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**BEFORE INTEREST ARBITRATION BOARD**

**TESTIMONY OF  
BRUCE POHLOT  
AMTRAK CHIEF ENGINEER**

**January 2014**



# Biography

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- 39 years of railroad experience
  - Began career as BMWED member
- Amtrak experience (1977-1998, 2013-Present)
  - Amtrak Chief Engineer (Present Position)
    - Responsible for all construction and maintenance activities for the right-of-way and track and directing Engineering Department's capital program
  - Assistant Vice President Engineering – Program Management
  - Assistant Chief Engineer Program Management
  - Program Director High Speed Rail
  - Division Engineer (New England, Western Divisions)
  - Assistant Division Engineer (New York, Baltimore)
  - Engineer of Programs (New York)

# Biography

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- Parsons Brinkerhoff (1998-2012)
  - Led rail and technical excellence center
  - Directed many of most important transit & railroad assignments
- Numerous leadership positions
  - American Railway Engineering and Maintenance Association – Board of Directors; Past Chairman, Committee on Commuter and Intercity Rail
  - Association of American Railroads – Past Associate Board of Directors: Director (2 terms)
  - Transportation Research Board – Committee on Railway Maintenance

# Summary of Testimony

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- Amtrak Pattern – Craft-Specific Work Rules
  - BMWED: One-Year Lock-In After Training
  - BRS: 45-Mile Rule
- Menu of Options to Fund PRLBC Higher Wage Request
  - Proposed changes to work rules in response to PRLBC request for wage increases beyond Amtrak pattern
  - Explanation of proposed changes and estimate of cost savings resulting from change

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# Craft-Specific Work Rules Proposed as Part of Amtrak Pattern

## **Amtrak Pattern Craft-Specific Rule:**

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### **BMWED – One-Year Lock-In After Training**

- Current Training Agreement Rule
  - Employees “locked in” to new positions for **six months** after training
- Proposed Change
  - Increase “lock-in” to new position for which trained to **one year** after training
  - Future training after agreement only

## **Amtrak Pattern Craft-Specific Rule: BMWED – One-Year Lock-In After Training**

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- Operational Improvements
  - Retention of skilled manpower for necessary work
    - Highly skilled positions vacated in the middle of work season
    - Generally filled by qualified employees on overtime
  - Productivity / Efficiency Gains
    - Fully trained employees available
    - Enhances employees' work experience and skill development
  - Reduce unnecessary overtime and training

# Training Process

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- Training Agreement
  - Established August 1977
  - Training opportunities are advertised
  - 3 week duration from opening to closing
- Formal training can take up to 72 days
- Then up to 6 months to develop proficiency with a maximum of 6 months' lock-in



## Examples of Training

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Type	Formal Training	Proficiency Development	Current Lock-In Period
Undercutter	72 days	Up to 6 months	Maximum 6 months lock-in
Welder	40 days	Up to 6 months	Maximum 6 months lock-in
Crane	30 days	Up to 6 months	Maximum 6 months lock-in
Foreman	30 days	Up to 6 months	Maximum 6 months lock-in
Excavators	14-21 days	30-60 days	Maximum 6 months lock-in
Backhoe	14 days	30-60 days	Maximum 6 months lock-in
Loader	7-14 days	30-60 days	Maximum 6 months lock-in
Ballast Regulator	7-21 days	30-60 days	Maximum 6 months lock-in
Stabilizer	14 days	15-30 days	Maximum 6 months lock-in
Boom Truck	7 days	15-30 days	Maximum 6 months lock-in

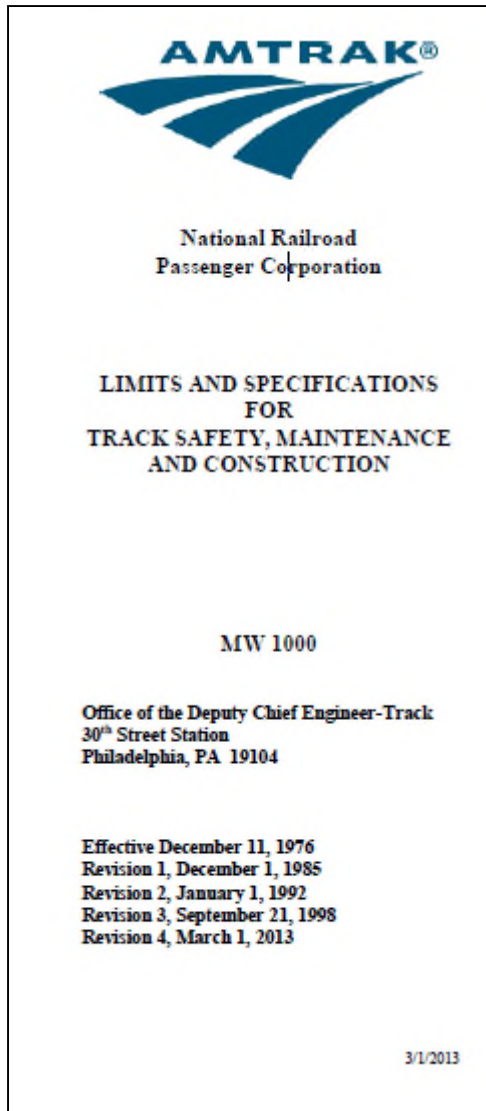
# Examples of Training and Vacancies

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	Position Name	Positions on Force Account by Year	Positions Filled by Year	Positions Trained by Year	Vacancy by Year	Working Out of Class
2012	Track Foreman	271	245	31	26	97
2013	Track Foreman	314	272	62	42	105
				Total Trained	Average Vacancies	Average Working Out of Class
				93	34	101
2012	Crane Operator	53	31	19	22	85
2013	Crane Operator	55	37	10	18	86
				Total Trained	Average Vacancies	Average Working Out of Class
				29	20	86
2012	Structural Welder	18	16	13	2	12
2013	Structural Welder	28	19	6	9	9
				Total Trained	Average Vacancies	Average Working Out of Class
				19	6	11

# Foreman Training

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- MW 1000 - Six Week Training Session
  - Week 1
    - Initial NORAC Prerequisite
  - Week 2
    - Physical Characteristics (PC's)
  - Week 3
    - General Math, RWP Review, Radio Rules, Track Car Movements, Leadership
  - Week 4
    - Introduction
    - MW1000/FRA Specifications
    - Roadbed and ROW
    - Basic Track Structure MW 1000
  - Week 5
    - Switches and Turnouts
    - General Track Geometry
    - Track Surface
  - Week 6
    - Mechanisms, Appliances, Devices
    - Inspection
    - Track Protection

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# Kirow Crane

## Training Duration – 30 Working Days



**Proficiency Development – Additional 6 Months**

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# **Structural Welding**

**Training Duration – 40 Working Days**



**Proficiency Development – Additional 6 Months**

## **Amtrak Pattern Craft-Specific Rule:**

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### **BRS – Force Assignment – 45-Mile Rule**

- Current Rule
  - Cannot assign workers for position more than **45 miles** from former HQ or home within current, same seniority district
  - For example, an employee hired for position at NY Penn Station will vacate position and take a position in lower category in Trenton. Cannot then assign that employee to a higher rated position vacancy for which trained and hired at NY Penn Station.
- Proposed Change
  - Allow worker assignments up to **60 miles** from former HQ or home within current, same seniority district

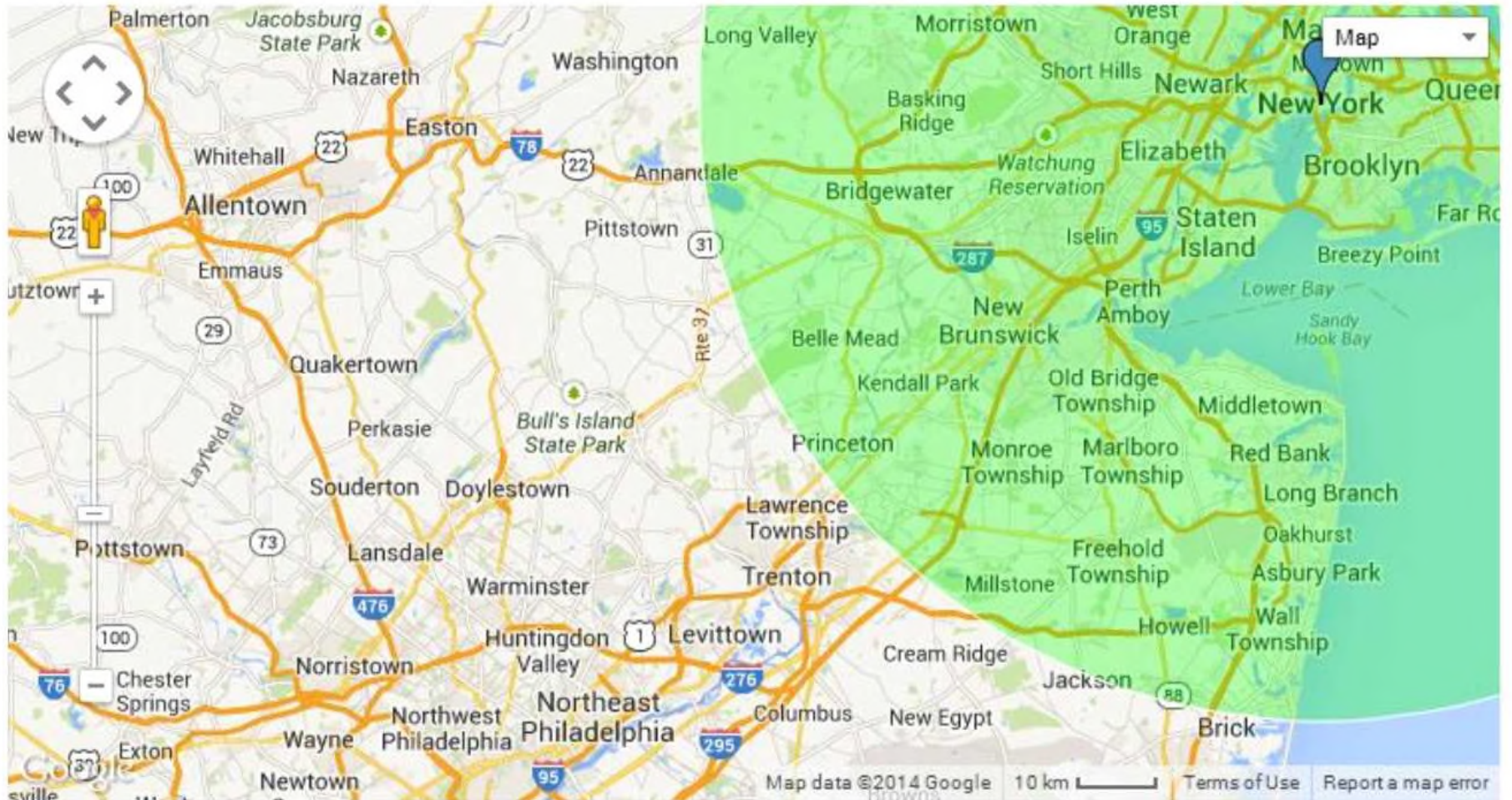
## **Amtrak Pattern Craft-Specific Rule: BRS – Force Assignment – 45-Mile Rule**

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- Operational Improvements
  - Improved ability to schedule work
    - Better aligns hiring with operational needs
    - Facilitate assignments to positions / locations for which hired
    - Reduce unnecessary overtime

# New York – 45 mile radius

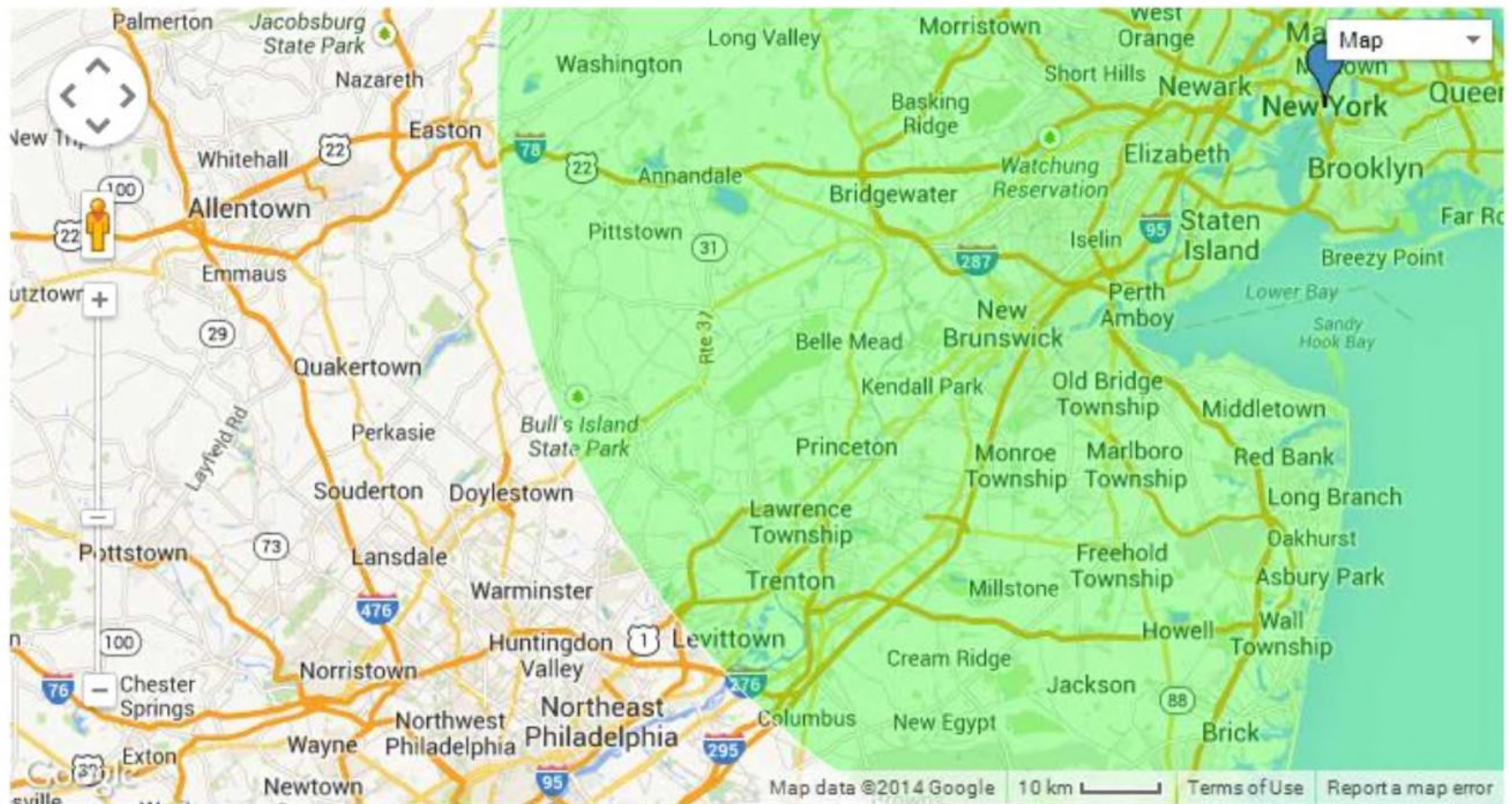
45 Mile Radius





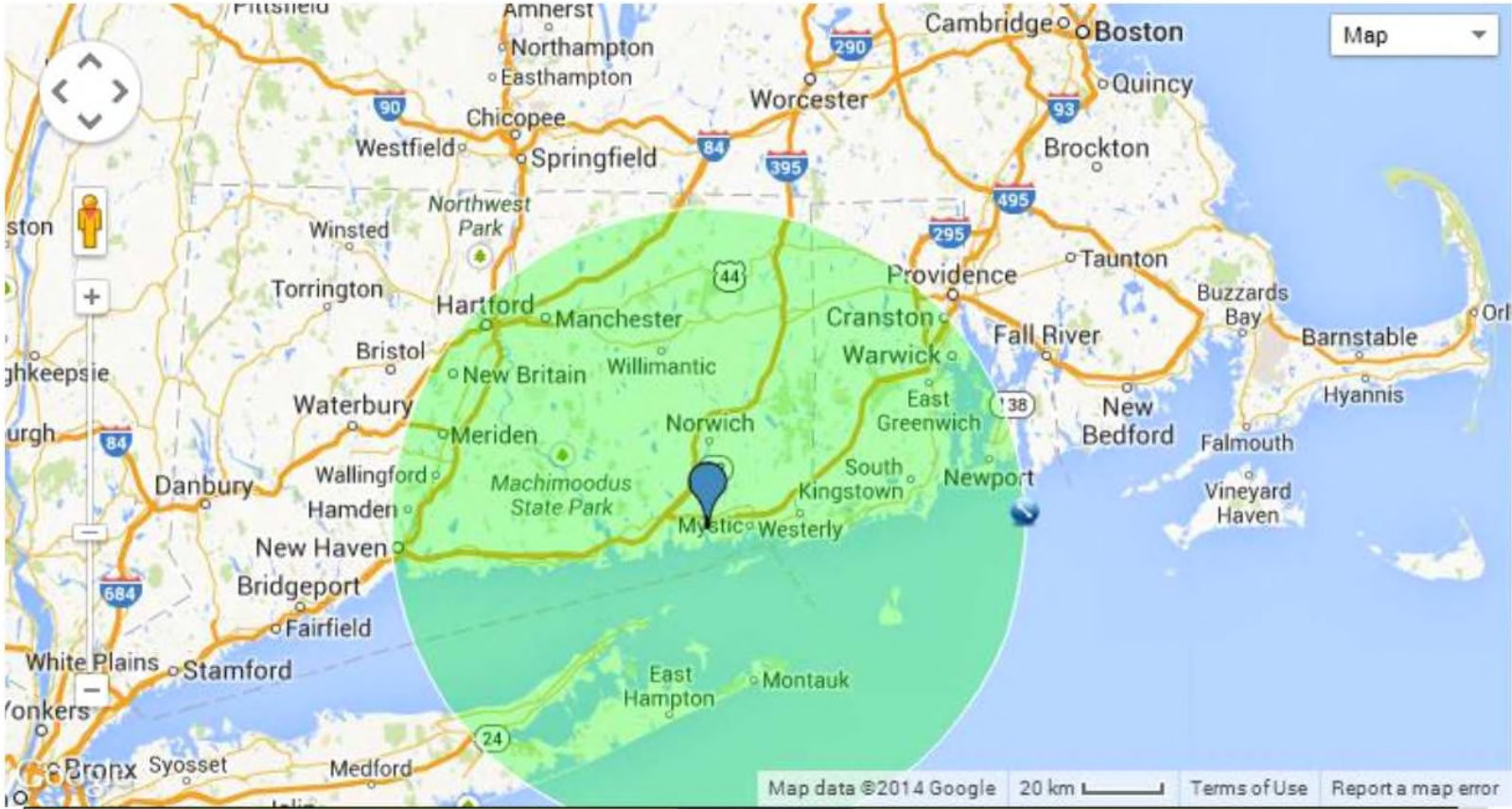
# New York – 60 mile radius

## 60 Mile Radius



# Groton – 45 mile radius

Groton 45:



# Groton – 60 mile radius

Groton 60:



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# BMWED Work Rule Changes to Fund Potential Wage Increases Beyond Amtrak Pattern

## **Force Assignment – Current Rule and Proposed Changes**

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- Current Rule

- No workable process to fill vacancies when higher rated positions fail for bid even though qualified, trained employees work in lower-rated jobs

- Examples: B&B Construction Inspector, HRO Operator positions, Gang Foreman in Electric Traction Group, Track Inspectors

- Often filled at overtime rate

- Two Suggested Changes:

1. Must hold highest rated position

- New employees and employees promoted after date of Agreement must hold highest-rated positions available in work zone

2. Workable process to fill vacancies

- Required to accept vacant positions for which qualified/trained or forfeit seniority in higher classifications

- Fill with junior, qualified employees in work zone

## **Force Assignment – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$3,820,157
- Operational Improvements
  - Ensure skilled manpower available for necessary work
    - Productivity gains
    - Overtime savings
  - Productivity gains through gang continuity
    - Avoid costs and uncertainty of filling key positions on day-to-day basis
  - Reduce training costs / improved return on training investment

## Production Units – Current Rule and Proposed Changes

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- Current Rule

- Four separate scheduling rules for capital improvement work: different gangs, different rules

- Rule 89 Gangs: Northeast Corridor

- Can perform a variety of track work except tie replacement only

- Rule 90 Gangs: Northern and Southern Districts

- Track Gangs: Northern and Southern Districts

- Bridge and Building Gangs: Northern and Southern Districts

- Electric Traction Gangs: Southern District

- Proposed Change

- Add Tie Replacement Gangs to Rule 89

- All District Gangs work under one rule – Rule 90(a), Per Diem and Special Construction Agreements for capital improvement

- Same work, same rules

## **Production Units – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$620,229
- Operational Improvements
  - Enhance project planning and scheduling
    - Avoid delays from re-advertising
  - Manpower productivity gains
    - More efficiency through gang continuity
    - More time working, less time traveling



# Temporary Shift Change – Current Rule and Proposed Changes

- Current Rule
  - Unable to temporarily change shifts to meet unexpected needs
  - Usually pay overtime for shift needed in addition to paying for normal shift not worked
  - Or have to abolish and advertise positions
- Proposed Change
  - Permit temporary shift change to meet unexpected, operational needs
    - Management may direct to another shift temporarily without re-advertisement
    - Premium pay until employee returns to regular position
    - Same as BRS Rule 27
      - “An employee changed by direction of management from his regular position to another shift shall be paid at the time and one-half rate for work performed until returned to his regular position.”

## **Temporary Shift Change – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$482,854
- Operational Improvements
  - Scheduling flexibility
    - Ability to meet unexpected operational needs (e.g., local ordinances prohibiting work at night)
  - Efficiency through gang continuity

## **Contracting Out – Specialized, non-core work**

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- Current Situation
  - Inefficiencies from costly, ad hoc arrangements
    - BMWED makes such ad hoc deals, but costly
    - Delays in work performance associated with notice and meeting process requirements
- Proposed Change
  - Streamline past practice of contracting out specialized, non-core projects
    - Similar to Tree Cutting Agreement
    - Still must send notice of project, but Amtrak may proceed with work
  - Except for specialized functions, BMWED will continue to perform other work it customarily and historically has performed in connection with such projects
  - Eliminate costly, ad hoc assignments
  - Disputes remain subject to grievance process

## **Contracting Out – Limited to specialized, non-core work**

- Specialized or complex construction projects of the type historically contracted out by Amtrak
- Asphalt paving
- Environmental clean-up, lead and asbestos abatement
- Submarine cable inspection and repair
- Demolition (e.g., buildings and structures)
- Roofing
  - Flat roof
  - Pitch roof greater than 4" over 12"
  - Shingle roof over 1,500 sq. ft.

## **Contracting Out – Vendor Equipment and Operators**

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- Current Situation
  - Limitations on using vendor equipment when needed or when more efficient than Amtrak's equipment
  - Vendors insist on using their own operators if the equipment is leased to Amtrak
- Proposed Changes
  - Clarify that Amtrak may rent equipment with operators when:
    - (1) it does not have sufficient equipment to timely and efficiently complete work; or
    - (2) a contractor owns equipment that could more efficiently perform the work; and
    - (3) in either case, equipment cannot reasonably be rented without an operator.
  - Must upgrade to operator rate the same number of employees as vendor operators used

## **Contracting Out – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$1,230,758
  - Specialized, non-core work: \$829,758
  - Vendor Equipment and Operators: \$401,280
- Operational Improvements
  - Efficiencies from utilizing skilled manpower on core work rather than ad hoc assignments
  - Avoid unnecessary delays
    - Improves planning and operational flexibility
  - Reduces unnecessary overtime
  - Efficiencies translated into higher wages for all
  - Ample core work for BMWED
    - BMWED workforce has grown consistently since 2008
    - Furlough limitation in Scope rule – Section E. (1) – from Amtrak Reform and Accountability Act of 1997

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# BRS Work Rule Changes to Fund Potential Wage Increases Beyond Amtrak Pattern

# **Tour of Duty / Work Week – Current Rule and Proposed Changes**

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- Current Rule

- Limited flexibility only for specific types of work and numbers of gangs
- Must have 1<sup>st</sup> and 2<sup>nd</sup> shift to have position on 3<sup>rd</sup> shift
  - For example, 3<sup>rd</sup> shift Surfacing Gang requires C&S support. No need for 1<sup>st</sup> or 2<sup>nd</sup> shift counterpart but cannot simply establish standalone 3<sup>rd</sup> shift.

- Proposed Change

- Increase starting time and workweek flexibility similar to BMWED Rules 32 and 42
  - BMWED Rule 32 – Work Week
    - 40-hour week of five days of 8 hours each. Staggered according to Amtrak's operational needs. Saturdays and Sundays off to extent practicable; or
    - Weeks of 4 days of 10 hours with 3 consecutive rest days permissible, provided one is a Saturday or Sunday. Incentive pay for Saturday or Sunday workdays.
  - BMWED Rule 42 – Start Time
    - When less than 3 shifts, starting times may be established between 6:00 a.m. and 8:00 a.m., 4:00 p.m. and 6:00 p.m., or 7:00 p.m. and 11:00 p.m.
    - Incentive pay for all assignments pursuant to this rule.



## **Tour of Duty / Work Week – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$1,307,417
- Operational Improvements
  - Flexible scheduling to match operational needs
  - Ensure availability for support positions, maintenance & construction projects
  - Eliminate unnecessary positions, unnecessary shift work

## Production Units – Current Rule and Proposed Changes

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- Current Rule
  - Gangs performing construction have fixed HQ
    - Unable to change HQ without re-advertisement
  - Travel to and from work site is costly, unproductive
- Proposed Change
  - Allow for construction units with variable HQ and work schedules
    - Similar to BWMED Rule 89
      - Construction gangs able to move throughout NEC
      - Allow established C&S gangs to move from one seniority district to another without abolishment and re-advertisement
    - Similar to Freight regime for BRS

## **Production Units – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$248,778
- Operational Improvements
  - Planning and scheduling predictability
  - Less time traveling, more time working
  - Efficiency gains
    - Gang continuity
    - Less delay: Gang moves to next project rather than re-advertising

# **Trouble Desk Staffing – Current Situation and Proposed Changes**

- Current Situation

- No longer performs functions for which it was established
- Substantial difficulty filling positions at Assistant Foreman classification
  - Three Trouble Desks average 40%-60% vacancy rate
    - Cannot fill by force assignment; employees forfeit seniority in class rather than accept positions
  - Filling with overqualified employees needed for field assignment and at overtime rate
  - Prohibited from filling with Signalman-classified employees

- Proposed Change

- Reclassify as different BRS craft position
- Allow Amtrak to hire, train, and hold directly for position
- No adverse impact to existing employees currently holding seniority for position

## **Trouble Desk Staffing – Operational Improvements and Estimated Cost Savings**

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- Estimated Annual Savings: \$218,141
- Operational Improvements
  - Better utilize higher skills of Signalmen on more productive functions
  - Continue important tasks of Trouble Desk more efficiently and at lower costs
  - Reduce overtime caused by inability to fill positions

## Overtime – BMWED & BRS

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- Current Rule
  - Employees need not fulfill all regular hours to qualify for overtime during off-hours or rest days
  - Amtrak must issue waiver for employee earning more than \$35,000 in OT in a year. In 2013:
    - 235 BMWED employees were paid \$4.2 M above the \$35,000 per employee threshold
    - 115 BRS employees were paid \$1.7 M above the \$35,000 per employee threshold
- Proposed Change
  - Overtime for work outside tour if employees work or are paid for all normal hours of assignment (OT after 40 hours)
  - Straight time payments for time not worked under rules governing holidays, vacation, jury duty, bereavement, personal leave, training, and payments under applicable Hours of Service Rules included in computation of 40 straight time hours needed

## Overtime – Estimated Cost Savings

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- Estimated Total Annual Savings for BMWED & BRS: \$539,138
  - BMWED: \$410,878
  - BRS: \$128,260
    - Currently, employees can mark off from regular work at straight time and then work other hours at overtime.
    - Savings equals premium portion of pay for the number of hours employees were short of 40 straight time regular hours but received overtime for other hours

# Conclusion

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- What Amtrak is seeking:
  - Limited pattern work rules
- Cost savings
  - Menu of other operations-driven work rule options to fund requested additional wage increases beyond pattern
    - Amtrak willing to consider any combination of additional work rule changes to generate and share cost savings
  - Greater efficiency in performing necessary capital improvements
  - Better use of qualified employees on work
  - Reduction of overtime in response to congressional pressure
- Balanced Outcome
  - Fund requested additional general wages in exchange for productivity and efficiency increases
  - Ample work available now and for the foreseeable future for the crafts to perform



# Exhibits

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<b>Exhibit No.</b>	<b>Document</b>
500	Testimony of Bruce Pohlot, Chief Engineer, Amtrak
501	Bruce Pohlot Resume
502	Bruce Pohlot Biography
503	Proposed Rule Language for BRS and BMWED Pattern Work Rules
504	Engineer Training Analysis
505	Proposed Overtime Rule Language
506	Proposed BMWED Force Assignment Rule Language
507	Proposed BMWED Production Units Rule Language
508	Proposed BMWED Temporary Shift Change Rule Language
509	Proposed BMWED Contracting Out Rule Language
510	Amtrak-BMWED Tree Cutting Memorandum of Agreement, Aug. 1, 2009

# Exhibits

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Exhibit No.	Document
511	Proposed BMWED Equipment Rental Agreement Rule Language
512	Proposed BRS Production Units Rule Language
513	Proposed BRS Tour of Duty/Work Week Rule Language
514	Proposed BRS Trouble Desk Rule Language