

**MEMORANDUM OF AGREEMENT BETWEEN CANADIAN PACIFIC RAILWAY AND THE TEAMSTERS CANADA RAIL CONFERENCE THIS AGREEMENT PERTAINS TO A FIXED MILEAGE METHOD OF PAY FOR WINNIPEG ROAD SWITCHER ASSIGNMENTS**

It is here by agreed that effective **June 28th, 2004**; all of the following Winnipeg Road Switcher assignments will be placed on a fixed mileage method of pay at the applicable rates and subject to the following terms and conditions:

It is agreed that each road switcher shall be paid a fixed rate of 200 miles per day at road switcher rate based upon a working day consisting of 12 hours providing no member of the crew serves notice of rest.

Each Locomotive Engineer, Conductor and Trainman on these assignments must fulfill the following terms and conditions to qualify for fixed rates as set above:

1. If notice of rest is served in accordance with Article 29 (UTU) or Article 27(BLE) by the crew or a crew member the crew will be compensated as per the provisions of the respective collective agreements.
2. Providing notice of rest is not served and the working day consists of less than 8 hours the crew will be compensated with 150 miles at road switcher rates this includes a crew cancelled after reporting for duty and a crew cancelled before reporting for duty other than a crew cancelled by bulletin or circular.
3. The work assigned to each Road Switcher Assignment, when practicable, must be completed as instructed. All crew(s) a required to be in and off duty within 12 hours at the location they commenced duty. Should the crew not be in and off duty within 12 hours they will be compensated at 18.75 miles per hour at road switcher rates for all time occupied over 12 hours on a minute to minute basis.
4. There is no premium for working statutory holidays. Employees will be paid the General Holiday an equal amount to the earnings for the tour of duty prior to the General Holiday.
5. It is agreed that the TCRC and Management waive any rights under Article 34 (BLE) and Article 72 (UTU) regarding any material changes as result of the Winnipeg Road Switcher operation.
6. It is understood that the provisions of this Memorandum of Understanding are limited to the operation of the Winnipeg Road Switchers and do not constitute a precedent in respect to train operations in other areas. Further it is agreed that road switcher assignments will not be established at Emerson/Noyes without the mutual agreement of the company and the TCRC.
7. It is agreed that the limits for all Winnipeg Road Switcher assignments have been extended by 10 miles to reflect a total of 40 miles on the Emerson, Glenboro, La Rivieire, Arborg, Carberry and Winnipeg Beach Subdivisions. Further it is agreed that for the purposes of switching customers at Portage La Prairie (including Simplot at Coney) on the Carberry Subdivision and all customers on the Winnipeg Beach Subdivision including customers at Gimili, the limits for these road switchers are extended by 35 miles to a total of 65 miles.

8. Attached to this agreement is a template matrix for the Winnipeg Road switcher assignments that can only be changed by mutual agreement between the Company local management and the local TCRC representative.

This agreement is without precedent or prejudice to either party and can be amended, revised or cancelled upon 30 (Thirty) days written notice by either party. It is also agreed that any of the assignments included in this agreement are abolished in accordance with each respective agreements and are re-created under the same parameters, the agreed upon fixed mileage would continue to apply. It is further agreed that any new Winnipeg Road Switcher assignments created would be included in this agreement by mutual consent of the Company and the respective Unions. Any cancellations of assignments will be done to coincide with the seven (7) day board.

For the Union(s):

Harvey Makoski  
Local Chairman  
Division 76 - Engineers (TCRC)

Barry Domino  
Local Chairman  
Division 76 - Conductors Tr. (TCRC)

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For the Company:

Steve Baker  
Manager Road Operations  
Manitoba Service Area

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Current Schedule as of February 1<sup>st</sup>, 2007

Appendix A - Winnipeg Road Switcher Assignments Schedule

	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>P19</b>	0700	0700	0700	0700	off	off	0700
<b>P27</b>	1200	1200	1200	1200	off	off	1200
<b>P25</b>	off	1900	1900	1900	1900	1900	off
<b>P26</b>	1900	off	off	off	0700	0700	1900