

§7156. Employee protection

Any person acquiring or operating a railroad line under this chapter shall: [PL 1989, c. 398, §7 (RPR).]

1. Hiring priority. Give a first right of hire to fill any subordinate official or nonmanagement position in the staffing of the new rail operation in the following order of priority:

A. First, all employees who are required to be accorded priority under federal law, employee protection obligations imposed by law, regulations or contracts which require the new operator to select employees of the prior operator and existing or future collective bargaining agreements; [PL 1989, c. 398, §7 (RPR).]

B. Second, all employees, in seniority order for each craft or class, who hold or held seniority rights in, or in connection with, the railroad line when it was last operated by its prior operator; [PL 1989, c. 398, §7 (RPR).]

C. Third, employees drawing benefits under the United States Railroad Unemployment Insurance Act, United States Code, Title 45, chapter 11, first in the geographical area in which the railroad line is located and then elsewhere within the State; and [PL 1989, c. 398, §7 (RPR).]

D. Fourth, any other individual; [PL 1989, c. 398, §7 (RPR).]
[PL 1989, c. 398, §7 (RPR).]

2. Existing employment obligations and practices. Assume the existing employment obligations and practices of the railroad whose property is condemned, including all agreements governing rates of pay, rules and working conditions, until changes are made by agreement or otherwise, in accordance with applicable law; and
[PL 1989, c. 398, §7 (RPR).]

3. Employee protection. Agree to provide a fair arrangement to protect the interests of railroad employees who are affected by the condemnation which is at least as protective of the interests of those employees as the levels of protection established by regulation or decision of the Interstate Commerce Commission.
[PL 1989, c. 398, §7 (RPR).]

Any person who is entitled to priority of employment under this section shall be presumed to be physically and mentally qualified to perform the same or comparable work with the new employer. [PL 1989, c. 398, §7 (RPR).]

SECTION HISTORY

PL 1987, c. 748 (NEW). PL 1989, c. 398, §7 (RPR).

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