

Jamaica Station
Jamaica, NY 11435-4380
718 558-7405

Helena E. Williams
President

Michael D. Chirillo
Vice President - Labor Relations

#238

MTA Long Island Rail Road

VIA FACSIMILE AND FIRST CLASS MAIL

April 29, 2013

Mr. Ricardo Sanchez, General Chairman
International Brotherhood of Electrical Workers
141 Waverly Avenue
Patchogue, NY 11772

RE: Rule 14 (Promotion to Supervisory Positions) and Rule 18 (Returning from Sickness, Leave of Absence, etc.)

Dear Mr. Sanchez:

This has reference to your March 14, 2013 request regarding changes to the aforementioned rules.

The Carrier proposes to amend Rule 14 and 18 as follows:

Current Language Rule 14

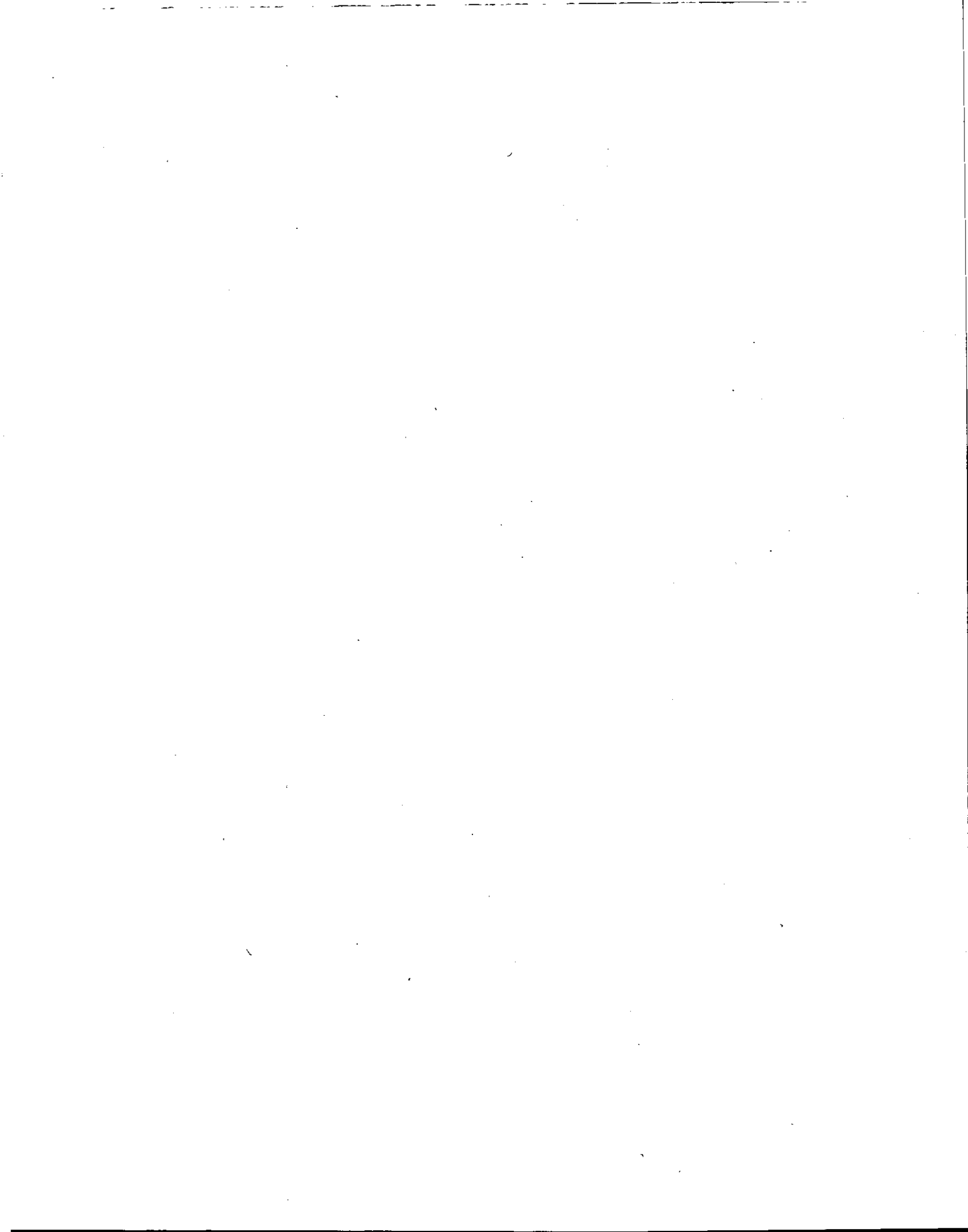
(c) Supervisory employees who return to the ranks of shop craft employees may within five (5) working days, exercise seniority over any junior employee in their craft. Other employees displaced as a result thereof may exercise seniority in accordance with the provisions of the controlling agreement.

Proposed Language Rule 14

(c) Employees promoted to official or supervisory positions who voluntarily demote themselves may not displace a junior employee and will be placed on an open position should they be qualified and one be available. Should there be no open position available, the employee shall self-furlough until such time as they may exercise seniority in accordance with the controlling agreement.

Employees promoted to official or supervisory positions that are subsequently removed from such position by the Carrier other than through discipline or disqualification may displace a junior employee in accordance with the controlling agreement. Other employees displaced as a result thereof may exercise seniority in accordance with the provisions of the controlling agreement.

Employees promoted to official or supervisory positions that are subsequently removed by the Carrier as a result of discipline or disqualification will be placed on an open position should they be qualified and one be available. Should there be no position available the employee shall be furloughed until such time as they may exercise seniority in accordance with the controlling agreement.



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Current Language Rule 18

- (a) An employee returning to duty after leave of absence, vacation, sickness, disability or suspension shall return to his former position unless it has been abolished or obtained by a senior employee through displacement or may within five (5) days select any position bulletined during his/her absence which was awarded a junior employee; other employees thus displaced shall have the same rights as employees returning to duty under this Rule.
- (b) If during the time an employee is off account of leave of absence, vacation, sickness, disability or suspension, his/her former position has been abolished or obtained by a senior employee through displacement, he/she shall exercise seniority under this Rule, and other employees thus displaced shall exercise seniority in like manner.

Proposed Language Rule 18

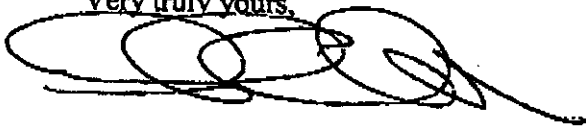
- (a) An employee returned to duty after leave of absence, vacation, sickness, jury duty, military service, suspension (except as noted in (c) below), or disability shall return to his/her former positions unless it has been abolished or obtained by a senior employee through displacement or within three (3) days select any position for which s/he is qualified bulletined during her/his absence which was awarded a junior employee; other employees thus displaced shall have the same rights as employees returning to duty under this Rule.
- (b) If, during the time an employee is off account of leave of absence, vacation, sickness, jury duty, military service, disability or suspension (except as noted in (c) below, his/her former position has been abolished or obtained by a senior employee through displacement, he/she shall exercise seniority under this Rule, and other employees thus displaced shall exercise seniority in like manner.
- (c) Positions held by employees suspended for drug/alcohol violations will be declared vacant and may be abolished or re-advertised by Carrier at Carriers sole discretion.
- (d) Should Carrier decide to re-advertise the employees position during the period they are suspended the employee returning from suspension will be considered "subject to assignment" (placed open) by the Carrier until the next advertisement of positions and not permitted to exercise seniority as described above.
- (e) Should Carrier abolish the suspended employees position without re-advertising it at least once during his/her absence, the employee will return her/his right to exercise seniority as described in (b) above.



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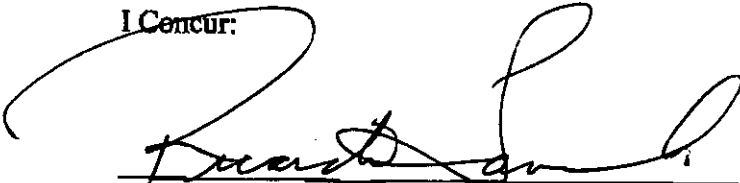
Should this proposed language be acceptable, please sign in the space below and return a signed copy to me for our records.

Very truly yours,



Michael D. Chirillo
Vice President - Labor Relations

I Concur:



Ricardo Sanchez, General Chairman - IBEW

April 29, 2013
Date

cc: D. Cleary, K. Tomlinson, R. Agritelley, M. Singh, S. Daleo, J. Collins, L. Antonietti,
R. Rodriguez, A. Micheletti, R. Nurnberger-Gray, L. Kane, K. Layne

