



Brotherhood of Locomotive Engineers, Norfolk Southern Railway, Seneca Division 659, Buffalo, New York

1766 Eggert Road
Amherst, New York 14226-2351
Phone: (716) 836-8387
Cell: (716) 863-3445
E-Mail: curran@ble659.com

THOMAS J. CURRAN
Local Chairman, Division 659

May 26, 2003

Mr. Jeffery L. Moore
Norfolk Southern Railway
Terminal Superintendent
300 Kennedy Road
Cheektowaga, New York 14227-1011

Subject: Meal periods within the Buffalo and Olean Terminals

Dear Superintendent Moore:

Recently a practice has begun within the Buffalo (HB/BL BR (HB/BL BR 00003) Terminal of putting crews to lunch in an excessively late manner; exceeding 6:00 hours and in some cases at the end of their tour of duty. In Olean, New York (HB/BL BR 70), crews have been issued a standing order to take a meal period prior to departing the yard regardless of how long they have been on duty.

Exception is not taken that crews are put to lunch; rather we encourage the practice of a proper lunch period. Exception is taken when, if and how the crews are put to lunch.

It is acknowledged that some crews do bring small lunches to eat aboard locomotives during their tour. This in itself presents no violation under current scheduled Agreements. Though sanitation conditions aboard locomotives in most cases are unacceptable for consuming food or washing up and do not constitute a meal period.

Scott Weaver, Director of Labor Relations, Norfolk Southern Corporation, has acknowledged the fact to this General Committee, NS Northern Lines that the Carrier is responsible in affording a crew a meal period. Article 42 of the Current scheduled Agreements between the Carrier and Organization ensures sufficient time to eat. New York State Labor Law, Section 162, and Public Law Board Awards 1302 and 6003 further outline the time allotments and penalties associated with no or late meal periods. Numerous referees and neutrals have rendered favorable decisions with explicit reasoning defining our most basic entitlements to sanitation as well as meal periods.

It is with this reasoning that crews within the Buffalo and Olean Terminals have been directed to submit an LY claim for 1:30 when not afforded a lunch period within six hours. Crews not afforded any lunch period will submit a PE (penalty) claim for 4:00 hours.

Perhaps an amiable agreement between the train crews and local management could be reached? Allow the crews to decide whether or not to go to lunch. If a crew desires a meal period, a

request could be rendered before the on duty Trainmaster, Yardmaster, or Train Dispatcher. A crew desiring not to take a meal period would inform their immediate supervisor and not cease productivity in exchange for an LY claim.

Feel free to contact me at any time regarding this matter.

Respectfully,

/s/ **Thomas J. Curran**

Thomas J. Curran,
Local Chairman, Division 659

Cc: LW Sykes, General Chairman, NS Northern Lines
RH Linsey, First Vice General Chairman
DJ Deubell, President, Division 659
DD Haines, Vice Local Chairman, Division 659