



## **TEAMSTER CANADA** **RAIL CONFERENCE**

### **DIVISION 320**

#### **2010 TCS Resolves and Run Arounds at the Away From Home Terminal**

Brothers and Sisters,

Recently, the company has begun running around crews at the Away From Home Terminal using TCS crews. This happens in most cases when the company deems that a crew at the AFHT has not reset their hours of service clock. There are no provisions within the RAC Work Rest Rules, nor in the Collective Agreement requiring a crew to reset their clock in order to be called for work at the AFHT.

There are provisions, however, providing for payment of Run Around claims and for payment of a penalty to the TCS crews involved in the Run Around.

Attached to this notice is a copy of the TCS resolve letter, signed by then General Chairmen Dave Olson and Dave Able, and VP Canadian Operations Guido Deciccio and Assistant Vice President, Transportation Scott MacDonald. Also attached is the bulletin issued in 2010 to CP Employees outlining the requirements for payment of the Run Arounds and the penalties.

As instructed in the bulletin, if you are called for a TCS, and arrive at the Away From Home Terminal after a Straight Away Crew is off duty, or off rest, and the Straight Away crew has not been asked to protect, and have not declined the opportunity to protect, please submit an R2 claim topping up your taxi time to 100 miles. Include the names of the crew being runaround.

If you are the Straight Away crew, and you have not been asked to protect, and you have not declined the opportunity to protect: If you come off rest, or tie up and book no rest, prior to the TCS crew arriving at the AFHT, please submit a RA claim for 50 miles, indicate who was on the TCS crew, the time they arrived at the AFHT, if known, and indicate that you are submitting the run around as per the TCS resolve letter and Bulletin NMC 022-10.

What is important is the time the TCS crew arrives at the AFHT. If the TCS crew arrives at the AFHT terminal before the Straight Away crew is off duty or off rest, then payment does not apply.

If you have any questions, please contact your Local Chairs.



**CANADIAN  
PACIFIC  
RAILWAY**

ALL SENORITY DISTRICTS

DATE POSTED: \_\_\_\_\_

DATE: \_\_\_\_\_

INFORMATION BULLETIN NO. NMC 022-10

CONDUCTORS' & TRAINMEN'S  
BULLETIN BOOKS:

YARD FOREMEN'S & YARDMEN'S  
BULLETIN BOOKS:

LOCOMOTIVE ENGINEER  
BULLETIN BOOKS:

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**RE: TCS - Run Around - AFHT - Letter of Agreement dated June 11, 2010**

Please be advised that the Company and the Union have reached an agreement concerning the issue of employees being runaround at the away from terminal (AFHT) by a crew in Turnaround Combination Service (TCS), Thunder Bay and West, when the following occurs:

The straightaway crew is available to accept the applicable standard call at the AFHT for the time required to be on duty to protect the operating requirements.

This will not apply when the straightaway crew is already called for duty, is on rest or MTOD, or declined the opportunity to protect the operating requirements.

Example 1: An employee who was not asked to protect has come off rest at 0400 for 0600 but has not been called. An inbound TCS crew arrived at the AFHT at or after 0600 and is placed into working service ahead of the straightaway employee who was available for duty at 0600.

Example 2: An employee, who was not asked to protect, or has not declined to protect, arrives at the AFHT and is off duty at 0100, booking no rest. An inbound TCS crew arrives at the AFHT after 0100 and is placed into working service ahead of the straightaway employee who was available.

In the above situation the straightaway crew that is run around by the TCS crew will be paid a 50 mile runaround claim.

The TCS crew that ran around the straightaway crew will be entitled to claim the equivalent of 2 tours of duty equal to a straightaway trip to the AFHT and a straightaway trip home.

The TCS employees who experience the above will be required to submit a stand alone miscellaneous claim to top up their claim using claim code **'R2'**. This claim will be chargeable, applicable to General Holiday claims and copy claims.

Referring to example 1: Should the TCS crew arrive at the AFHT prior to 0600 and commence working service ahead of the first out available crew or employee that was available for 0600, then a runaround payment would be paid to the first out available crew member as per the March 21, 2003 letter RE: Runaround at Away from home terminal. The TCS crew would not be entitled to any additional payment in this circumstance.

Kent S. Cook  
Senior Auditor – CMC  
Network Management Centre



# CANADIAN PACIFIC

June 11<sup>th</sup>, 2010

Mr. Dave Able  
General Chairperson  
TCRC - Locomotive Engineers West 101-  
10820 24 Street S.E.  
Calgary, AB  
T2Z 4C9

Mr. Dave Olson  
General Chairperson TCRC -  
Trainmen West 101-10820  
24 Street S.E. Calgary, AB  
T2Z 4C9

Dear Sirs:

This refers to our closed period commitment as noted in Appendix 38 of the Memorandum of Settlement December 5, 2007, and ongoing discussions concerning the issue of employees being runaround at the away from home terminal (AFHT) by a crew in Turnaround Combination Service (TCS), Thunder Bay and West.

This letter specifically addresses the matter of an employee having worked to the AFHT in straightway service, and able to accept a call for the time required to be on duty for the order time of the train, who did not decline the opportunity to protect the operating requirements as per CTY Article 24.09 and LE Article 5.02 (9).

Further, this letter confirms that the Company and Union do not condone the improper calling of crews and every effort must be made to conform to the strict application of the collective agreement. In rare instances when the Company runs around available employees with TCS crews this letter outlines remedial payments that will be made to the affected employees.

Example 1: An employee who was not asked to protect has come off rest at 0400 for 0600 but has not been called. An inbound TCS crew arrives at the AFHT at or after 0600 and is improperly placed into working service ahead of the straight away employee who was available for duty at 0600.

In this circumstance it is agreed that should the TCS crew arrive at the AFHT after 0600 and be placed in working service ahead of the first out crew or employee that was available for duty at 0600, then a runaround payment would be paid to the first out available crew members. Additionally, in this circumstance only, the TCS crew would be entitled to a straightaway deadhead payment to the AFHT.

Example 2: An employee, who was not asked to protect, arrives at the AFHT and is off duty at 0100, booking no rest. An inbound TCS crew arrives at the AFHT after 0100 and is improperly placed into working service ahead of the straightaway employee who was available.

In this circumstance it is agreed that should the TCS crew arrive at the AFHT after 0100 and be placed in working service ahead of the first out crew or employee that was available, then a

TCS – AFHT

runaround payment would be paid to the first out available crew members. Additionally, in this circumstance only, the TCS crew would be entitled to a straightaway deadhead payment to the AFHT.

Example 3: An employee who was not asked to protect has come off rest at 0400 for 0600 but has not been called. An inbound TCS crew arrives at the AFHT between 0400 and 0559 and is placed into working service ahead of the straight away employee who was available for duty at 0600.

In this circumstance it is agreed that should the TCS crew arrive at the AFHT prior to 0600 and in working service ahead of the first out crew or employee that was available for duty at 0600, then a runaround payment would be paid to the first out available crew members as per the March 21, 2003 letter RE: Runaround at Away from home terminal.

If this accurately reflects our understanding, please indicate by signing below.

Sincerely,



Guido Deciccio  
VP Canadian Operations  
I CONCUR:



Scott MacDonald  
Assistant Vice President, Transportation



D. Able  
General Chairperson LE West



D. Olson  
General Chairperson Trainpersons West