

## **DEADHEADING GENERAL**

1 Q. Does article 5(b)(6) still apply for locomotive engineers?

A. No, all deadheading whether before, during or after working will be hourly based, such time will be included in the calculation of a minimum day.

2 Q. Is there any change for employees who handle radios or operating authorities while deadheading?

A. Yes, refer to section on Work Related Equipment.

## **TCS GENERAL**

3 Q. If an employee is ordered in Turnaround Combination Service and deadheads to the away-from-home terminal is he allowed to book rest upon arrival?

A. No.

4 Q. Does Turnaround Combination Service replace Turnaround Service?

A. No, it is an additional option which may be used. Turnaround Service remains unchanged.

5 Q. Can a Required Brakeperson be called in TCS if the remainder of the crew is called in straightaway service?

A. No, however, this matter is being pursued with the CCROU.

6 Q. How is the Conductor-Only length of run allowance applied in Turnaround Combination Service?

A. Length of Run applies only to working service, and specifically excludes deadheading.

7 Q. What is the definition of "special hardship"?

A. This entire matter is still under discussion between the Company and the CCROU. We are jointly in the process of returning to Justice Adams for clarification of his intentions. Any claims in this regard should be advanced to the Manager, Labour Relations.

8 Q. Can an employee be called in TCS if a need develops to replace another employee at the away from home terminal under unique circumstances?

A. This can be done in special circumstances when an employee books sick or is otherwise unavailable (for reasons other than rest) at the away-from-home terminal.

9 Q. Can a crew in TCS service stop for a meal while deadheading?

sentence will be removed.

A. No unless provided for by collective agreement.

10 Q. This question pertains to those locations where a special agreement exists that results in trainmen and locomotive engineers working the same run/subdivision out of different home terminals. Under such circumstance is it permissible to TCS a single crew member when faced with routine crewing requirements and not necessarily just under special circumstances.

A. Yes.

## **CALLING**

11 Q. Can a TCS crew be called to other than an away from home terminal?

A. No, the agreement only provides for the use of this service between the home and away from home terminal. Also, such crews must be called out of the home terminal.

12 Q. Can a crew be called in TCS out of the home terminal if the away from home terminal is less than 100 miles from the home terminal.

A. Yes, TCS can be used between home and away from home terminals regardless of distance.

13 Q. Does TCS have any effect on our ability to call crews from the home or away from home terminal in regular turnaround service.

A. No, crews can be called in regular turnaround service using a combination of working and deadheading. Regular rest rules apply and the only marked adjustment is the fact that deadheading is hourly based rather than miles.

## **CHANGING CALL**

14 Q. A crew is ordered in TCS with working service preceding deadheading. The crew is delayed en route and as a consequence a straightaway crew comes available at the away-from-home terminal prior to the arrival of the TCS crew. Which crew deadheads home?

A. In such circumstance the TCS crew must be placed into to unassigned freight pool at the away-from-home terminal. The straightaway crew standing available in the pool may or may not be deadheaded home depending on manpower requirements at the away-from-home terminal.

Stop en route	Actual time worked	Premium Payment
1st	30 minutes	1 hour
2nd	90 minutes	90 minutes
3rd	45 minutes	1 hour

This roadswitcher crew actually spent (30" + 90" + 45") 2 hours and 45 minutes performing work for which they received conductor-only payments. Accordingly, the elapsed time from the start of that tour of duty, after which overtime will accrue is (8' + 2"45") or 10 hours and 45 minutes. Inasmuch as time involved performing work subsequent to the third stop is not compensated under the conductor-only agreement, that time cannot be used to extend the overtime trigger.

19. Q. A conductor-only crew in TCS is required to perform work that results in conductor-only en route payment at the TCS point. Are all miles earned chargeable towards the employees personal miles?

A. No.

20. Q. A crew in TCS is paid on the time basis for working service at the TCS point account no conductor-only work is performed. Are the miles so earned chargeable towards the employees personal miles?

A. Yes

## **PROTECTING TRAINS AT THE AWAY TERMINAL**

21 Q. A straightaway crew is called enroute and asked to protect, what's their status if the locomotive engineer indicates a willingness and the conductor is noncommittal?

A. The entire crew must make a commitment to protect. Anything less will be considered as a negative response and the running around of said crew by a TCS crew will not result in any form of penalty payment.

22 Q. If a crew is told that their train will arrive at 0100 how does the 2 hour window apply?

A. The train must arrive by 0300.

23 Q. What time will be applied to determine if a TCS crew stands first out at the away from home terminal.

A. If it's a TCS crew that is working to the away from home terminal their status will be determined when deadheading commences (i.e. when they are set to enter the mode of transportation for the return trip home). A crew that's deadheading to the away from home terminal will have their turn based on the arrival time at said location.

24 Q. A crew is deadheaded to the away from home terminal in TCS with the intent of handling a train home immediately upon arrival. A straightaway crew arrives at the away from home terminal subsequent to the TCS crew but prior to the TCS crews departure, and in doing so is in advance of the arrival of the train that the TCS crew is meant to protect. Can the straightaway crew remain available for duty, take the train in question and force the TCS crew to the bottom of the away from home pool or does the TCS crew remain with train they are intended to protect?

A. No, the TCS crew would be 1st out in this instance.

25 Q. A conductor only crew is contacted enroute and asked if they will protect a train at the away from home terminal. The conductor indicates a desire to book rest and the locomotive engineer indicates that he will remain available. Not having a commitment from both employees to protect we consider the crew not available and order a TCS crew. On arrival at the away from home terminal the locomotive engineer stays okay and the conductor books rest. The TCS crew takes the train in question, is the locomotive engineer entitled to any form of penalty payment for being runaround when available for duty?

A. No, under such circumstance the locomotive engineer and conductor must commit to being available as a crew. We will not entertain a runaround claim if either party elects to take rest and by doing so prevents their crew from being called.

26 Q. Two straightaway crews are enroute to the away-from-home terminal by train. The RTC or designated supervisor calls both crews to determine if they will protect a train out of the away from home terminal. The Conductor on the first crew will remain available while the Locomotive Engineer will not. The second crew advises that the Locomotive Engineer will remain okay and the Conductor intends to book rest. Under such circumstance can employees be realigned at the away from home terminal to form an available crew and avoid deadheading?

A. Yes, this is the proper method of handling crews first-in first out and has not been changed by the implementation of TCS.

27 Q. A RTC or other designated supervisor calls a straightaway crew after reporting for duty to determine if they will protect a return movement at the away-from-home terminal. Information provided to the crew includes their estimated time of arrival at the away-from-home terminal, the anticipated type of train, any expected work enroute and the time the train they are expected to connect with is projected to operate from the away from home terminal. What is the nature of the information that has to be provided to the crew with respect to the anticipated type of train?

A. Crews subject to a request to protect at the away-from-home terminal must be firmly advised if they will be required to cover an unassigned work train rather than a freight train. If standing for a freight train they should be advised of the type of train that's

anticipated with respect to bulk, fast freight or a train that normally performs work. There is no requirement to provide an actual train number, however, the crew will be informed of expected work enroute on the return trip.

Crews should be advised accordingly if traffic is such that they may stand for one of two or more different train types at the away from home terminal.

28 Q. While being asked to protect a train from the away-from-home terminal a straightaway crew is advised of their projected Estimated Time of Arrival (ETA) at the away-from-home terminal. Is the ETA the time at the OMTS or the time off duty?

A. As ETA's are generally given by an RTC who does not control terminal operations, information provided will be with respect to arrival at the OMTS. Advice will be provided if reason exists for other than a normal crew change or yarding of the train.

29 Q. A crew en route to the away-from-home terminal is asked if they will protect a train at 0400. The train drops back to a 0630 arrival time.

1) When is the train crew to be advised that their ordering time will be delayed?

a) The crew will be advised when it becomes apparent that the train intended to be connected with drops back beyond the two hour window. Notwithstanding this requirement, if considered appropriate by management, a crew can be placed on duty in advance of their trains arrival in order to remain within the two hour window.

2) Inasmuch as the train has dropped back beyond the two hour window is the crew now permitted to book rest?

a) It was agreed that if the train drops back more than 2 hours, the en route crew that had committed to protect, if not already on duty, will be permitted to book rest, rest by any employee will freeze the entire crew with respect to penalty payments that may apply because of being runaround by a TCS crew.

3) If the crew is permitted to book rest, from what point is rest booked, their off duty time or the time they are advised that the train has dropped back?

a) Their off duty time.

4) At what time does the held away clock begin to run, the off duty time or the time the crew elects to take rest?

a) The off duty time.

30. Q. A crew consisting of a conductor, a brakeman and a locomotive engineer are en route to the away-from-home terminal. The RTC asks if they will protect a train to be operated conductor-only? The locomotive engineer and brakeman indicate that they will

protect while the conductor states that he requires rest. May the RTC elect to promote the brakeman at the away-from-home terminal and operate the train with the brakeman and locomotive engineer?

A. Yes, this ability was available prior to the implementation of TCS and it remains in effect today.

31. Q. A train is operated to the away-from-home terminal in conductor only territory. An unrequired brakeperson is on board because of a need to protect a required position on the return trip. The crew is contacted by the RTC or designated supervisor while en route to determine if they will protect the train in question. The locomotive engineer and conductor agree to remain available but the brakeperson advises that he/she will be taking rest. Does the brakeperson's failure to commit availability at the away-from-home terminal effect the entire crew and by doing so eliminate any form of penalty payment for the remaining crew members should they be runaround by a TCS crew?

A. Yes, the entire crew must make a commitment to protect in this instance because the return trip requires a brakeperson.

Note that this example involved an unrequired brakeperson who was to be "required" for the trip home. Being unrequired in both directions would not impact the status of the conductor and locomotive engineer as the brakeperson could be left behind while on rest at the away-from-home terminal.

32. Q. A crew works into the away-from-home terminal by train. They were NOT CALLED en route to protect a return movement and on arrival at the away-from-home terminal the conductor elects to book rest while the locomotive engineer decides to remain available. Sometime later and while the conductor is still on rest, a TCS crew arrives at the away-from-terminal by train with the intent of returning home deadhead to complete the TCS tour of duty. Can the locomotive engineer on the TCS crew be deadheaded home or is he/she placed into the away-from-home freight pool because of the straightaway locomotive engineer being available for duty.

A. As the straightaway crew was not called en route and requested to protect a return movement, the conductor's booking rest has no impact on the availability of the locomotive engineer. Hence the locomotive engineer on the TCS crew should be placed into the straightaway freight pool to avoid an intentional runaround. The straightaway locomotive engineer standing okay at the away-from-home terminal may or may not be deadheaded home depending on manpower requirements at said location. If called to deadhead along with the TCS conductor, the locomotive engineer will be paid a straightaway deadhead.

33. Q. A crew is en route to an away-from-home terminal when the RTC asks them to protect a train. When asked if they will protect at the away-from-home terminal both members of the crew indicate that they will require rest. Must the crew advise the amount

of rest that they will require so as to facilitate operational planning (hold train until that crew becomes available as opposed to immediately ordering a TCS crew)?

A. No.

34. Q. A crew en route to an away-from-home terminal is asked if they will protect a fast freight. The circumstance is such that a bulk train running ahead of the fast freight is projected to be covered by a straightaway crew that will be coming off rest at the away-from-home terminal. Everything develops as intended but the fast freight scoops the bulk train prior to arriving at the away-from-home terminal. Who takes the first train out (fast freight), the crew that was asked en route to protect or the crew that came off rest at the away-from-home terminal?

A. The straightaway crew standing first out at the away-from-home terminal would take the first train (fast freight). While we must make our best effort to provide accurate information on the train to be protected, there is no commitment to designate a specific train unless it is a unassigned work train. What we should ensure to avoid is using a crew on a train that's scheduled to do a substantial amount of switching when they have been asked to protect a train that normally would not be required to perform work en route. Neither bulk trains or fast freights normally perform enough switching to impact this situation.

35. Q. A straightaway crew is worked to the away-from-home terminal and upon arrival is provided with a call to work a train back to the home terminal. A crew ordered in TCS from the home terminal behind the straightaway crew works a train into the away-from-home terminal and arrives at said location after the straightaway crew has been called but prior to their coming on duty. Can the TCS crew commence the deadhead portion of their tour of duty without effecting or being effected by the straightaway crew that has been called for service?

A. Yes. However if the straightaway crew was not called for duty prior to the TCS crews arrival at the away-from-home terminal, the TCS crew would be placed into the pool. Depending on manpower requirements, the straightaway crew may or may not be required to deadhead.

36. Q. A straightaway crew happens to arrive and go off duty at the away-from-home terminal just in advance of a TCS crews arrival at the same location. The straightaway crew has not been requested to protect and they elect not to book rest. Can the straightaway crew take less than a standard call for the first train out of the away-from-home terminal (no other straightaway crews available) or must they be available to accept a standard call?

A. Yes.

End

## SWITCHING EN ROUTE

15 Q. If an employee is ordered in Turnaround Combination Service and deadheads to the away-from-home terminal is he allowed to switch at that location?

A. Yes, as the away-from-home terminal is considered a stop enroute location. If no switching is performed the crew will be paid for all time occupied. If switching is performed, the crew will be paid for all time occupied, with a one hour minimum payment under the conductor only agreement. There will be no duplicate payment.

16 Q. A crew called to work to the away from home terminal and deadhead home in TCS service is required to perform switching upon arrival at the away from home terminal. Switching restrictions are in accordance with the conductor only agreement under stops enroute and payment will be for all time occupied with a minimum of one hour. Additional restrictions apply for locomotive engineers under articles 3(d)(1) and 3(c)(3) at Toronto, Montreal, Thunder Bay, Winnipeg and Calgary. How will the crew be paid if they complete the work and upon commencing the deadhead portion of their tour of duty determine that they are not first out and that they must take a position in the away from home freight pool.

A. Such crews will be paid as though they were called in straightaway service with time at the turnaround point considered as final time. This interpretation will not be used as a sharp practice to have straightaway conductor only crews perform more work than required at final terminals.

## PAYMENT

17 Q. Can a Roadswitcher be operated by a conductor-only crew?

A. Yes, however, no relief was provided in the new agreement with respect to work at the initial and final terminals. Accordingly it is not possible to operate a conductor-only roadswitcher entirely within the home/initial terminal.

18. Q. The conductor-only premium payment rule both for terminal and en route locations provides that when a conductor-only payment is provided, the time actually spent in the performance of the work is to be deducted in computing overtime. Does this mean that the point in time at which overtime commences will be impacted by conductor-only premium payments earned en route by roadswitcher crews.

A. Yes, a roadswitcher crew normally commences overtime after the 8th hour on duty. However, if such a conductor-only roadswitcher performs work en route and in doing so collects a conductor-only premium payment, the amount of actual time worked while generating the premium payment must be added to the normal eight hour shift to determine the point at which overtime will commence. Example: