

Agreement and Union Recognition Transferring Accrued and Unused Vacation Time

RECITAL

Caltrain is the California passenger commuter rail line on the San Francisco Peninsula and in the Santa Clara Valley (Silicon Valley). The northern terminus of the rail line is in San Francisco, at 4th and King Streets; its southern terminus is in Gilroy. The Peninsula Corridor Joint Powers Board (PCJPB) owns the rail corridor between San Francisco and San Jose and has permanent trackage rights over the San Jose to Gilroy corridor. In addition, it administers and oversees the Caltrain commuter rail service. Since July 1992, PCJPB has contracted with the National Railroad Passenger Corporation (AMTRAK), to serve as the rail operator of Caltrain. PCJPB recently contracted with TransitAmerica Services, Inc. (TASI) to take over as the successor Caltrain commute service rail operator. This includes operations as to management, conductor and engineer jobs, dispatching, and both maintenance of equipment and trackage/right-of-way rights.

As part of the transition, TASI has separately recognized Brotherhood of Locomotive Engineers and Trainmen (BLET) as the sole and exclusive bargaining agent for the Passenger Engineers employed by TASI in the JPB Caltrain commuter rail service.

UNION REQUEST TO CARRYOVER ACCRUED AND UNUSED VACATION TIME

BLET has requested that for its members who are AMTRAK employees and who accept employment with TASI on the commuter rail line, their unused vacation time for calendar year 2012 and any accrued vacation time for calendar year 2013, be carried over to TASI upon their end of employment with AMTRAK rather than be paid out by AMTRAK under California Labor Code section 227.3.

AMTRAK AGREEMENT TO REPORT ACCRUED AND UNUSED VACATION TIME AND TRANSFER IT TO TASI; TASI AGREEMENT TO ACCEPT AND CARRYOVER ACCRUED AND UNUSED VACATION TIME

AMTRAK is agreeable to timely report all accrued and unused vacation for any represented employee who has taken a leave of absence from or ends his or her employment with AMTRAK because of the change in operators, and who accepts work with TASI as the successor operator. Further, AMTRAK agrees to transfer the accrued and unused vacation time to TASI and TASI agrees to accept the carryover vacation time of the employees who are accepting employment with TASI.

As consideration for agreeing to transfer accrued and unused vacation time from AMTRAK to TASI, BLET agrees that any right a represented employee may have to such accrued and unused vacation time as to AMTRAK is extinguished and a corresponding right to receive such vacation time from TASI is created.

BROTHERHOOD OF LOCOMOTIVE
ENGINEERS AND TRAINMEN (BLET)

By Mark B. Kenny 4-26-12
Mark B. Kenny, General Chairman

AMTRAK

By C. E. Woodcock III *DP*

TRANSITAMERICA SERVICES, INC.

By Robert J. Smith
Robert J. Smith