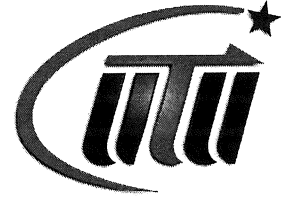


***united transportation union***  
*Burlington Northern & Santa Fe Railway General Committee of Adjustment GO-245*



K.E. Trauernicht, 1st Vice Chairman  
 J.A. Scott, 2nd Vice Chairman  
 B.M. Drummond, 3rd Vice Chairman

8250 West 80th Avenue  
 The Meadows Centre, Units 7&8  
 Arvada, Colorado 80005  
 Phone: (303) 420-1848  
 November 8, 2008

S.M. Waller, 4th Vice Chairman  
 S.M. Waller, Secretary

**To: Local Chairmen, GO-245**

**Re: Furlough Obligations/Options**

As many of you are already aware, the Carrier is planning on abolishing all existing Workforce Retention (WR) Boards effective December 15, 2008. This, along with the continued decline in business, will result in many of our brothers and sisters being furloughed. I have sent a letter to BNSF VP Transportation, Gregory Fox, requesting the continuation of the WR Boards and, in lieu of this option, suggesting that unpaid leave be offered senior employees in an effort to create work opportunities for junior employees.

However, due to our weakened economic state, it is inevitable that many of our members will be furloughed even if some of the WR Boards are continued. We should therefore make every effort to educate the junior employees with respect to their obligations and/or options when they can no longer hold a position in active service. Following is an excerpt from an analogous letter this office issued on January 11, 2007. This synopsis of our existing furlough agreements remains applicable today and all employees faced with displacement should be aware of them.

“As all of you are aware, manpower needs have diminished throughout BNSF and many of our members have been, or will be, furloughed. This has precipitated numerous inquiries from both the Local Chairmen and our members regarding an employee’s obligations/options when they can no longer hold a position in active service.

In an effort to facilitate with providing answers to these questions, I am attaching a copy of our April 1, 1999 letter of understanding outlining these obligations/options. While the attached letter is fairly self-explanatory, I will also provide a brief summary herein.

Essentially, once an employee can no longer hold a position in active service on his/her subdistrict, they are considered furloughed and **must complete at least one of the following options or their seniority will be forfeited**. For purposes of clarification, a subdistrict is based upon the normal source of supply for protecting service on a portion of a seniority district. In other words, the immediate terminal and all assignments protected from the respective extra board(s).

Option 1: Displace a junior employee outside of the subdistrict within 48 hours of notification of displacement.

Option 2: Notify the crew caller within 48 hours of notification of displacement of your intent to exercise seniority outside the subdistrict, at which time you will have a total of 30 days (from time of displacement notification) to exercise your seniority at another location.

Option 3: Accept furlough status at your location and file the requisite recall notice within 48 hours of notification of displacement.

**Once again, failure to execute any of these three options within 48 hours of notification of displacement (when no longer able to hold a position in active service on your subdistrict), will constitute a forfeiture of your seniority.** Too often, this office has had to inform one of our “former” members that they did not fulfill their obligation under the agreement and are no longer an employee of BNSF.

Another prevalent mistake is employees believing that once they are furloughed at their location, they have the ability to mark back up at that location if a vacancy becomes available within 48 hours. This is not so. Section 3 of the attached letter is specific in that once an employee is furloughed at their location, they may only return to active service at that location when recalled. The only exception is if the employee would have exercised their seniority outside the subdistrict and there was a subsequent vacancy. However, the latter exercise of seniority is only possible if there are no senior employees in furlough status at the home location.

I would also like to point out that an employee may exercise their seniority outside the subdistrict in which furloughed AND simultaneously submit a recall notice to your home subdistrict. This ensures that no junior employee will be allowed to work or mark up in that district prior to you receiving a recall.”

Please share this information with our members and do not hesitate to contact this office if there are any questions regarding the application of these rules/understandings.

Fraternally,



R.S. Knutson  
General Chairman

attachment

**BNSF**



MILTON H. SIEGELE, JR.  
*Assistant Vice President  
Labor Relations*

**BURLINGTON NORTHERN SANTA FE**

2600 Lou Menk Drive  
P.O. Box 961030  
Fort Worth, Texas 76161-0030

Telephone: (817) 352-1068  
Fax: (817) 352-7319

April 1, 1999

Mr. K. W. Mason  
General Chairman, UTU  
The Meadows Centre, Units 7 & 8  
8250 West 80<sup>th</sup> Avenue  
Arvada, CO 80005

Dear Mr. Mason:

The parties agree that the following is the proper interpretation of the conditions that apply between BNSF and UTU (former CB&Q) to an employee hired subsequent to June 13, 1975, who can not hold a position in active service in his/her subdistrict:

1. Displace a junior employee outside of the subdistrict within 48 hours of notification of displacement. If the employee desires to be recalled to the subdistrict in which furloughed, s/he may file a request for recall with the superintendent or designated employing officer and the local chairman requesting to be recalled when work becomes available.

Should the employee have sufficient seniority to hold a position in active service outside the subdistrict in which furloughed and does not wish to accept layoff in the subdistrict in which displaced, s/he must notify the crew office within 48 hours of her/his intent to place outside subdistrict in which displaced. S/he will then have 30 days from the time of notification of displacement and furlough to exercise displacement privileges to an outside district or notify the Carrier s/he has reconsidered her/his choice and is accepting furlough status. Failure to then exercise seniority within 30 days from the date of displacement will constitute forfeiture of all seniority.

2. Accept layoff in the subdistrict in which working and file the necessary recall request for that subdistrict or any other subdistrict, in order of preference. The employee must file a recall notice with the superintendent or designated employing officer and local chairman within 48 hours of notification of displacement and furlough. Failure to file recall notice within 48 hours of displacement and furlough will constitute forfeiture of all seniority.

Should the employee have insufficient seniority to hold a position in another subdistrict, seniority district or expanded seniority district, s/he must file a recall notice within 48 hours of notification of displacement. When filing recall notice, an employee may file a notice requesting recall to any or all of the subdistricts within her/his expanded seniority district.

Mr. K. W. Mason  
April 1, 1999  
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When multiple subdistricts are listed, the employee will list the preferred order in which s/he wishes to be recalled.

3. An employee cannot exercise seniority (bid, etc.) or place on an open assignment in the subdistrict from which s/he was furloughed. The employee may only return to active service in the subdistrict in which furloughed when recalled. A junior employee will not be allowed to exercise seniority in the subdistrict from which a senior employee has been furloughed.
4. If the employee is presently not in active service and the Carrier issues a written recall, the employee has 15 days from the date of receipt of the registered letter to respond. Failure to respond to recall within 15 days from date of registered letter advising of recall, will constitute forfeiture of all seniority.
5. An employee working in one subdistrict and recalled to a more preferred subdistrict, has 72 hours from the time of notification, or, if on duty, 72 hours from time of tie-up, in which to report. Failure to report timely will be cause for disciplinary action.
6. An employee may change or modify her/his recall request at any time except an employee will not be allowed to change the recall selection after notification is received to report to another location.

If you concur with the above agreed to interpretation, please affix your signature in the space provided below.

Sincerely,

I concur:



Milton H. Siegele, Jr.



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K. W. Mason  
General Chairman, UTU