



**SMART TRANSPORTATION
DIVISION**

GCA 987

CLAIMS & GRIEVANCES PROCESSING GUIDE

Table of Contents

<i>Introduction</i>	1
<i>Article 28 from current Agreement</i>	3
<i>Using this guide</i>	6
<i>Submitting a CATS Stand Alone Claim</i>	7
Step 1.....	7
Step 2	8
Step 3	9
Step 4	10
Step 5	11
<i>Checking the Status of a CATS Claim</i>	12
Step 1.....	12
Step 2	13
Step 3	14
<i>Submitting a Declined Claim to Level 2</i>	15
Step 1.....	15
Step 2	16
Step 3	17
Step 4	18
<i>Examples of Claim Templates</i>	19
<i>Note from the General Chairman</i>	27
<i>Notes</i>	28

Introduction:

A Collective Bargaining Agreement in the Railroad industry is a unique document. It is a contract that, in the traditional sense of the term, attempts to reduce to writing the mutually intended goals of both the Organization and the Company, and is a continually changing document. From its initial negotiation, when the parties set out the basic terms and condition of their relationship, it continually changes over the years. In each negotiation, the parties develop language that they hope will cope with the anticipated events for the forthcoming term of the current contract and beyond until a new contract is agreed upon and ratified by the Membership of the Organization.

However, the parties cannot anticipate every event that will occur, nor can they draft foolproof language to avoid disputes or disagreements arising over unanticipated events. The uncertainty as to what the future holds is what led to the establishment of the grievance and arbitration provisions.

The terms and conditions of the parties' grievance and arbitration processes are mandated by the Railway Labor Act (RLA), which is a federal law that governs labor relations in the Railroad and airline industries. The RLA governs many things within the industry with regards to the proper handling of issues between the parties when disputes arise regarding the Collective Bargaining Agreement.

The vast majority of disputes that occur between labor and management in the Railroad industry are considered "minor" and are handled through a grievance process agreed to by the parties, as per the pertinent part of the RLA.

Minor disputes are caused due to a variety of reasons. Some are caused by the unanticipated events described above while others are caused when the parties cannot agree on an issue. However, most are caused by management (usually front line) who simply choose to ignore the Agreement in certain situations.

Most, if not all, Collective Bargaining Agreements within the Railroad industry contain mutually agreed upon language that states the process and the various steps for the handling of claims and grievances, with the call for arbitration as the last step of the formal grievance process. In our Agreement, the process is described in Article 28 Section 2. (Please review this Article.)

Every step of the grievance process is important; however, the most important step is the first one – a well written claim that contains all the pertinent information is the foundation as it works its way through the appeals process.

Members are the greatest source of information when it comes to the Company violating the Agreement. The Membership is the eyes and ears of the Organization as a whole. As a Member, you are obligated to help your leaders defend your Agreement. This starts with you knowing and understanding your Collective Bargaining Agreement. Knowing your Agreement and filing well written claims when the Company violates the Agreement is the most important and effective way that your Union leaders (both at the Local and General Committee levels and in some cases at the International level) can defend the Agreement. Sitting back and allowing the Company to regularly violate your Agreement weakens the Agreement and encourages management to continue with the violation, and in most cases, expand upon them.

Help your Organization defend your Agreement. File well written claims in a timely manner every time your Agreement is violated.

ARTICLE 28 - HANDLING OF CLAIMS AND GRIEVANCES

Section 1 – Representation

A. The United Transportation Union shall have the exclusive right to represent all Trainmen (other than those who are members of a craft represented exclusively by another labor organization) in Company level grievance, claim and disciplinary proceedings on those Companies on which the UTU is the lawfully recognized or certified collective bargaining representative for that craft.

B. The General Committee of Adjustment of the United Transportation Union shall represent all Trainmen in the making of contracts, rates, rules, working agreements and interpretations thereof.

C. All disputes involving Trainmen shall be handled in accordance with the provisions of this Agreement as interpreted by the UTU General Committee and the Company.

D. The Company shall not deal with a representative of any other organization concerning an interpretation or change of any rule, benefit or working condition subject of this Agreement.

E. In matters pertaining to discipline, or other questions not affecting changes in Conductors' contract, the officials of the Company reserve the right to meet any Trainmen either individually or collectively.

Section 2 – Handling Of Claims And/Or Grievances Other Than Discipline Appeals

A. All claims or grievances must be presented electronically via the electronic system as designated by the Company by the Conductor involved or on behalf of the Conductor by his Local Chairperson, or designate, to the officer of the Company authorized to receive same within sixty (60) days from the date of occurrence on which the claim or grievance is based. Should any such claim or grievance be disallowed, the Company shall, within sixty (60) days from the date it is received, notify the Trainman or his Local Chairperson, or designate, electronically of the reason(s) for such disallowance. Should the Company fail to issue timely declination of the claim or grievance, it shall be allowed as entered, however such allowance shall not constitute a precedent for other similar claims or grievances.

B. In the event the claim or grievance is disallowed, the UTU Local Chairperson, or designate, shall appeal the matter electronically with all pertinent facts, including any previous declinations, to the Superintendent within sixty (60) days. If the claim or grievance is not appealed, the disallowance shall stand, however the disallowance shall not constitute a precedent for other similar claims and grievances.

In the event the appeal is disallowed, the Superintendent shall, within sixty (60) days from the date it is received, electronically notify the Local Chairperson, or designate, in writing of the reason(s) for such disallowance.

Should the Superintendent fail to issue timely notification of the declination of the appeal, the claim or grievance shall be allowed as entered, however such allowance shall not constitute a precedent for other similar claims or grievances.

C. Claims declined under Section 2 (B) of this Article may be appealed electronically by the UTU General Chairperson with all pertinent facts, including any previous declinations, to the Company's Director Labor Relations, or designate, within sixty (60) days of the disallowance. The Director, or his designate, shall, within sixty (60) days from the receipt of the appeal, electronically notify the General Chairperson of the allowance or declination of the claim. Should the Director or designate fail to timely notify the General Chairperson of such declination, the claim shall be allowed as entered, however such allowance shall not constitute a precedent for other similar claims.

D. Claims and grievances disallowed by the Company pursuant to Section 2 (C) shall be barred from further handling unless, not less than sixty (60) days prior to the next scheduled meeting date of the Labor/Management Resolution Committee, the General Chairperson lists the unresolved claim or grievance to the Committee.

E. The Committee shall consider the entire record of each dispute submitted to it. Decisions made pursuant to this process shall be written by the Company within forty-five (45) days of the meeting date and shall represent the final and binding decision on such grievances. The handling of claims and grievances by the Committee shall constitute any "conference" prerequisite to submission of disputes to a public law board tribunal established pursuant to law or by agreement.

F. In the event that a majority of the Committee does not agree on the resolution of a particular grievance, either party may initiate proceedings before a tribunal established pursuant to law or by agreement within six (6) months of the Committee's written decision having been rendered.

G. Nothing in this Section shall preclude an agreement by the parties to conference claims or grievances independent of the procedures set forth in Section 2 (D) of this Article. Such conference, as may be agreed to, shall constitute any "conference" prerequisite to the submission of disputes involving claims and/or grievances to a tribunal established pursuant to law or by agreement for the final adjudication of such disputes.

Section 3 - Handling of Discipline Appeals

A. Discipline decisions reached by the Company may be adjusted between the UTU Local Chairperson, or designate, and the Superintendent, or designate, within sixty (60) days of the issuance of the decision.

B. Should the matter fail resolution by the Local Chairperson, or designate, and the Superintendent or designate, the UTU General Chairperson shall appeal, electronically, to the Director Labor Relations, or designate, within 180 days of the date the discipline was assessed, or the appeal shall be barred. The Director Labor Relations, or designate, shall electronically notify the General Chairperson of the allowance or declination of the appeal within sixty (60) days of the receipt of the appeal. Should the Director Labor Relations fail to timely notify the General Chairperson of the declination of the appeal, the claim shall be allowed as entered.

C. The UTU General Chairperson shall list unresolved discipline appeals with the Director Labor Relations not less than 30 days prior to the next scheduled meeting of the Labor/Management Resolution Committee for handling pursuant to Section 2 (D) of this Article.

D. Nothing in this Section shall preclude an agreement by the parties to conference discipline appeals independent of the procedures set forth in this Article. Such conference as may be agreed to shall constitute any "conference" prerequisite to submission of unresolved disputes involving discipline appeals to a tribunal established by law or by agreement for the final adjudication of such disputes.

Using this guide

This guide was put together to help assist you in submitting a claim into CATS, it must be used in accordance with the CBA. Please keep in mind this guide is not all encompassing when it comes to violations of the Agreement.

It is very important that when you file a claim in CATS that you provide specific information on why you are filing a claim against the Company.

Some violations of the Agreement are obvious while others are not. If you are not sure if a violation occurred, contact your Local Chairman for assistance.

In this guide, you will find the specific step-by-step procedures for properly filing a claim in CATS at Level 1. We have included numerous examples of claim templates for you to use for specific violations of the Agreement. However, there will be violations that occur that we don't cover with the templates. If a violation such as this occurs, simply use the format shown in the templates, fill in the blanks accordingly with the proper Article that was violated and most importantly make sure to state all the necessary information as listed below. Claim Example 16 is generic and will also help with this process.

Here is the basic necessary information we need from you.

1. Why am I filing this claim? (Article violated)
2. Where did violation happen? (Location)
3. When did violation happen? (Date & Time)
4. Who caused violation to happen? (Managers or Crew Caller)
5. What Happened? (Specific Events That Occurred)

Don't be discouraged if your claim is denied in CATS. It is common practice within the Railroad industry for the Company to deny most claims that are entered, especially at Level 1. Their hope is that you will not take the time to forward your grievance through the appeals process.

**REMEMBER, A CLAIM THAT IS NOT FILED WILL NEVER BE PAID AND
ALLOWS THE COMPANY TO CONTINUOUSLY VIOLATE THE
AGREEMENT.**

Submitting a CATS Stand Alone Claim

Step 1

- From a Railroad computer terminal, log into CATS in the normal manner. From home, go to www.sra.cn.ca and log on to the CN Extranet, go to Crew Management System/CATS, and log into the CATS system.
- In the selection box at the bottom of screen (Red Box) enter option 42, Stand Alone Claim. (Yellow Box).

```

                                DISTRICT:  SUB-DISTRICT: 
001 ENGINE SERVICE              020 TIMESLIP INQUIRY          040 TIME RETURN DATA
002 YARD SERVICE                021 NOT AVAILABLE            041 REVISE TIME RET DATA
003 TRAIN SERVICE              022 VACATION INQUIRY        042 STAND ALONE CLAIM
004 SUPERVISOR INQUIRIES       023 PERSONAL LEAVE INQ      043 EMP. BID MAINTENANCE
                                024 AVAILABILITY LISTS      044 FRA REPORTING
                                025 BROADCAST MSG REVIEW    045 TIMESLIP ADJUSTMENT
                                026 BRDCAST MSG SUMMARY     046 COPY CLAIMS
                                027 EMP QUALIFICATIONS
                                028 PERSONAL MILEAGE
                                029 INCIDENT. HOS CLAIM     049 NEW EMP. BID MAINT.
                                030 LAYOFF REQUEST          050 CALL AND RELEASE
                                031 TIME OFF MILES          051 RESPITE REPORTING
                                032 EMPLOYEE TELEPHONE     052 BANKTIME INQUIRY
                                033 AFHT LODGING UPDATE    053 BC RAIL OT/BANK TIME
                                034 US HOS LOG
                                035 US HOS OTHR SERVICES
                                SELECTION: (  )
JOB TYPE: (      )
ENTER=SELECTION  F1=HELP  F3=EXIT  F10=DIST  F11=VRU  F12=LANGUAGE
```

Step 2

- Enter the start date and time the violation occurred. (Yellow box)
- Enter the end date and time the violation ended. (Yellow box)
- Use 0001 as the start time if claim is not time specific.
- Use 24 hours in the future as second date if not specific.
- If violation is multiple days, enter appropriate number of days (Green box)
- Move cursor to claim field (Red Box) and hit the F10 key

```
17/02/27 13:03          STAND ALONE CLAIM          PST8570

EMPLOYEE NUMBER: [REDACTED]

YOUR CLAIM(S)
START DATE/TIME:  ( [ ] [ ] )
END DATE/TIME:   ( [ ] [ ] ) OR DAYS: ( [ ] )

SEQ CLAIM AMOUNT TYPE CLAIM DESCRIPTION
01 ( [ ] ) ( [ ] ) ( [ ] ) ( )

TYPES ( $ DOLLARS T TIME M MILES )

ASSIGNMENT INFORMATION
CRAFT CODE ... ( CO ) JOB TYPE ... ( 04 ) W/C SOUTH LOCAL FREIGHT
DISTRICT .... ( SO ) SUB DISTRICT: ( NE ) RATE TABLE CODE: ( W )
ASSIGNMENT ID: ( ONET33CO ) ASSGNMT TYPE: ( A ) A YARD/LOCAL P POOL S SPARE

GUARANTEE INFORMATION
GUARANTEE TYPE: ( [ ] ) N NO PAYMENT Y NORMAL I INCUMBENCY
PERIOD ..... ( [ ] ) PROFILE: ( [ ] )
CRAFT ..... ( [ ] ) ASSIGN : ( [ ] )

ENTER INQ PF1 HELP PF3 EXIT PF4 REMARKS PF5 UPDATE PF10 LIST CLAIM CODES
```

Step 3

- Type an X in the box of the claim you wish to submit and hit Enter (Yellow Box)

MISCELLANEOUS CLAIMS SELECTION		PSTS571
VALID STAND ALONE CLAIMS FOR: DIST(SO) SUB DIST(NE) CRAFT(CO) JOB TYPE(04)		
X	CLAIM CODE	CLAIM DESCRIPTION
<input type="checkbox"/>	AD	ADJUSTMENT / SHORTAGES
<input type="checkbox"/>	AN	ASSIGNMENT ANNULLED
<input type="checkbox"/>	AS	CALLED AFTER SPREAD TIME
<input type="checkbox"/>	CG	AUTO GAS ALLOWANCE
<input type="checkbox"/>	CS	CALLED AHEAD OF SPREAD
<input type="checkbox"/>	DE	DIFFERENCE IN EARNINGS
<input type="checkbox"/>	MV	MILITARY LEAVE
<input type="checkbox"/>	M6	OUTLYING POINT MEAL CLAIM
<input type="checkbox"/>	TE	1 HOUR TRANS EXPENSE UTU
<input type="checkbox"/>	03	VACATION PAY - IN LIEU OF
<input type="checkbox"/>	13	RUNAROUND/GRIEVANCES
<input type="checkbox"/>	16	INVESTIGATIONS
<input type="checkbox"/>	17	ATTEND COURT
<input type="checkbox"/>	19	RULES / RE-CERTIFICATION
<input type="checkbox"/>	20	HEALTH & SAFETY MEETINGS
<input type="checkbox"/>	29	JURY DUTY
<input type="checkbox"/>	33	TRAINING

Step 5

- Press F4 to go to the “remarks” section as shown below.
- Enter all of your claim details in spaces provided. Please refer to claim examples on pages 16 through 23 for the appropriate Article that was or is being violated.
- Hit F5 to update. Claim has now been entered.
- Print your claim or write down Time Slip or TS number (Yellow Box) for your record. This is important as it will be used to track your claim.

EMPLOYEE REMARKS PST8579

TS NUMBER: 050109628 EMPLOYEE: [REDACTED]

<< REMARK STATEMENTS >>

[18 empty text input fields]

Checking the Status of a CATS Claim

Step 1

Log into CATS and on the home screen enter screen option "20" (Yellow Box) into the Selection box (Red Box)

```

                                DISTRICT:  SUB-DISTRICT: 
001 ENGINE SERVICE                020 TIMESLIP INQUIRY                040 TIME RETURN DATA
002 YARD SERVICE                  021 NOT AVAILABLE                    041 REVISE TIME RET DATA
003 TRAIN SERVICE                 022 VACATION INQUIRY                042 STAND ALONE CLAIM
004 SUPERVISOR INQUIRIES          023 PERSONAL LEAVE INQ              043 EMP. BID MAINTENANCE
                                   024 AVAILABILITY LISTS              044 FRA REPORTING
                                   025 BROADCAST MSG REVIEW            045 TIMESLIP ADJUSTMENT
                                   026 BRDCAST MSG SUMMARY             046 COPY CLAIMS
                                   027 EMP QUALIFICATIONS
                                   028 PERSONAL MILEAGE
                                   029 INCIDENT. HOS CLAIM             049 NEW EMP. BID MAINT.
                                   030 LAYOFF REQUEST                  050 CALL AND RELEASE
                                   031 TIME OFF MILES                  051 RESPITE REPORTING
                                   032 EMPLOYEE TELEPHONE             052 BANKTIME INQUIRY
                                   033 AFHT LODGING UPDATE            053 BC RAIL OT/BANK TIME
                                   034 US HOS LOG
                                   035 US HOS OTHR SERVICES
                                SELECTION: (  )
JOB TYPE: (      )
ENTER=SELECTION  F1=HELP  F3=EXIT  F10=DIST  F11=VRU  F12=LANGUAGE
```

Step 2

Search for your claim using the following methods.

- Enter Start date of claim (Red Box)
or
- Enter Timeslip No. (Green Box)
or
- Enter 13 in the Ticket Type (Blue Box) to search time claims only.

TIMESLIP INQUIRY SELECTION PSTS551

EMPLOYEE NO: () DIST: SO SUB-DIST: NE
 START DATE : (170201) END DATE: () - OR - PAY PERIOD/YR: (/)
 TIMESLIP NO: () TICKET TYPE: (13) STATUS: ()

PD	DATE	ASSIGNMENT	STRAIGHT	OVERTIME	US	TKT	JOB	A	GROSS	TIMESLIP	S				
X	NU	MMDD	TRAIN	CC	HRMN	MILES	HRMN	MILES	HRMN	TYP	TYP	J	EARNING	NUMBER	T
	04	0201	L53181	01CO	1000	10000	1000		00	04			38380	49946973	T
		0201	ONET33	CO	500	5000			13	04			19190	50109628	A
	04	0202	L53181	02CO	1000	10000	1000		00	04			38380	49953332	T
	04	0203	L53181	03CO	1000	10000	1000		00	04			38380	49959890	T
	05	0206	L53181	06CO	1000	10000	1000		00	04			38380	49977974	T
	05	0207	L53181	07CO	1000	10000	11	183	1011	00	04		39434	49984853	T
	05	0208	L53181	08CO	1000	10000	49	817	1049	00	04		43083	49991659	T
	05	0209	L53181	09CO	1000	10000	1000		00	04			38380	49997987	T
	05	0213	L53381	13CO	1000	10000	20	333	1020	00	04		40297	50023143	T
	05	0214	L53381	14CO	1000	10000	129	1483	1129	00	04		46918	50029917	T
	05	0218	L53381	18CO	1000	10000	1000		00	04			38380	50054552	T
	05	0219	L53381	19CO	1000	10000	1000		00	04			38380	50060177	T
	06	0220	L53381	20CO	1000	10000	1000		00	98			46060	50066399	T
	06	0221	L53381	21CO	1000	10000	1000		00	04			38380	50073090	T

ENTER=INQUIRE/RESTART F1=HELP F2=PRINT F3=EXIT F8=PAGEDN
 PRESS PFKEY8 TO SCROLL P004-1

Step 3

In the far-right column (Yellow Box), you will see the status of your claim.

Letter Codes

- A - Awaiting approval
- D - Declined
- T - Transmitted for payment
- W - Waiting to be transmitted for payment

TIMESLIP INQUIRY SELECTION													PST551		
EMPLOYEE NO: ([REDACTED])										DIST: SO SUB-DIST: NE					
START DATE : (170201)				END DATE: ([])				- OR -				PAY PERIOD/YR: ([] / [])			
TIMESLIP NO: ([])				TICKET TYPE: ([])								STATUS: ([])			
PD	DATE	ASSIGNMENT		STRAIGHT		OVERTIME		US	TKT	JOB	A	GROSS	TIMESLIP	S	
X	NU	MMDD	TRAIN	CC	HRMN	MILES	HRMN	MILES	HRMN	TYP	TYP	J	EARNING	NUMBER	T
[]	04	0201	L53181	01CO	1000	10000			1000	00	04		38380	49946973	T
[]		0201	ONET33	CO	500	5000				13	04		19190	50109628	A
[]	04	0202	L53181	02CO	1000	10000			1000	00	04		38380	49953332	T
[]	04	0203	L53181	03CO	1000	10000			1000	00	04		38380	49959890	T
[]	05	0206	L53181	06CO	1000	10000			1000	00	04		38380	49977974	T
[]	05	0207	L53181	07CO	1000	10000	11	183	1011	00	04		39434	49984853	T
[]	05	0208	L53181	08CO	1000	10000	49	817	1049	00	04		43083	49991659	T
[]	05	0209	L53181	09CO	1000	10000			1000	00	04		38380	49997987	T
[]	05	0213	L53381	13CO	1000	10000	20	333	1020	00	04		40297	50023143	T
[]	05	0214	L53381	14CO	1000	10000	129	1483	1129	00	04		46918	50029917	T
[]	05	0218	L53381	18CO	1000	10000			1000	00	04		38380	50054552	T
[]	05	0219	L53381	19CO	1000	10000			1000	00	04		38380	50060177	T
[]	06	0220	L53381	20CO	1000	10000			1000	00	98		46060	50066399	T
[]	06	0221	L53381	21CO	1000	10000			1000	00	04		38380	50073090	T

ENTER=INQUIRE/RESTART F1=HELP F2=PRINT F3=EXIT F8=PAGEDN
 PRESS PFKEY8 TO SCROLL P004-1

Submitting a Declined Claim to Level 2

Step 1

Log into CATS and on the home screen enter option “20” Timeslip Inquiry.

If your Stand Alone Claim is declined, type in an “X” in the box in the left column and hit Enter.

TIMESLIP INQUIRY SELECTION												PST551			
EMPLOYEE NO: ([REDACTED])										DIST: SO		SUB-DIST: NE			
START DATE :		(170201)		END DATE: ([])		- OR -		PAY PERIOD/YR: ([] / [])							
TIMESLIP NO: ([])		TICKET TYPE: ([])		STATUS: ([])											
PD	DATE	ASSIGNMENT	STRAIGHT	OVERTIME	US	TKT	JOB	A	GROSS	TIMESLIP	S				
X	NU	MMDD	TRAIN	CC	HRMN	MILES	HRMN	MILES	HRMN	TYP	TYP	J	EARNING	NUMBER	T
<input type="checkbox"/>	04	0201	L53181	01CO	1000	10000			1000	00	04		38380	49946973	T
<input type="checkbox"/>	06	0201	ONET33	CO						13	04	Y		50109628	D
<input type="checkbox"/>	04	0202	L53181	02CO	1000	10000			1000	00	04		38380	49953332	T
<input type="checkbox"/>	04	0203	L53181	03CO	1000	10000			1000	00	04		38380	49959890	T
<input type="checkbox"/>	05	0206	L53181	06CO	1000	10000			1000	00	04		38380	49977974	T
<input type="checkbox"/>	05	0207	L53181	07CO	1000	10000	11	183	1011	00	04		39434	49984853	T
<input type="checkbox"/>	05	0208	L53181	08CO	1000	10000	49	817	1049	00	04		43083	49991659	T
<input type="checkbox"/>	05	0209	L53181	09CO	1000	10000			1000	00	04		38380	49997987	T
<input type="checkbox"/>	05	0213	L53381	13CO	1000	10000	20	333	1020	00	04		40297	50023143	T
<input type="checkbox"/>	05	0214	L53381	14CO	1000	10000	129	1483	1129	00	04		46918	50029917	T
<input type="checkbox"/>	05	0218	L53381	18CO	1000	10000			1000	00	04		38380	50054552	T
<input type="checkbox"/>	05	0219	L53381	19CO	1000	10000			1000	00	04		38380	50060177	T
<input type="checkbox"/>	06	0220	L53381	20CO	1000	10000			1000	00	98		46060	50066399	T
<input type="checkbox"/>	06	0221	L53381	21CO	1000	10000			1000	00	04		38380	50073090	T

ENTER=INQUIRE/RESTART F1=HELP F2=PRINT F3=EXIT F8=PAGEDN
 PRESS PFKEY8 TO SCROLL P004-1

Step 3

F4 SCREEN (EMPLOYEE REMARKS)

EMPLOYEE REMARKS PST8579

TS NUMBER: 046135612 EMPLOYEE: [REDACTED]

<< REMARK STATEMENTS >>

[REDACTED]

PRINT THIS SCREEN

EXAMPLES OF CLAIM TEMPLATES

Claim Example 1

(Article 4 – Manager on train when Conductor is rested)

Note: If this occurs contact your Local Chairman immediately

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being called for train **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. Manager **(name)** was called as a Conductor for the above referenced train. I am submitting this claim for the Company's violation of Article 4 Note 2 of the January 1, 2012 Merger Implementing Agreement. I was rested and available on the **(GEB, Available Board, Supplemental Board – pick whichever is applicable)** at terminal **(location)** and was not called for this assignment.

Claim Example 2

(Q&A2, Article 4 – Conductor not called to relieve manager on train)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being called to relieve manager **(name)** who was working as a Conductor on train **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. I am submitting this claim for the Company's violation of Q&A2 contained in Attachment B which is in connection with Article 4. I became rested at **(time)** at **(location)** on the **(GEB, Available Board, Supplemental Board – pick whichever is applicable)** at terminal **(location)** and was not called to relieve said manager **(name)** en route on this assignment.

Claim Example 3

(Article 5 – Not compensated a full day's pay)

Claiming \$ **(dollar amount)**, which is the difference between the actual pay I received on **(date)** and the 10 hour straight time rate that I should have received on **(date)**. I am submitting this claim for the Company's violation of Article 5 B 1. I was instructed on **(date)** by manager **(name)** to attend a **(name of event such as Safety Summit)** in **(location)** on **(date)** I complied with manager **(name)**'s instructions and attended the **(name of event)** on **(date)** at **(location)**. The **(name of the event)** lasted **(number of hours/minutes)** and I was paid actual time of \$ **(dollar amount)** but I should have been paid for 10 hours at the applicable rate of \$ **(dollar amount)**.

Claim Example 4

(Articles 5 and 15 – Not compensated correctly at overtime rate)

Claiming \$ **(dollar amount)** which is the difference between the straight time rate that I received instead of the overtime rate of time and one-half that I should have received. I am submitting this claim for the Company's violation of Articles 5 B 1 and 15 Sec. 5 A. I was called on my rest day **(date)** by Crew Caller **(name)** to work assignment **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. I worked **(number of hours/minutes)** on assignment **(number)** and I received the straight time rate of \$ **(dollar amount)** but I should have been paid at the rate of time and one-half for **(number of hours/minutes)** for a total of \$ **(dollar amount)**. Therefore, as stated above, I am claiming the difference of \$ **(dollar amount)**.

Claim Example 5

(Article 7 Section 6 as amended by Article 5 Sec. 2 of the EJ&E Merger Implementing Agreement – Conductor called from the wrong Extra Board)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being called for train **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. I am submitting this claim for the Company's violation of Article 7 Section 6 as amended by Article 5 Section 2 of the EJ&E Merger Implementing Agreement (pick whichever is applicable based on location). I was rested on the GEB at **(location)** when Conductor **(name)** was called from GEB **(location)** to protect train **(number)** Article 7 Section 6 as amended by Article 5 Section 2 of the EJ&E Merger Implementing Agreement states that the source of supply for vacancies at **(location)** are protected by the GEB at **(location)**. Conductor **(name)** was wrongfully called from GEB **(location)** to protect train **(number)** at **(location)**. I should have been called for train **(number)** instead of Conductor **(name)**.

Claim Example 6

(Article 9 – Improper annulment of regular assignment on holiday)

I am claiming lost earnings in the amount of \$ **(dollar amount)** (which is the amount earned by the GEB Conductor who worked my assignment) due to my assignment **(number)** being annulled on holiday **(holiday name)** **(date)**. I am submitting this claim for the Company's violation of Article 9 of the January 1, 2012 Merger Implementing Agreement. I was notified on **(date)** by **(name)** that my assignment was annulled on holiday date **(date)**. Company then called a GEB crew consisting of Conductor **(name)** and engineer **(name)** with a **(time)** start time at location **(location)** to perform the normal assigned duties of my assignment that was annulled. If the needs of service required my regular assignment to operate on **(date)**, then I was wrongfully annulled by the Company and entitled to \$ **(dollar amount)**.

Claim Example 7

(Article 11 C and 15 Section 2 A – Used out of order on GEB)

Claiming a half day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being called for assignment **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. I am submitting this claim for the Company's violation of Article(s) 11 C and 15 2 A. I was first-out, rested and available on the **(location)** GEB and should have been called for assignment **(number)**. The Company wrongfully called Conductor **(name)** who was **(number)** times out on the **(location)** GEB.

Claim Example 8

(Article 11 C – Used out of order on GEB)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being used in the proper order on the GEB. I am submitting this claim for the Company's violation of Article 11 C. On **(date)** at **(time)** at **(location)** I was **(number)** times out on the GEB when Company manager **(name)** issued instructions to run me around Conductors **(enter names of whoever was ahead of you on GEB at the time in question)** and used me on assignment **(number)**. Article 11 C states in pertinent part "GEBs shall operate on a first-in/first-out basis."

Claim Example 9

(Article 11 D – Regularly assigned Conductor used to fill temporary vacancies or Extra assignments)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being called for assignment **(number)** on **(date)** with an on-duty time of **(time)** at **(location)**. I am submitting this claim for the Company's violation of Article 11 D. On **(date)** at **(time)** at **(location)** I was first-out, rested and available on the **(location)** GEB and stood to fill the temporary vacancy on assignment **(number)**. The Company wrongfully utilized Conductor **(name)** who is the regularly assigned Conductor on assignment **(number)**. Article 11 D states in pertinent part, "Trainmen assigned to GEBs shall fill temporary vacancies and Extra assignments at the location of the Board and outlying points within the seniority district as necessary." I should have been utilized on assignment **(number)**.

Claim Example 10

(Article 14 A – GEB Conductors not tied up at specified location)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for not being tied up on assignment **(number)** at **(location)**, which was designated as my off-duty point by CMC rep **(name)** at the time of my call for duty. I am submitting this claim for the Company's violation of Article 14 A. On **(date)** at **(time)** I was called for assignment **(number)** with an on-duty time of **(time)**, an on-duty location of **(location)** and an off-duty location of **(location)**. I was instructed by manager **(name)** to tie-up at **(location)** instead of **(location)**, which was my designated off-duty point.

Claim Example 11

(Article 14 E – DWP & DMIR prior-righted assignment specific)

Note: This applies to prior-righted assignments so even if a prior-righted WC or system Conductor is called for a DWP or DM&IR prior-righted assignment, the following would apply.

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for being tied up at an away-from-home terminal more than once. I am submitting this claim for the Company's violation of Article 14E. On **(date)** at **(time)** I was called for assignment **(number)** with an on-duty location of **(location)** and an off-duty location of **(location)**. I tied up at **(location)** at **(time)** on **(date)**. I was called for assignment **(number)** with an on-duty time of **(time)** at **(location)**. I was instructed by manager **(name)** that I was going to tie-up at **(location)** instead of my home terminal of **(location)**. Article 14 E states "Once a Trainman working a DM&IR or DWP prior-righted assignment is tied up at an away-from-home off-duty point, the next tie-up shall be at the home terminal." On **(date)** I should have been tied up at my home terminal of **(location)** instead of the away-from-home terminal of **(location)**.

Claim Example 12

(Q&A1 in connection with Article 4 – Splitting crews)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for the Company splitting our crew. I am submitting the claim for the Company's violation of Q&A1 contained in Attachment B. I am the regular assigned Conductor on assignment **(number)** with regular assigned engineer **(name)** with an on-duty time of **(time)** at **(location)**, On **(date)** at **(time)** manager **(name)** informed engineer **(name)** and myself that he was splitting our crew and I was going to be working assignment **(number)** and engineer **(name)** was going to be working assignment **(number)** with Conductor **(name)**. Q&A1 clearly states that once a crew is working as a unit, they cannot be split up.

Claim Example 13

(Q&A51 in connection with Article 18 and 21 – Basic Day's Pay)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for the Company's violation of Q&A 51 in connection with Article(s) 18 and 21. I am currently assigned to the Conductor position on assignment **(number)**. I was scheduled to start vacation on Monday **(date)**. On **(date)** at **(time)** I contacted Crew Management to inform them that as per Q&A51, I wanted to take a **(no pay day, PLD or SDV – pick whichever is applicable)** on **(date)**. My request was denied and no reason was given for the denial. On the day I requested **(date)**, I checked the GEB and there were **(number)** Conductors rested and available to work my assignment had the Company allowed me to lay off as per Q&A 51.

Claim Example 14

(Side Letter 4 – Denied Local on Friday)

Claiming a basic day's pay in the amount of \$ **(dollar amount)** in addition to all other earnings for the Company's violation of Side Letter 4. I am currently assigned to GEB position **(number)** at **(location)** with **(rest days)**. On **(date)** at **(time)** I contacted Crew Management to inform them that I wanted to mark Local on my Friday as per the terms and conditions of Side Letter 4. Crew Management representative **(name)** showed me in Local on Friday status. On **(date)**, which was my Friday, I was contacted at **(time)** to work lay-over assignment **(number)** with an on-duty location of **(location)** and an off-duty location of **(location)**. I informed Crew Management representative **(name)** that I was marked Local on Friday and was told that I needed to take the assignment due to the fact that there were not any other Conductors available. I checked the Board at **(time)** and discovered that there were **(number)** of Conductors rested or coming rested in time to work my assignment. Therefore, I should have been able to work Local on my Friday.

Claim Example 15

(Chicago Implementing Agreement Section 3 Paragraph B 1 – Improper Payment – Chicago including EJ&E prior-righted Conductors specific)

Claiming \$ **(dollar amount)**, which is the difference between the actual pay I received \$ **(dollar amount)** and the amount I should have received \$ **(dollar amount)** on **(date)** for performing service in **(GTW or IC – pick whichever is applicable)** Yard at **(location)**. I am submitting this claim for the Company's violation of Section 3 Paragraph B 1 of the Chicago Implementing Agreement. On **(date)** at **(time)** I was assigned to assignment **(number)**. We handled train **(number)** into **(location)**. After performing work associated with our train, we were instructed by manager **(name)** to perform additional duties not associated with our train. For **(amount of time – hours/minutes)** we performed the following duties. **(List additional duties.)** As per Section 3 Paragraph B 1 of the Chicago Implementing Agreement I should have been paid the **(GTW or IC)** rate of pay for a total of \$ **(dollar amount)** instead of \$ **(dollar amount)**.

Claim Example 16

Generic Template for General Violation

Claiming a basic day's pay or amount owed \$ **(dollar amount)** in addition to all other earnings for **(explain why)**. I am submitting this claim for the Company's violation of **(Article)** on **(date)** at **(time)** at **(location)** The following occurred **(be specific and state who was responsible for the violation)**.

Note from the General Chairman:

This guide was put together with the purpose of not only educating our members on how to file well written and defensible claims, but to also help you better understand your Collective Bargaining Agreement and the grievance process associated therewith. Knowing and understanding your Agreement is essential when it comes to determining if a violation has occurred, and will make using this guide more beneficial to you as a member. As stated in the introduction, claims and grievances are the most important tool that we as an Organization can use to defend your Agreement, additionally claims filed today will help me determine what course of action we will take in future negotiations when it comes to problems that are consistently identified in the claims process.

When future Agreements are ratified this guide will need to be modified accordingly. In addition to the aforementioned changes in connection with future Agreements, we welcome your input regarding any additions, subtractions as well as any general suggestions that you may have to improve future guides.

I want to thank Local 581 Secretary & Treasurer Tony Macareo for helping me put this guide together. As a former Vice Local Chairman in charge of claims, Tony's insight and assistance with regards to the grievance process, as well as the CATS system was invaluable. For those of you who know Tony please thank him when you see him for his help with this guide.

Fraternally,

Kenneth Flashberger

General Chairman

SMART – TD GCA 987

SMART TRANSPORTATION DIVISION

gca-987.utu.org

smart-union.org