



Norfolk Southern Corporation
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C. S. Decker
Assistant Vice President
Labor Relations
(757) 802-1143

November 3, 2023

AG-MW-2 (HAZWOPER)

Mr. J. B. Long, General Chairperson - ARSF
Brotherhood of Maintenance of Way Employees Division
9300 Runyon Road
Catlettsburg, KY 41121

Dear Mr. Long:

The purpose of this letter is to memorialize our discussion of September 26, 2023 to establish a uniform manner across the Seniority regions of the NW/Wabash and Southern BMWED Agreements regarding the designation of BMWED employees to attend Hazardous Waste Operations and Emergency Response (HAZWOPER) training and their subsequent assignments associated with derailments. This letter satisfies Paragraph 5 of the Informal Settlement Agreement executed by OSHA and Norfolk Southern on August 2, 2023.

The employee selection and assignment process will be as follows:

A. Norfolk Southern (Carrier) will post a system wide bulletin seeking applicants for the initial HAZWOPER Class (Class). Applicants are encouraged to have strong written and verbal communication skills, attention to detail and flexibility. The Carrier is solely responsible for determining the scope of responsibilities and qualifications for Class attendance.

B. Two (2) employees per Seniority Region will be selected by Seniority order based on their earliest seniority date in maintenance of way. The employees will be required to attend an initial one-week class (40 hours) and then an eight (8) hour refresher course annually each year thereafter, as required under the applicable regulations (29 CFR § 1910.120; 29 CFR § 1926.65). The current boundaries of the following Seniority regions will be used to select the employees:

NW/Wabash

1. Eastern
2. Northern
3. Western

Southern

1. Northeast
2. Southeast
3. Northwest
4. Southwest
5. D&H

C. In the event that employee vacancies occur following the filling of the initial positions described in Paragraph (B), the Carrier shall determine at which point it is necessary to conduct additional Classes to fill such vacancies. When such additional Classes are conducted, the bulletin and selection process described in Paragraph (A), above, shall apply.

D. Upon completion of the HAZWOPER training, an employee will retain his/her current job classification in accordance with the Schedule Agreement but may be notified to report to a hazardous materials release event (Event), should such Event occur. The Carrier shall determine when it is necessary and appropriate to deploy a HAZWOPER-trained employee to an Event, and such deployment shall only occur where other BMWED employees are also deployed to the Event. If deployed to an Event, the Employee will participate

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in job briefings and assist the reporting BMWED work group at the work site as necessary. Employee(s) will continue to report to the Event work site until released by the Carrier.

E. In notifying a HAZWOPER-trained employee, the Carrier will assign the closest available employee on the seniority region. If the closest employee is not available, the Carrier will then call another HAZWOPER-trained employee from that region. If no HAZWOPER-trained employee is available on the region needed, the Carrier may call the next closest qualified employee without regard to the seniority region.

F. Pay for employees for class and for deployment to Event sites will be at the applicable Assistant Foreman rate.

1. If an employee is assigned by bulletin to a position higher than Assistant Foreman, the higher rate will be applied.

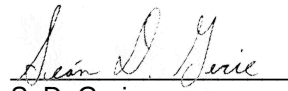
G. Travel expenses will be governed by the terms of the 2022 National Agreement.

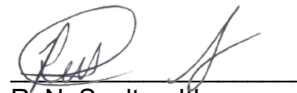
Very truly yours,
Christopher Decker
C. S. Decker
Assistant Vice President
Labor Relations

I concur:


J. B. Long
General Chairman, BMWED

Approved:


S. D. Gerie
Vice President, BMWED


R. N. Saulter, III
Vice President, BMWED