. Move to be made to unassigned service only.

h) Furlough Board

Road or assigned employees may move on or off of the furlough board on a weekly basis as indicated by their seven day bid card. Employees that bid assignments at the change of card that exercise their seniority to go to the furlough board must return to their assignment when they can no longer hold the furlough board or their bid cards are revised to allow them to vacate the furlough board.

**LOCAL RULE #8 – Rules /RQ Classes**

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RTE's will be allowed to book company business up to 24 hours prior to the start of their scheduled Rules/RQ class.

Unassigned RTE's attending rules classes may place themselves after 0600 of the second day of rules classes. When turn is in the employee will be placed in turn and shown as Company Business hold turn.

If turn is out employee will be placed at the bottom of their respective pool or spareboard and placed on Company Business hold. Company Business hold will be removed at the completion of classes.

Employees must arrange rest prior to or at completion of classes booking a maximum of 24 hours if rest is required.

When employees do not place themselves as stated above they will be placed as per the collective agreement.

The Company will not be responsible for any incorrect board placements or lost wages as a result of this local rule. Employees are responsible to ensure their turn is correctly placed.

**LOCAL RULE #9 - Temporary Vacancies - Engineers**

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Unassigned and assigned locomotive engineers on days off are allowed to take temporary vacancies on assignments ahead of ESB's when no sparepersons are available on a trip for trip basis.

Engineers must show their intent on their bid cards and will be called in seniority order as vacancies warrant.

Unless CMC is notified by the employee prior to call time employees failing to accept a call will result in a missed call. Only first out man is penalized for a missed call. Subsequent employees who miss call are shown RJNA and retain turn. Short turn rule does not apply when filling these TV's.

### **LOCAL RULE #10 - Switch tenders**

If required Switch tenders will be called from the spareboard at Kamloops to tend switches at Kamloops and Cisco and any other location required when CP is detouring to or from the CN.

If a Switch tender is called to operate at Cisco, the Switch tender will be paid a 100 mile deadhead to and from the detouring/switch location at all points outside of Kamloops. Once switch tending commences yard foreman rate on an hourly basis will apply with a minimum of eight hours. The Switch tender may book rest after 11 hours as per the CA. At the employees discretion he/she may choose to work a maximum of 16 hours in accordance with the hours of service regulations before deadheading home.

Due to the requirement for the Switch tender to remain at Cisco for the entire tour of duty and considering the absence of suitable shelter, a taxi or other form of transportation will be provided and will stay with the Switch tender for the entire shift.

### **LOCAL RULE #11 - CN Yard**

When westward trains arrive at CN or eastward trains are delivered to the CN at Kamloops and the crew is required to lift or setoff their train at the CN yard or surge yard, the crew will be compensated at 12 ½ miles per hour for all time spent.

Payment will apply from the time the crew is ordered until the time they pass the CN station with their train or from the time they pass the CN station on their train until the time they arrive at the CP station to tie-up.

This payment will be in addition to the subdivision fixed rate for that tour of duty. ~~The time will be claimed as miles under a KA claim.~~

This memorandum of agreement is without precedent or prejudice to either party and can be amended, revised and/or canceled upon thirty days written notice by either party.

Local Rule #11 does not apply to CN/CP co-production trains.

## Local Rule # 12 – Holding in ESB's

When it becomes necessary to hold in qualified ESB's for potential Engineers work, CMC will advise the senior ESB available that they are being held in.

CMC may only hold an ESB for a period of eight hours at which time the affected employee will be allowed to book up to eight hours of rest.

If the ESB was removed from the Conductors list they will be placed back in their original turn if in and if turn is out they will go awaiting turn. If the employee was removed from the Spareboard when held in as an ESB's they will be placed to the bottom of the board.

ESB's will be called in seniority order when filling Engineer's TV's. Payment for ESB's who are held in and not used will be an amount equal to what they would have earned if they had remained on the board and not been held in.

This local agreement may be amended, revised or cancelled with a thirty day written notice from any of the parties signatory to this agreement.

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### Questions & Answers for local rule #12:

Q1 - If I have been held in and subsequently I am not used as an Engineer, what am I entitled to for payment?

A1 - CPR will pay you the trip you missed, if a trip was missed. In instances where you do not miss a trip you will hold your original turn (Spareboard or Pool) with the option to book up to 8 hours of rest.

Q2 - What claim code would I use to make a claim for the trip I missed?

A2 - You would make the claim for the trip you missed using claim code "OA"

Q3 - What am I entitled to if I get called to work before the employee who took my turn returns to Kamloops?

A3 - You would be entitled to the difference in earning if any exist between the trip you missed and the trip you worked.

Q4 - Are claims made under local rule #12 considered chargeable or non-chargeable miles?

A4 - All claims paid under this local rule are considered chargeable.

Q5 - What happen if I am being held in and a senior ESB becomes available, who will get called for the Engineers position?

A5 - All ESB's will be called in seniority order.

Q6 - What happen if I am being held in and a senior ESB becomes available, will CMC still keep me "held in"?

A6 - If there is no further need for an ESB or if you are no longer the senior ESB, CMC will release you.

Q7 - Have the company and the union discussed setting some guidelines as to when CMC should hold in ESB's?

A7 - The parties are in agreement that an ESB will not be held in until his/her turn becomes first out if they are the senior ESB in the terminal.

Q8 - How long can CMC hold me in?

A8 - As outlined in local rule 12 the company can hold you in for 8 hrs (plus a 2 hour call), after this time window has expired you will be placed back in your pool turn or spareboard turn if in. If pool turn is out you will be held "awaiting turn", if spareboard turn is out you will be placed at the bottom of the Spareboard.

### **Local Rule #13 – Crews called in TCS and running long (ECCP)**

As per the collective agreement, both parties have agreed to allow crews called in TCS service run long (ECCP Zone outside Kamloops Terminal Agreement) as long as the crew will be in and off duty in their 12 hours using the ECCP staging table below.

#### **Eastbound Trains staging or change-off**

Shuswap Mile 124.74 (River Road) - 1 hour trip with non tie down train or 1.5 with tie down.

Shuswap Mile 121.8 (Controlled Location McCracken – Kipp Road) – 1 hour trip with non tie down train or 1.5 with tie down.

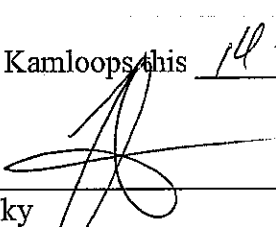
Shuswap Mile 119.99 (Pat Road) – 1 hour trip with non tie down train or 1.5 with tie down.

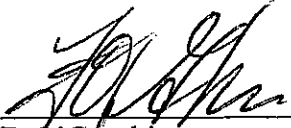
Shuswap Mile 114.1 (West Signal Controlled Location Bromley) – 1.5 hour trip with non tie down train or 2 with tie down.

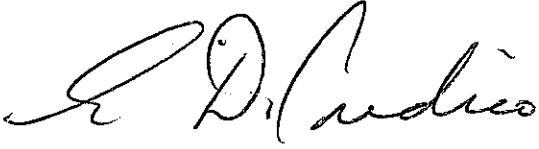
Shuswap Mile 109.6 (Controlled Location Ducks) – 2 hour trip with non tie down train or 2.5 with tie down.

Shuswap Mile 107.85 (Matt Drummond Private Road) – 2 hour trip with non tie down train or 3.5 with tie down account necessary to cut private crossing and tie down both pieces.

Signed at Kamloops this 14<sup>th</sup> day of Oct. 2009.

  
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T. Litowsky  
Manager Operations

  
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F. O'Genski  
TCRC Conductors Representative

  
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E. Di Credico  
TCRC Engineers Representative