

Memorandum Agreement

Between

The New York Susquehanna and Western Railway Corporation (NYS&W)

and

The Brotherhood of Maintenance of Way Employees Division (BMWED),
of the International Brotherhood of Teamsters (IBT)

Whereas, on August 2, 2011, Vice President of Engineering Richard Hensel served notice seeking permission to contract out Ties and Surfacing of main Line track on the Southern Division, As well as Ties and Surface main line Track on the CNYK.

Whereas, the Organization requested a conference to discuss this issue and, on Friday, August 12, 2011, both parties conferenced this issue and;

Whereas, during our discussions, the Carrier acknowledged that all the work in connection with railroad Tie Installation, Surfacing Track is contractually reserved to the BMWED members and all work in connection with railroad Tie Installation and Surfacing Track could not be contracted out with consent of the BMWED;

It is therefore agreed as follows:

1. In the year 2011, all major tie and surfacing work will be contracted out on the NYS&W, Southern Division and the CNYK Main Line.
2. All maintenance type tie and surfacing work on the NYS&W and CNYK railroads will be performed by the BMWED represented employees.
3. During the time frame that any contractor is scheduled to and/or working on the NYS&W and CNYK Railroads, the Carrier will work all active BMWED Employees on the roster dated March 8, 2011.
4. During the time frame that any contractor is working on the property installing ties, surfacing track, that Track protection will be provided by a BMWED Track Foreman.
5. There will be a Signing Bonus of \$1200.00 for each employee.
6. it is agreed to and understood that entering into this Agreement is by no means an admission by the BMWED that Tie and Surfacing work is work reserved to any other party except that of NYS&W Maintenance of Way Employees.

7. Additionally, upon expiration of this Memorandum of Agreement it is understood that this agreement will not be referred to or cited by either party in any negotiations or arbitrations on this property.
8. Furthermore, the parties recognize and agree that this agreement is limited to solely to the matter addressed in this memorandum of Agreement and will not be used by either party in any manner with respect to any interpretation or application of any rule or practice.
9. This agreement will remain in force until December 31, 2011 unless it is mutually agreed by the parties to terminate sooner.

If the above is as discussed and you are in agreement please signify your approval by signing in the space provided below and return one copy back to the Organization.

Signed on Wednesday, August 17, 2011

FOR: Brotherhood of Maintenance
of Way Employees Division
of the IBT


Stuart A. Hurlburt Jr.
General Chairman

For: New York Susquehanna
and Western Railway Corporation


Nathan Fenno
President

Approved:

Henry W. Wise Jr.
BMWED VP NE, Region