



Claim Handling (Merit & Discipline)

The collective process for handling both merit (pay) and discipline claims with the Carrier is covered by Memorandum of Agreement between Burlington Northern Railroad Company and United Transportation Union dated March 14, 1984. A copy of this agreement may be found on the CD included with this packet.

All claims must first be appealed locally to the appropriate Carrier officer within sixty (60) days. The time limit for merit claims “*will begin and include the seventh day following the end of the pay period in which the Carrier’s electronic declination is issued*” as outlined in a referable settlement dated February 17, 2004 (also included on CD). Regardless of the time limit provision, it is recommended that your request for appeal and all supporting documents be submitted to your Local Chairman as soon as possible. He/she will require adequate time to research, prepare and submit the appeal to the Carrier within the time limit. This sometimes may be difficult or impossible if the file needs to be returned to the employee for additional information and/or documentation.

When submitting your request for appeal to the UTU Local Chairman, it is your responsibility to provide all documentation and support for the claim that is available to you. This is covered by Article 79 of the UTU Constitution with the pertinent part reading as such:

“Grievances must be reduced to writing, contain complete information on the subject matter and be submitted to the Local Committee of Adjustment holding jurisdiction...”

Should your request be lacking documentation or require additional explanation, it will be returned to you. As a learned and wise Local Chairman once said; “It is easier to get a bad claim paid with good documentation than a good claim paid with poor documentation”. With this in mind, all “operating” claims should include legible copies of the following:

- ✓ Timeslip
- ✓ Statement of Facts
- ✓ Delay Report
- ✓ Call Slip
- ✓ Declination
- ✓ Complete Earnings Statement (816) from the half the violation took place in.
(Include subsequent earnings statements if claim was later addressed)

- ✓ Any switch list, notice, work order, etc., that provides support for your claim.

For all “non-operating” claims (runaround, restriction of seniority, etc.), provide all relevant documents from the above list and any additional documentation that is available to you and will support your allegation. Supportive TSS records that are accessible to the employee include, but are not limited to, the following:

- ✓ Inbound and outbound pool or extra board records.
- ✓ Seniority rosters
- ✓ Employee work and movement history
- ✓ Board standing
- ✓ Bids

If the circumstances warrant additional documents not listed above, please provide them. As mentioned earlier, it is recommended that where further explanation is necessary, provide a written statement of facts. Included in this section of the packet are a couple of “Statement of Facts” sheets to facilitate with the process. Please feel free to make several copies of this document for additional use.

Suggestions

- ✓ Be very descriptive on your timeslip, delay or any other document requiring your input. Sometimes the information you provide is the only documentation the Carrier has of the event. For instance, if you perform service during your tour of duty that you feel mandates additional payment, but do not enter the specifics on your delay, there will be no record that the service was ever performed.
- ✓ Fill out records (timeslips, delays, etc.) as though describing the event to a third party. Detail of service, employees involved, times, etc. must be illustrated as much as possible. Remember, your claim will most likely be settled by individuals that do not know you and have never operated on your territory.
- ✓ Many claims require written notification to the Carrier. Be sure to document that any request to have the matter corrected be received by the Carrier. For example, any claim for not being provided a suitable locker should be preceded by a written request to the proper authority and allowance for time to provide one.

Once your request is received by the Local Chairman and contains all the necessary material, it may either be settled in local claim’s conference or appealed to the Carrier. If the latter is required and the Carrier further declines payment, the Local Chairman will forward the file to the UTU General Chairman’s office for further handling. If that office determines that the claim cannot be supported, it will be returned with a brief explanation. If the claim has merit, it will be further appealed and a copy of such, including a file number, will be returned to the Local Chairman. Once a settlement has been reached, notification will be sent to the Local Chairman. If, at any time during this

process, either you or your representative want to determine the current status of your claim, please reference the file number when contacting the General Chairman's office.

With regard to discipline claims, they too must first be appealed locally. The agreement provides that the appeal must be received by the Carrier within sixty (60) days of the date the notification is received. Pursuant to our property's investigation agreement, Memorandum of Agreement between Burlington Northern Railroad Company and United Transportation Union dated October 24, 1984, the Carrier must render a decision "within fifteen (15) calendar days from the date the hearing concluded, and the employee will be notified in writing of the reason therefore by certified or registered U.S. mail....". The agreement also requires that the employee will be provided a hearing transcript, upon request. Here again, please furnish your Local Chairman with a copy of the transcript, notice of discipline, and any other relevant information as soon as possible to ensure it is appealed within the time limit.

Should the Carrier decline the local discipline appeal, the file should be forwarded to the General Chairman's office for consideration and will be handled in the same procedural manner as merit claims.

The exception to the local appeal guidelines are claims dealing with a discrepancy over job protection guarantees such as those granted under Implementing Agreement No. 1 (merger), New York Dock, etc.. Claims of this nature are not subject to local appeal and must be forwarded to the General Chairman's office for the initial appeal.

It is our opinion that the Carrier escapes payment of an enormous amount of valid claims each day because the employee is either reluctant or apathetic, and does not follow through with the appeal process. This is your money. Do not allow this to happen.