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UTU Conductor Certification Allowance FAQ

Effective Date

Q1. What is the effective date for the commencement of payment of the \$5.00 certification allowance?

A1. Payment of the \$5.00 certification allowance is to commence effective July 1, 2012 or the effective date of the Federal Railroad Administration (FRA) Rule implementing conductor certification, whichever occurs later.

Eligibility

Q2. When is a UTU-agreement covered employee entitled to receive a certification allowance?

A2. When such employee has a start on a position for which FRA certification is required.

Application

Q3. On what basis is the certification allowance payable?

A3. The certification allowance is payable for each start made as a certified conductor in yard and/or road service for a covered carrier. See also Q & A 2.

Q4. What is the amount of the certification allowance?

A4. The certification allowance is \$5.00 per start. There is no overmile or overtime component.

Q5. Is the certification allowance payable on any calendar day during which an eligible employee does not have a start?

A5. No. The certification allowance is not payable on any calendar day during which an eligible employee does not have a start*, irrespective of whether the employee is paid for that day. Thus, the certification allowance is not payable in the following examples (which assume in each case that the employee did not have a start during that calendar day):

- Deadheading
- Personal Leave days
- Holidays
- Bereavement Leave
- Jury Duty
- Paid days for attending court, inquests, investigations, safety/training sessions, etc.
- Guarantee payments pursuant to guaranteed extra board agreements
- Day for which penalty payments are made such as-
 - Payments made when a conductor is called and released without actually performing service, runarounds, etc.
 - Payments made under the Held Away From Home Terminal rules
 - Make whole payments

* The utilization and application of the term "start" is restricted to the matters addressed in this Addendum and is not intended to address or define that term in any other context.

Application Examples - Tours of Duty/Service Running Over Two Consecutive Calendar Days

Q6. A certified conductor's run starts at 4:00p.m. on Day One and is completed at 1:00 a.m. the next day (Day Two). What certification allowance is payable to that employee?

A6. The employee is paid one \$5.00 allowance for the start on Day One.

Q7. A certified conductor's run starts on Day One and is completed before midnight. Employee is deadheaded in

combination service back to his home terminal and the deadhead is completed on Day Two. What certification allowance is payable to that employee?

A7. The employee is paid one \$5.00 allowance for the start on Day One.

Q8. A certified conductor starts and completes his run on Day One but is held on duty past midnight for testing under FRA alcohol and drug rules. What certification allowance is payable to that employee?

A8. The employee is paid one \$5.00 allowance for the start on Day One.

Q9. A certified conductor is called for a 12:01 a.m. assignment on Day One, but reports 15 minutes early to do preparatory work. What certification allowance is payable to that employee?

A9. The employee is paid one \$5.00 allowance for the Day One start.

Q10. A certified conductor starts his run on Day One and ties up at 11:55 p.m. on that same day, but completes reports until 12:05 a.m. on Day Two. What certification allowance is payable to that employee?

A10. The employee is paid one \$5.00 allowance for the Day One start.

Multiple Starts, Same Calendar Day

Q11. A certified conductor has two starts during the same calendar day. What certification allowance is payable to that employee?

All. The employee is paid one \$5.00 allowance for each start, or a total of \$10.00.

Separate Starts During Two Successive Calendar Days

Q12. A certified conductor starts his run at 4:00p.m. on Day One and ties up at 1:00 a.m. on Day Two at the completion of that tour of duty. That employee is then called for an assignment on Day Two at 1:00 p.m. which ties up at 10:00 p.m. What certification allowance is payable to that employee?

A12. The employee is paid one \$5.00 allowance for the start on Day One, and a second \$5.00 allowance for the start on Day Two.

Multiple Days' Pay for Single Start

Q13. What certification allowance is payable to a certified conductor for a start for which he is compensated for two or more basic days under agreement rules?

A13. The employee is paid one \$5.00 allowance for that start.

Fringe Benefits, Protective Pay

Q14. Are certification allowance payments received by a certified conductor included in his compensation for purposes of computing vacation pay entitlement?

A14. Yes, when such vacation pay entitlement (for each week) is calculated on the basis of 1/52 of the previous calendar year's compensation. If the vacation pay entitlement (for each week) is paid at the rate of the last service rendered, however, certification allowance payments received would not be taken into account because such allowance payments do not constitute an element of the pay rate.

Q15. Are certification allowance payments credited toward guarantees in protective agreements or arrangements?

A15. Yes, so long as the certification allowance is included for purposes of calculating Test Period Earnings for employee's protection purposes under existing agreements or arrangements.

Q16. Are certification allowance payments included for purposes of calculating Test Period Earnings for employee protection purposes under existing protective agreements or arrangements?

A16. Yes.

Offsets

Q17. Does the certification allowance apply in addition to the Remote Control Operator special allowance established pursuant to the August 20, 2002 Remote Control Agreement?

A17. Yes.

Q18. Is the certification allowance payable in addition to payments required under existing rules for special allowances, differentials, arbitrables, and penalties?

A18. Yes.



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FAQ

What will happen if I am certified as a class 9 in Passenger Service, and move to a freight job for an extended period of time?

You will need to maintain your class 9 license, which includes emergency preparedness training under 49 CFR Part 239

Which positions require certification?

See Position Matrix for a complete list of positions

How are Hostlers treated?

Hostlers will be dual certified, and will need to maintain Conductor Certification & Engineer Certification

What will happen to my assignment if I do not have a valid FRA license?

Employees must be qualified to hold the positions that the board protects as well as be qualified to protect other assignments their seniority and training may permit them to work in an emergency. A TE&Y employee is not considered qualified to hold any TE&Y position in the event the employee's certification lapses, is suspended or revoked. Since all boards have responsibility to cover jobs which require certification, an employee who does not have a valid FRA certificate will not be allowed to hold a position on the board. If a certified employee's license lapses while they are working, the employee will be removed from the assignment and placed in PR status, and will not receive a bump.

Are TE&Y employees required to have a valid certification in all classes of service they have been trained and certified to protect?

Yes. System Special Instruction 7B was updated on November 30, 2012, directing TE&Y employees that they must maintain valid certification of multiple licenses to be eligible to work any TE&Y position.

What happens if I am decertified, my license lapses, or is suspended while at the away from home terminal?

Similar to an engineer, you will be deadheaded home, as you will not be licensed to work back

When is a UTU-Agreement covered employee entitled to receive a certification allowance?

When such employee has a start on a position for which FRA certification is required

If an employee is working from an extraboard protecting both conductor and brakeman positions, will that employee be eligible for the certification allowance regardless of the position for which called?

The certification allowance will only be paid when the employee is working on a position requiring such certification

Is an employee entitled to receive a certification allowance for a start on a position for which a current RCO certification is required?

Yes

Under terms of the agreement, is the certification allowance subject to general wage increases?

No

I thought the Rail Safety Improvement Act required on property discussions with labor unions over conductor certification, is that correct?

The Rail Safety Improvement Act requires on property discussions on the creation of a risk management program. This program includes fatigue and issues like crew scheduling but does not cover the conductor certification program. The FRA regulations state that a copy of the Railroad's submission on how it will comply with the regulation must be served to the President of the Union covering affected employees.

If I have medical restrictions and they are not listed on my license, what do I do?

Contact Health and Medical - Stephanie Mahaney 402-544-5234