

D. L. Kerby
Assistant Vice President
Labor Relations
(757) 629-2405

May 23, 2018

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AG-MW-5

Mr. S. J. Alexander
General Chairman, BMWED
P. O. Box 24068
Knoxville, Tennessee 37933

Dale E. Bogart
General Chairman, BMWED
3321 B Vestal Parkway East
Vestal, New York 13850

Mr. J. E. David
General Chairman, BMWED
9300 Runyon Road
Catlettsburg, Kentucky 41129

Mr. J. Dodd
General Chairman, BMWED
421 North 7th Street, Suite 299
Philadelphia, Pennsylvania 19123

Mr. J. E. Graham
General Chairman, BMWED
58 Grande Lake Drive, Suite #2
Port Clinton, Ohio 43616

Gentlemen:

This will confirm our understanding regarding the application of the Memorandum of Understanding for the System Discipline Rule, dated March 14, 2001, to the payments to be made to employees who lost time as a result of a dismissal or suspension that is subsequently adjusted. The requirement to make such employee whole for any actual wage loss suffered will be satisfied as follows:

- (1) When a charge against a dismissed employee is not sustained, the employee shall be entitled to all hours that such employee could have worked based on the regular assignment(s) that such employee would otherwise have held (straight time at the straight time rate of pay and overtime at the overtime rate of pay) minus any reported outside earnings.**
- (2) When the discipline of a dismissed employee is reduced, the employee shall be entitled to all hours that such employee could have worked based on the regular assignment(s) that the employee would have held (straight time at the straight time rate of pay and overtime at the straight time rate of pay) minus any reported outside earnings.**

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- (3) When the discipline of a suspended employee is not sustained or is reduced, the employee shall be entitled to all straight time hours that such employee could have worked based on the regular assignment(s) that the employee would have held, with no offset for any outside earnings.

Please indicate your concurrence by signing in the spaces provided below.

Very truly yours,



D. L. Kerby
Assistant Vice President
Labor Relations

Agreed:


S. A. Alexander, General Chairman
D. E. Bogart, General Chairman
J. J. David, General Chairman
J. Dodd, General Chairman
J. E. Graham, General Chairman