

## CHAPTER 27

### RAILROAD EMPLOYEE EQUITY ACT

#### §2071. Short title

This chapter shall be known and may be cited as the "Railroad Employee Equity Act." [PL 1987, c. 327 (NEW).]

#### SECTION HISTORY

PL 1987, c. 327 (NEW).

#### §2072. Hiring priority

Effective January 1, 1987, any person, corporation or other entity purchasing, acquiring, leasing or otherwise obtaining from a financially related entity the right to operate a rail line or abandoned rail line in this State shall 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: [PL 1987, c. 327 (NEW).]

**1. Priority under federal law.** First, all employees who are required to be accorded priority under federal law, employee protection obligations imposed by law, regulation or contracts which require the new operator to select employees of the prior operator or existing or future collective bargaining agreements; [PL 1987, c. 327 (NEW).]

**2. Seniority rights.** Second, all employees, in seniority order for each craft or class, who hold or held seniority rights on the line to be operated when last operated by its prior operator; [PL 1987, c. 327 (NEW).]

**3. Railroad unemployment.** Third, employees drawing benefits under the United States Railroad Unemployment Insurance Act, United States Code, Title 45, Section 367 et seq., in the area in which the line to be operated is located, and then within the State; and [PL 1987, c. 327 (NEW).]

**4. Others.** Fourth, any other individual. [PL 1987, c. 327 (NEW).]

#### SECTION HISTORY

PL 1987, c. 327 (NEW).

#### §2073. Qualifications; presumption

Any person who is performing work on a rail line which is being sold or otherwise transferred to a new operator within this State who is entitled to priority of employment under section 2072 shall be presumed to be physically and mentally qualified to perform the same or comparable work with the new employer. [PL 1987, c. 327 (NEW).]

#### SECTION HISTORY

PL 1987, c. 327 (NEW).

#### §2074. Deprivation of right; cause of action

Any person who is given a first right of hire by section 2072, who is deprived of that right by the action or inaction of the new operator of the rail line, shall have a cause of action against the new operator to enforce the right of hire guarantee by this Act, and may bring such an action in the Superior Court seeking an order for damages and requiring that the complainant be hired. Any person whose

rights under this Act are found to have been violated by the new operator shall receive as damages an award of back pay from the date the person should have been hired until the date actually hired or until the claimant declines a bona fide offer of employment, plus attorneys fees and all other reasonable costs of litigation. If it is shown that the new operator willfully failed to comply with section 2072, in whole or in part, for a reason which is contrary to state or federal law, the complainant shall receive an award of treble damages without any reduction for outside earnings or unemployment benefits. [PL 1987, c. 327 (NEW).]

#### SECTION HISTORY

PL 1987, c. 327 (NEW).

#### §2075. New career training assistance

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Expenses" means actual expenses paid for room, board, tuition fees or educational material. [PL 1987, c. 327 (NEW).]

B. "Qualified institution" means any educational institution accredited for payment by the Veterans' Administration under the United States Code, Title 38, Chapter 36, or state-accredited institution which has been in existence for not less than 2 years. [PL 1987, c. 327 (NEW).]  
[PL 1987, c. 327 (NEW).]

**2. Entitlement.** Any employee qualifying under section 2072, subsection 2, who applies for, but is unable to secure, a subordinate official or nonmanagement position in the staffing of the new rail operation, shall be entitled to receive, from the lessor, assignor or former owner, expenses for training in qualified institutions for new career opportunities.  
[PL 1987, c. 327 (NEW).]

**3. Training to begin within 2 years.** To be entitled for assistance under this Act, an employee must begin his course of training within 2 years following his separation from railroad employment as a result of acquisition of a railroad described in section 2072.  
[PL 1987, c. 327 (NEW).]

**4. Benefit amounts.** Affected employees shall be entitled to the following benefits for retraining according to their years of service on the affected railroad:

A. 0 - 5 years of service.....up to \$3,000; [PL 1987, c. 327 (NEW).]

B. 5 - 10 years of service.....up to \$6,000; [PL 1987, c. 327 (NEW).]

C. 10 - 15 years of service.....up to \$9,000; [PL 1987, c. 327 (NEW).]

D. 15 - 20 years of service.....up to \$12,000; and [PL 1987, c. 327 (NEW).]

E. 20 years of service and over.....up to \$15,000. [PL 1987, c. 327 (NEW).]  
[PL 1987, c. 327 (NEW).]

#### SECTION HISTORY

PL 1987, c. 327 (NEW).

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