

# LETTER OF UNDERSTANDING

between

EVANSVILLE WESTERN RAILWAY, INC

and its Conductors and Engineers represented by the

INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND  
TRANSPORTATION WORKERS

TRANSPORTATION DIVISION (SMART – TD)

Whereas, Evansville Western Railway (EVWR) has entered into a service contract to provide certain facility switching services for the Central Florida Intermodal Logistics Center (ILC), located in Winter Haven, Florida.

Whereas, EVWR has hired Conductor and Engineers to perform the contracted services who shall be governed by the provisions of the existing EVWR/SMART – TD Collective Bargaining Agreement (CBA), as modified pursuant to the Railway Labor Act, as amended.

Whereas, the parties desire to establish a single seniority roster with designation of two (2) zones, the Midwest Zone 1, which shall primarily encompass operations in the Indiana and Illinois areas, and the ILC Zone 2, which shall primarily encompass ILC operations and facility in the Winter Haven, Florida area.

## IT IS AGREED:

1. All service at the ILC Winter Haven, FL facility shall be for the purposes of Rules 7 and 43, Road Switcher service.
2. Rule 18 shall be modified as follows:
  - (a) An employee's seniority shall be established on the date he/she commences his/her first tour of duty. There shall be one seniority roster known as the EVWR roster with two (2) zone designations. Zone 1 shall be the Midwest Zone for operations primarily in the Indiana and Illinois areas. Employees working on the Midwest Zone 1 shall be placed on EVWR roster with a Zone 1 designation.

Zone 2 shall be the ILC Zone for the operations and facility primarily in the Winter Haven, Florida area. Employees working on the ILC Zone 2 shall be placed on EVWR roster with a Zone 2 designation.

- (c) The EVWR seniority roster shall be published and posted by the Company by the end of every January. The roster shall indicate the employees' seniority date, promotion date, Remote Control qualification, and Zone designation (Zone 1 or 2). The employees' Zone designation will be the Zone they were protecting on the last day of December of the previous year. Copies of the roster over the signature of the Designated Carrier Officer shall be posted on bulletin boards at all designated terminals no later than January 31 each year. The SMART – TD Local and General Chairman shall be provided copies of the EVWR seniority roster no later than January 31 each year.
- (g) The entire EVWR System shall constitute a single seniority district which the employees may exercise their seniority to positions in either Zone.

If there is a need for additional employee(s) in another Zone, employees shall be notified by bulletin issued over the Designated Carrier Officer, which shall be posted at all designated terminals for a period of ten (10) days of the need for additional employee(s). Employee(s) making successful application or bid to work in another Zone shall be selected in seniority order and have up to ten (10) days to report and exercise his/her seniority to a position in that Zone, unless otherwise mutually agreed to by EVWR and SMART-TD. **Employees shall not be forced assigned to work in another Zone.** If an employee who has made successful application, bid or exercises seniority pursuant to Rule 19, is selected to work in another Zone, he/she must remain in that Zone for a period of not less than three hundred sixty-five (365) days, seniority permitting. The three hundred sixty-five (365) days period shall commence on the date the employee first performs service in the Zone. Provided, however, if an employee arrives at the Zone and lacks sufficient seniority to hold any position in the Zone, he/she must remain furloughed in that Zone for a minimum of thirty (30) days before he/she may return to his/her previous Zone, seniority permitting, and if it still applies, the three hundred sixty-five (365) days period shall be considered satisfied.

3. Rule 19 is modified as follows:

- (a) An employee shall be permitted to exercise seniority from one assignment to another, including extra boards under the following conditions and subject to the conditions of Rule 18 (g) herein:
  - (1) When a permanent vacancy exists
  - (2) When a temporary vacancy exists
  - (3) When displaced by a senior employee
  - (4) When a position is abolished
  - (5) Every thirty (30) days
- (b) An employee shall be permitted to exercise seniority from one extra board to another extra board within his/her Zone, provided he/she notifies the Designated

Carrier Officer in writing five (5) days in advance of the day he/she desires the change.

4. Rule 24 is modified as follows:

The Carrier shall maintain extra boards at the following locations:

Midwest Zone 1:

Mt. Vernon, Indiana  
Evansville, Indiana  
McLeansboro, Illinois

ILC Zone 2:

Winter Haven, Florida

5. Rule 25 is modified as follows:

(a) Except as provided in Paragraph (b), hereof when the workforce is reduced employees shall be furloughed in reverse seniority order within the respective Zone.

6. The terms of this Letter of Understanding shall remain in effect so long as the EVWR retains the service contract with ILC for the operation in the Winter Haven, Florida area. Should the service contract between EVWR and ILC or its successor be terminated or cease to exist, all Rule modifications of this Letter of Understanding will become null and void on the date that EVWR's contractual right to perform service at the ILC facility ceases. If that occurs, the prior terms and conditions of the EVWR/SMART CBA shall prevail.

This Letter of Understanding is signed this 16 day of July, 2016, at Evansville, Indiana to be effective on the 16 day of July, 2016.

For SMART – Transportation Division:

For Evansville Western Railway:

Adren Crawford  
Adren Crawford  
General Chairperson  
SMART – TD

John Babler  
John Babler  
International Representative

Tim Wyatt  
Tim Wyatt  
General Superintendent  
Transportation and Labor - EVWR