

# TCRC – Contract Proposals – 2023

## 1. Term: To be determined

## 2. Wages:

- a. General wage increases as determined in the overall settlement applied to all rates of pay including, but not limited to, hourly, daily, weekly, mileage, fixed mileage, flat rates, shift differential, unit rates, mileage allowance, salaried employees, premiums, training/trainer rates and material change provisions increased each year within the term of the agreement.

## 3. Quality of Life/Fatigue Management

- a. EDO provision
  - I. Expand, increase the EDO windows and define the process for using EDOs outside your windows including utilizing in conjunction with AV.
- b. Personal Leave days
  - I. Incorporate into the CBA, 10 personal leave days paid with payment based on the average of the employee's daily earnings, exclusive of overtime hours, for the 20 days the employee has worked immediately preceding the first day of the period of paid leave.
- c. Bereavement Leave
  - I. Amend the language of Bereavement leave to ensure it meets the minimum payment in the CLC.
- d. Medical Leave / Hold
  - I. Incorporate into the CBA, 10 medical leave days payment based on the average of the employee's daily earnings, exclusive of overtime hours, for the 20 days the employee has worked immediately preceding the first day of the period of paid leave.
  - II. Clarify that medical leave /hold turn will not reset the qualification for an EDO.
- e. Heldaway (HA)
  - I. Modify HA articles to provide for escalating payments, auto deadhead, payment to begin earlier and end when the crew reaches OMTS.
  - II. Accrued time toward the calculation of HA to continue after completion of being called in turn service.
  - III. Eliminate the 8 hour provision with respect to a derailment or road closure.
- f. Fatigue Management Plan
  - I. Explore counter fatigue measures, including opportunity naps, in the cab of the locomotive.
  - II. Scheduling work in unassigned service through assigning trains, windows and inactive/active days.
  - III. 48-hour rest provision.
    - i. Remove the restriction to 48 hours prior to EDO.
    - ii. Amend the provision to allow 48 hours to be taken at lower thresholds and when obtaining miles.

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- iii. Clarify employees who have their monthly mileage reset at an AFHT or during their tour of duty to the home terminal will have the ability to book 48 hours rest upon tie-up at the home terminal.
  - iv. Employees who book 48 hours will be handled in the same manner as employees who book 24 hours.
- g. Bunkhouse
- I. Modernization, within the term of the contract, of all rest facilities including, but not limited to, Wi-Fi, sound proofing, wireless / headphone capability and fridges in room.
- h. Calling procedures
- I. Address the issues with employees being held for Locomotive Engineer work including, time being held, handling of their turn, rest and the payment of OA claims.
  - II. Employees cancelled at the AFHT prior to commencing work will be entitled to book rest.
  - III. Removal of all cross-pooling rules including but not limited, Smiths Falls – Belleville.
  - IV. Remove the 5 hour window in assigned Road Service.
- i. Cab Conditions
- I. Establish microwaves, air conditioning, air ride seats and cleaning protocols as a standard on all locomotives.

### **4. Retirement Benefits**

- a. Increase post-retirement health spending account benefits.

### **5. Benefits**

- a. Improve the existing level of WIB, Dental, Life Insurance, and Extended Health and Vision Care Benefits coverage.
- b. Renew the letter re: calculation and determination of employees' base rate.
- c. Create a Health Spending Account for current employees.

### **6. Annual Vacation (AV)**

- a. Decrease qualification periods for all weeks of AV.
- b. Increase the flat line numbers for primetime vacation period.

### **7. Payments / Rules**

- a. Employees called in straightaway service will be paid a minimum of the fixed mileage method of pay in all circumstances including deadheading.
- b. Guarantee
  - I. Road Switcher guarantee amended to a true bi-weekly guarantee increased to 3000 miles, exclusive of all other earnings.
  - II. Establish Locomotive Engineer Spareboard guarantee of 3800 miles.
  - III. Automatic generated guarantees.

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- IV. Clarify and standardize the penalty provisions of the Trainperson's Spareboard guarantee.
- c. Provide C-Only premium payments to all crews when performing any work at any stop.
- d. Automobile allowance increased and maintained at the applicable CRA rate.
- e. Employees called for other than their own assignment, including but limited to, yard from the road or pool to assignment, will be paid the greater of their tour of duty and the earnings of their regular turn.
- f. Train Length increases, including GWI on a go forward basis.
- g. Length of run allowance increases, including GWI on a go forward basis.
- h. Work clothing allowances.
- i. PU claim paid in addition to all other claims with a minimum of one hour.
- j. Assigned Road Switchers paid yard rates including overtime and shift differential.
- k. Establish a work train fixed rate.
- l. Called and cancelled payments Article 81.03 to apply to LEs

### 8. Work Rules

- a. Clarify the application of the no scoop rule to include returning to the home terminal.
- b. Provide option for employees to charge all non-chargeable mileage claims to their monthly mileage on a monthly basis.
- c. Deadheading to be on other than freight service unless impassable road conditions. If roads are impassable, no more than one crew per engine.
- d. Create a formula to establish assignments at a given terminal based upon the number of extra assignments including extra yards, turns and ad hoc road switchers.
- e. The use of auxiliary boards be limited to when no employees are laid off at that location.
- f. Amend the language of Article 21.01 to remove any reference to delay.

### 9. Yards

- a. Increase in the time allotted for Yard / Road Switcher lunch.
- b. Increase the amount of rest available for spare yardmen.

### 10. Return to Work

- a. Confirm the commitment and obligation for the Company to involve the Local Return to Work Committee (LRTWC) in all accommodations.
- b. Establish a standardized payment for modified duties.

### 11. Training

- a. Amend the CBA to increase the training rates and to provide the C2 allowance to both CTY members of a crew for each trainee.
- b. Address the issues with Coaching Clinics.
- c. C2 earning allowance to not be included in any earnings used in a guarantee.
- d. Standardize and enhance the respective training programs including a minimum number of trips.

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### **12. Over Hours – Without prejudice to the Federal Court contempt hearings involving the cease-and-desist order- Ad Hoc 657**

- a. Address the Collective Agreement language with respect to booking rest, completion of tour of duty, associated payments and compliance language.
- b. NR payment amended to a mileage basis, increased and to apply at 10 hours on duty for all classes of service including yards.
- c. Escalating payments on a trip, daily, weekly and monthly basis for over hours violations.
- d. Clarify and amend the language regarding on duty times to include the time waiting for a room at a rest house.
- e. Amend the CBA to include a provision waiving the work now grieve later principle for when an employee gives notice to book rest in any class of service, where the employee is fatigued on the job and seeks to be relieved.

### **13. Investigations and Discipline**

- a. Reinstate the Brown System of Discipline.
- b. Language on proficiency tests, remove discipline as part of the process, remove test results after one year.
- c. Union representatives paid lost wages to attend investigations.

### **14. Article 41**

- a. Revise and amend Article 41 to consider the thousands of outstanding grievances and the Code requirements including timely resolution of disputes.
- b. FMCS officer(s) recommendations will be implemented.

### **15. Miscellaneous**

- a. CMA
  - I. Employees to have the ability to go on CP station to update their status and request bridging etc.
  - II. Change CMA to allow for the entry of delays prior to entering your off-duty time consistent with the DRPR.
  - III. CMA to reflect PL/ML days available.
  - IV. Provide CMA enhancements to auto generate off assignment claims and mileage entry.
- b. Address the issues with Union dues and LTD deductions.

### **16. Letters of Understandings**

- a. Renew the following letters
  - I. Appendix 1 – Improvements to the Benefit Plan
  - II. Appendix 6 – CMA Records
  - III. Appendix 7 – Electronic System for Tracking Lineups
  - IV. Appendix 10 – Article 87, 88 Road and 93 Yard Illustrative Flowcharts
  - V. Appendix 12 – Weekly Indemnity Benefits – Base Rate
  - VI. Appendix 17 – Standardized Calling Rules.