IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

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JUL 22 2001

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF AI ABAMA
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) CIVIL ACTION No. 94-C-0553-S
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MODIFICATION

Based on the Agreement of the parties, the first sentence of section 7e(1) and 7e(2) of Article II of the Consent Decree in the above case entered on December 17, 1998, shall be, and hereby is, modified to provide as follows:

"7e(1) If there are no bidders at all for a preferred classification position on a system or regional gang, CSXT shall first post a training opportunity for such preferred classification position. If an employee bids on, is awarded a training opportunity and qualifies for such preferred

classification position, then he/she will be awarded the preferred classification position and shall be included on the appropriate seniority roster and QEC list. If there are no bidders for either the preferred classification position, or the training opportunity for that position, then the Maintenance of Way employee ranked highest on the applicable qualified list where the vacancy exists will be assigned the vacant position."

"7e(2) If there are no bidders at all for a preferred classification position in a seniority district, CSXT shall first post a training opportunity for such preferred classification position. If an employee bids on, is awarded a training opportunity qualifies for such preferred classification position, then he/she will be awarded the preferred classification position and shall be included on the appropriate seniority roster and QEC list. If there are no bidders for either the preferred classification position, or the training opportunity for that position, then the Maintenance of Way employee (active or furloughed) ranked lowest on the applicable qualified list will be assigned the vacant position."

It is ORDERED this 23 day of July 2001 that the above and foregoing MODIFICATION is entered in the above case.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Joint Motion to Modify Certain Provisions of Consent Decree and Modification were served this 132 day of July, 2001, by First-Class Mail, postage prepaid on the following counsel of record:

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