

COMPARISON OF EMPLOYEE PROTECTIVE CONDITIONS IMPOSED BY INTERSTATE COMMERCE COMMISSION

	May 21, 1936	May 17, 1944	Nov. 1, 1944	Jan. 16, 1952	June 6, 1978	Feb. 9, 1979	Feb. 9, 1979	Feb. 6, 1980
Description	Washington Job Protection Agreement	Oklahoma Conditions	Burlington Conditions	New Orleans Conditions	Norfolk & Western	N. Y. Dock Conditions	Oregon Short Line Conditions	Mendocino Coast
1. <u>Scope</u>	To protect against effects of coordinations Section 1.	To protect against effects as "a result of transaction approved by ICC. §§4,5,6.	To protect against the effects of an abandonment.	To protect against effects of transactions (used primarily in merger and control cases).	To protect against effects of the acquisition by railroad of trackage rights.	To protect against effects of transactions except for trackage rights and lease proposals.	To protect against effects of railroad abandonment or discontinuance.	To protect against effects of trackage rights and lease transactions.
2. <u>Notice and Prior Negotiation</u>	90 days prior notice with requirement of implementing agreement before consummation of coordination; arbitration if unable to agree. (§§4,5)	No provision.	No provision.	Same as WJPA.	20 days prior notice without option of implementing agreement before consummation of transaction; arbitration if failure to agree. After 20-day notice railroad may proceed with transaction.	90 days' written notice with requirement of implementing agreement prior to consummation of transaction; arbitration if failure to agree; time limits on arbitration. (§4).	Same as NYD.	No provision.
3. <u>Duration of Protection</u>								
(a) <u>Displacement Protection</u>	5 years from date of effect (§§1(c) 6(a).	4 years from effective date of ICC order except period not to exceed length of service with carrier if less than 4 years. (§4).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years.	4 years from date of order or from date of effect; choice between Okla. and WJPA for first 4 years; thereafter WJPA.	Same as NYD.	6 years from date of effect except period not to exceed length of service with carrier.	Same as NYD.	Same as NYD.

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(b) Dismissal Protection	Graduated periods from 6 months from date of effect for employee with 1 year of service to 5 years for employees with 15 years or more of service. (§§1(c), 7(a), 7(d)).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years (§5).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years.	Choice between WJPA and Okla. first four years; WJPA thereafter.	6 years from date of effect except period not to exceed length of service.	6 years from date of effect except period not to exceed length of service with carrier.	6 years from date of effect except period not to exceed length of service with carrier.	Same as N&W.
(c) Fringe Benefits	Unlimited, except shall continue as long as like benefits are given to other employees active or furloughed (§8).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years. (§6).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years.	Choice between WJPA and Okla. first four years; WJPA thereafter.	6 years from date of effect except period not to exceed length of service.	6 years from date of effect except period not to exceed length of service with carrier.	6 years from date of effect except period not to exceed length of service with carrier.	Same as N&W.
(d) Relocation	Unlimited, as long as relocation is result of a transaction, and so long as relocation occurs within 3 years of effect of coordination upon employee (§§10(a), 11(a)).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years (§§7, 9).	4 years from effective date of ICC order, except period not to exceed length of service with carrier if less than 4 years.	Choice between WJPA and Okla. first four years; WJPA thereafter.	6 years from date of effect except period not to exceed length of service.	6 years from date of effect except period not to exceed length of service with carrier.	6 years except period not to exceed length of service with carrier.	Same as N&W.

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(e) Collective Bargaining Rights	No provision.	No provision.	No provision.	No provision.	Same as NYD.	No limitation unless changed by future collective bargaining agreement or applicable statute.	Same as NYD.	Same as NYD.
4. <u>Displacement Protection</u>	\$6	\$4	\$1		\$5(b)	\$5	\$5	
(a) Application	Applies to all employees placed in worse position re compensation.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as NYD.	Applies to all employees unable to obtain equal pay by normal exercise of seniority.	Same as NYD.	Same as NYD.
(b) Change of Residence	Employee must exercise normal seniority.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as NYD.	Employee does not have to relocate to retain protection.	Same as NYD.	Same as NYD.
(c) Calculation	Allowance based on 12 months immediately preceding effect.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as NYD.	Same as WJPA plus increased by subsequent general wage increase.	Same as NYD.	Same as NYD.

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5. <u>Dismissal Protection</u>	\$7	\$5						
(a) Application	Applies to all employees who are deprived of employment as a result of coordination with employing carrier, or in coordinated operation.	Applies to all employees who are deprived of employment as a result of transaction.	Applies to all employees who as a result of the abandonment is deprived of employment because of abolition of position or results of exercise of seniority rights by another employee whose position was abolished.	Same as WJPA and Okla.	Same as NYD.	Applies to an employee who as a result of the transaction is deprived of employment because of abolition of position or results of exercise of seniority rights by another employee whose position was abolished.	Same as NYD.	Same as NYD.
(b) Change of Residence	Employee must exercise seniority to obtain or retain protections.	Same as WJPA.	Same as WJPA.	For first 4 years after ICC order, apply Okla. or WJPA provisions (at employee's option) and WJPA thereafter.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as WJPA.

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(c) Calculation	Allowance based on 12 months immediately prior to effect; 60% of monthly average; allowance reduced by railroad earnings to extent earnings and allowance exceed 1/12 of average compensation.	Allowance calculated as in WJPA, but full average compensation protected; reduced by all outside earnings.	Same as Okla.	For first 4 years after ICC order, apply Okla. or WJPA provisions (at employee's option) and WJPA thereafter; but WJPA 60% reduced by all outside earnings.	Same as NYD.	Allowance based on 12 months immediately prior to effect; equivalent to 1/12 of compensation received during that 12-month period increased to reflect subsequent general wage increases and reduced by all outside earnings.	Same as NYD.	Same as NYD.
(d) Return to Service	Must return to service in accordance with working agreement; can be required to take "reasonably comparable" employment with employing carrier which does not require change of residence.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as WJPA.	Same as WJPA.
6. <u>Separation Allowance</u>	Dismissed employee may at time of "dismissal" elect to resign and take lump sum separation allowance (\$9).	No similar provision.	No similar provision.	Same as WJPA.	Same as NYD.	May elect to resign and take lump sum separation allowance in accordance with exercise option within 7 days of "dismissal."	Same as NYD.	Same as NYD.