

CONDUCTOR'S SPECIAL CLAIM SUBMISSION

Submit a special claim using option 1B of the tie up screen (option 15 of the main TSS screen). A complete list of all available special claim codes will populate the screen. Some of these codes do not apply on the Northern/Southern agreement. Find the code that best fits your claim. **If you use the wrong code, your claim could be denied and you will be required to resubmit using the proper code. Don't let that be a deterrent in seeing your claim go through the process.** You have 60 days to submit the claim from the date of violation and the carrier has 90 days from the date of submittal to deny the claim or payment must be made account exceeding time limit for denial. The Local Chairman has 60 days to list claims for local conference. Review declines in a timely manner. If a decline warrants forwarding, doing so in an expeditious and timely manner. Agreements can be found link below.

TO FORWARD CLAIM

To forward claim, go to option 3 of the tie-up screen (option 15 of the main TSS screen). Your most recent denied claim(s) will be listed at top, put F in column located on left of denied claim and enter code for the local chairman (LC) for whom you wish claim to be forwarded to. For complete list of LCs, hit F1 in the field next to FORWARD TO CHAIRMAN, search by last name and enter corresponding code once located. For local chairman of 773 it will always be.

Local Chairman code 007

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MISCELLANEOUS / MISHANDLING CODE 73

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What I need to submit a good claim, and get paid the first time submitted?

<http://www.smartlocal773.com/agreements.html>

Know the agreement, then always include HOW, WHAT, WHEN and WHERE.

Example 1

- **How is this a claim:** we were instructed by company officer to violate article 22 by of the Northern and Southern agreement more than one class of road class rule. We were called in hours-of-service relief to work job N.HOUHOU1.04A on duty 0001-hours (quote the actual article whenever possible plus company officer and title)
- **What did you do:** after dog-catching H.CDTHOU1.03A and yarding train @ SOYD & Old Yard we were instructed to relieve yard job Y.CSY2821.04A and crew members T.R. Ash and I.C. Butts and drag it into Casey yard.
- **When did this happen:** On 9/4/24 from 0800-hours until 1045-hours after being 8 hours on duty. (always list start and stop times)
- **Where did you do this:** On the Houston sub. between MP 60.6 to MP 74.4 (most important location, location, location)

Example 2

- **How is this a claim:** The carrier willfully violated Galveston super pool agreement article 3.1 The extra list at the source of supply will be used for dog-catching on trains that are tied up at or east of Placedo. when crewman J.P. Messy was called out of hotel @ 0515-hrs to protect train V.ROBALT1.30A on dog-catch symbol N.CPSGAT2.01A beyond Placedo MP 224 to get on train in Bay City MP 280, on the Angleton sub.
- **What happened:** J.P. Messy was called out of hotel to provide HOS relief East / South of Placedo. I was first out @ 0300-hrs and rested on Galveston board 7 wherein I was deprived of earnings.

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- **When:** On 5/1/22 @ 0515-hrs when J P Messy was called.
- **Where:** @ MP 280, which is 56 miles beyond East / South of Placedo.

REGULAR ASSIGNMENT ANNULLED (AN)

(Enter as basic day, 130mi road jobs or 100mi yard jobs)

Example: Claiming 100 miles at yard rate account of pay account my job was held in on 10/15/18. I showed up to work the YGAT202 at 1559 and was informed there weren't any rested yardmen available to fill the vacancy of helper, therefore my job was annulled. Please allow 100 miles code AN for this annulment.

Submit as a special claim. Select category MISCELLANEOUS PENALTY/ARTICLE IX then select AN.

CALL AND RELEASE

- **AFTER ON DUTY (AO)**

Galveston (Enter this as basic day, 100 mi/yard, 130 mi/road) Claim 130 mile basic day at freight rate of pay account performed service prior to release. List service performed, i.e. checked GTB, work orders, system general orders, system general notices etc. Include info on release time and by whom.

Houston super pool (enter 213 mi.) Claim 213-mile basic day at freight rate of pay account article 4. If a trainman at the home terminal of this unassigned pool is called and released at any point after being called for service, the trainman will be paid a one-way trip rate of the trip for which called and stand last out on the board.

Submit as a special claim. Select category ACTIVATION/CALL AND RELEASE then select AO.

- **PRIOR TO ON DUTY (PO)**

YOU ARE NOT REQUIRED TO ANSWER THAT SECOND CALL!!!

(Enter as, 65 miles) For those who, after leaving your calling place in route to

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work after taking initial call by the crew office (meaning you left your calling location, home, gym, store ect...), and you answer the call again and you got back on the board 1st out.

Note: Per the FRA, if you have already initiated ground transportation from your place of rest (residence or AFHT hotel) to the terminal, or are already at the terminal when your call is busted, and are called with a new on duty time within 4 hours of when you initiated travel to terminal, you go back to your original on duty time before call and release occurred.

You may need to call the crew desk to ensure they properly account for your original time on duty, as cited per FRA Hours of Service 2/11/03.

- Houston pool crews:

refer to article 4(A) you will be paid a one-way trip in the direction called @ home terminal (you must ask to be placed at the bottom of the board the company will not do the right thing on their own).

- Houston XBD:

The above provision will also apply to extra board employees called for “cut in” turns to perform service in this pool.

Submit as a special claim. Select category ACTIVATION/CALL AND RELEASE then select PO.

ASSISTING OTHER TRAINS ENROUTE (AS)

(No miles to enter automatically pays basic day, 130mi) If you are instructed by the dispatcher, train master, or supervisor to assist another train you are not assigned to, claim a 130mile basic day account assisting other train.

Note: If an in between is required from the crew whom you are assisting, the FRA takes exception to any crew member attaching themselves to another crew on the grounds of Hours-of-Service regulations.

Be mindful of this but do not refuse service if instructed by any of the above company officials to assist.

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(The one exception is a utility brakeman/conductor who can attach to multiple crews through a single work shift, but may not be attached to multiple crews at the same time)

Submit as a special claim. Select category MISCELLANEOUS PENALTY then select AS ASSISTING OTHER TRAINS ENROUTE (ATSF). do not use code AT.

- **Example:** Claiming code AS account I was instructed by Galveston Sub Dispatcher “RJT” at MP 99 @ 0230 hours on 11/14/18 to work outside scope of my assignment and assist another train V-KCKPEA3-11A. I was instructed to re-arm end of train devise #BNQ 42777 on car NS 699340, actual work event took place at MP 105 @ 0245 hours.

BOARD RUN AROUNDS (BD)

(Enter as basic day, 130 mi) Under UTU Northern/Southern Article 49 you will find first-in/first-out throughout. This article is one of the most vital parts of our quality of life and fairness in which we get called to work. For Galveston and Houston pools, both at home and AFHT, when a pool runs around another pool in order called, this triggers a basic day penalty.

Same applies for extra boards. On the extra board, the board run around penalty occurs when a member who was marked to the board behind you goes on duty ahead of you.

- Pool Board Example: Claiming 130-mile basic day account board run around. Conductor JG Wentworth, pool GAT7203 called on duty at Galveston on 04/01/18 at 1201 for train H-GATTPL-01A. Conductor CM Butts pool GAT7209 called on duty at Galveston on 04/01/18 at 1230
- for H-GATGAL-01A. On 04/02/18, Conductor CM Butts called on duty in Temple at 1201 for train G-NYDGAT-01L. Conductor JG Wentworth called on duty at 1230 for train H-TPLGAT-01A, triggering this board run around.

Conductor Butts followed Conductor Wentworth on Temple Board ___. Conductor Wentworth was fully rested and able to take call for G-NYDGAT-01L, making this claim account not run in turn.

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- **Extra Board Example:** Claiming 130-mile basic day account on 04/01/18 I was rested and run around on Houston Board 7. I was called on duty at 1230 for train H-HOUTPL-01a. Conductor JG Wentworth was behind me on Houston board 7 but called ahead of me with an on-duty time of 1201 for train Q-ROBWSP7-01L triggering 130-mile board run around penalty.

Submit as a special claim. Select category RUNAROUND PENALTY then select BD (CREW SUPPORT MISHANDLING) FIRST IN FIRST OUT.

HANGING ONTO SIDE OF RAILCAR (HO)

(Enter as, 25mi) If you are required to hang onto the side of a car and ride this car in excess of one mile, claim 25 miles. Items to include:

- 1) Officer from whom instruction came from,
- 2) Car number
- 3) Location – example MP122 to MP120,
- 4) Who rode car

Submit on a working ticket using the CA code HO

HOURS OF SERVICE LAW RELIEF (HR)

~~(Enter as basic day, 130mi) If you are working an assignment that requires a three man crew and you are required to finish the work after your crew member goes dead account hours of service law, claim a basic day pay account working shorthanded, Or if you being a two man crew relieved a three man crew.~~ **2024 CCA voided this claim**

Submit as a special claim. Select category MISCELLANEOUS PENALTY/ARTICLE IX then select 73.

JURY DUTY (85)

If there are questions about the ability to protect service, the employee should consult with a designated supervisor before marking off and jointly set up a strategy to ensure compliance with the court's instructions and to protect their assignment when reasonably possible. Employees will be expected to mark up immediately upon release from the courts or, if on call, immediately

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after receiving notification, they will not have to report to the court.

To validate qualification and provide the proper documentation with the claim:

Qualifies for Jury Duty Lost Wages:

- Reporting at a specific location and time for jury selection and/or Jury Duty when an actual loss of wages occurs.
- Reporting for Jury Duty conflicts with the employee's ability to obtain rest under the Hours-of-Service Act before or after the Jury Duty. Booking additional rest does not apply to Jury Duty.
- Extra board personnel who mark off for 24 hours or less will receive the equivalent of a day's guarantee if the trip missed is not completed prior to the mark up.

Does Not Qualify for Jury Duty Lost Wages:

- Jury Duty that occurs on a rest day or other periods of scheduled or unscheduled time off when no loss of wages occurs.
- Layoffs when courts are not in session. Examples include weekends and major holidays.
- Any days over the 60-day maximum. The Agreements provide for a maximum of 60 days in any calendar year.
- Failure to follow supervisor's recommendations for protecting service or reporting at the court without specific instructions to do so.

Supporting Documentation for Jury Duty Claims:

- Employees should submit a 1B special claim under code 85 and send supporting documentation to TYE Payroll Services. Submit a 1B special claim:
- Category - Jury Duty/Court Investigation Provide supporting documentation:
- Employee Name and 7-digit ID
- Ticket number and date of claim

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- Location and dates to report for jury duty
- Times scheduled to report each day
- Times released each day
- Lost trip information
- A copy of the Jury Duty notice
- The Court's reporting instructions
- A copy of the Court receipt for the amount paid while performing Jury Duty which will be deducted from the lost wage payment.

Note: If payment is delayed or there is no payment for that day from the Court, authorization must be obtained from the supervisor for payment of lost wages.

Send to TYE Payroll Services:

- Fax: 785-676-5186 or 8-676-5186
- Email: FINDLTYEJuryDutyPay@BNSF.com

Online: Ask Payroll Services (APS) through the Hub (Compensation Ticket Information) Employees who lay off LOJ, but do not send the supporting documentation to TYE Payroll Services will be considered unavailable for duty and handled in accordance with the TYE Attendance Guidelines.

MISHANDLING CONDUCTOR ONLY (IM)

This penalty claim has changed somewhat due to the 2024 National Crew Consist Agreement, in essence it reverts back to the 1985 National Agreement and the 1992 ATSF Crew Consist Agreement Article IV Road/Yard and Article VIII, section 1(b) of the October 31, 1985 UTU National Agreement is amended to include the following:

- (a) All progressive move requirements in connection with making pick-ups and/or set-outs at the initial and/or final terminal are eliminated. A road crew may make up to two straight pick-ups; or, two straight set-outs; or, one straight pick-up and one straight set-out in addition to picking up its train at the initial terminal. Likewise, a road crew may also make up to two straight pick-ups: or, two straight set-outs: or, one straight pick-up and one straight set-out in addition to yarding its train at the final

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terminal. In connection with the above handling, the road crew can spot, pull, couple or uncouple cars set out or picked up by it and reset any cars disturbed.

Which means once you reach the third event (**Enter pool miles for specific trip-rate at brakeman rate**) *example:*

Track 1007 (**move #1**)

Line 42 / car AOKX.601746 thru line 33 / car GISX.1122

then to track 1004 (**move #2**)

Line 43 / car TPAX.97822 thru line 37 / car TPAX.97325

then back to track 1007 (move #3) this is the actual money event.

Line 32 / car APFX.538169 thru line 1 / car TILX.35538

All on train H.HOUTUL1.01A and this was not due to any hazardous car

Placement this was switching violation 100% claiming brakeman's wage one-way for 213 miles Houston to Temple.

Submit as a special claim. Select category INTERCHANGE/CONDUCTOR ONLY then select IM.

****BAD ORDERS / HOSTLING POWER DO NOT COUNT AS WORK EVENTS****

Miles Off Intended Route (LP) and (SD)

- **lap back is a "SF code"**

Lap backs or side trip are duplicated miles made off intended route must have to and from milepost or station(s) and times.

(Not valid in Houston super pool agreement these miles are included in trip-rate.)

Per the carrier winning PLB 6390 award 1 and PLB 5663 award 30

NOT DUE IF WITHIN SWITCHING LIMITS

Submit on a working ticket using the CA code LP.

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- **side trip is a “BN code”**

Lap backs or side trip are duplicated miles made off intended route must have to and from milepost or station(s) and times. (only valid in Houston to Longview turns)

Submit on a working ticket using CA code SD.

Crew Mishandling (MC)

Use this code when you are mishandled by the crew office. Examples include a junior employee being awarded a job you had a bid on, not being allowed to place a bump to a position you could hold, being placed to the board improperly or not being properly canvassed.

Sample Claim: (Enter as basic day, 130mi), Claiming a basic day account junior employee awarded bid. I was the senior bidder for (Job/Pool) on (Date) and was not awarded the bid. Junior employee (Name) was awarded the bid in my stead.

Submit as a special claim. Select category MISHANDLING PENALTY then select MC.

Mileage Reimbursement (MR)

When you use your own personal vehicle to travel to outlined locations, before you tie-up notify on duty supervisor so they can okay your claim or it may get declined and you will have to wait on your money.

Submit as a special claim. Select category MILEAGE/PER DIEM REIMBURSEMENT then select MR

Miles Run Separate (MS)

Additional miles run separately from trip-rate

- *Example and Exception:* shoving Dayton yard MP 69 to MP 66 (6 miles) at Smither’s Lake in and out of plant (6 miles)

OTHERWISE NOT DUE IF WITHIN SWITCHING LIMITS

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Submit on a working ticket using the CA code MS.

Personal Remarks (PR)

Used to document your working trip(s) and remains on your tie-up ticket for references NO PAY and can be used in an investigation.

Submit on a working ticket using CA code PR.

Reporting Allowance (RA)

(enter as 2) Used when working Houston extra board 7 to fill temporary vacancies outside of SOYD

(1) To protect Casey, \$34.443 each way.

(2) To protect Dayton, \$48.224 each way.

(3) To protect Pearland, \$12.399 each way.

Submit on a working ticket using CA code RA.

Run Off Assigned Territory (RO)

(Enter as basic day, 130mi) This claim is used when a bulletined run goes beyond the limits of the run. Include your train symbol, on and off assignment location, milepost off assignment miles/times, and reason for being off assignment (instructed by company officer etc. You CANNOT incorporate these miles run off assigned territory into trip-rate on line miles (dogcatch).

Miles: 130.0

Start Time: Time you left terminal or switching limits

Start MP: MP of terminal or end of switching limits

Turnaround: MP of the head end of the train

End Time: Time you arrived back at terminal or switching limits

End MP: MP of terminal or end of switching limits.

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Who Authorized: Name or initials of who instructed you

Comments: List any other details such as the MP of the rear of your train

Submit on a working ticket using CA code RO.

Safety Participation (SF)

This code is used when a member of a local safety committee or an observer attends a safety meeting, a safety briefing, safety training, audit or other safety related function.

After entering all times, who authorized the event and selecting the trains for make-whole, if applicable, you will be given a screen to enter your remarks.

- **Sample 1:** Claiming all earnings of (Engineer) on the claimed trains account I laid off company business to participate in (Safety Event) on (Dates). I was instructed by (Local Supervisor) to attend.
- **Sample 2:** Claiming a basic day account I participated in (Safety Event) on (Dates). I was instructed to attend by (Local Supervisor).

Submit as a special claim. Select category SAFETY then select the ST code that applies to your activity.

Critical Incident Relief “CIR” (TC)

If you are involved in any critical incident, as soon as the situation allows contact a Local Chairman so they can help through the process.

The (CIR) process is outlined as follows:

1. Employee requests relief from duty from his/her supervisor following a critical incident.
2. The supervisor provides CIR Employee Information Card and explains the process including available resources.
3. Employee remains marked up.
4. If employee is unable to report for next tour of duty, he or she must contact his or her supervisor.

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5. If the employee requests additional time off, supervisor will:

- Confirm that the employee received CIR card and has access to support services.
- Authorize CIR (typically 1 -3 days paid at a basic daily rate). Time off beyond authorized CIR will follow Medical Leave of Absence (MLOA).
- Notify leave administrator utilizing layoff code CIR.
- Complete EHS Star CIR Supervisor Checklist.
- Inform Division GM, etc...

6. Employee submits special claim utilizing CODE (TC).

EMPLOYEES WHO FAIL TO FOLLOW THIS PROCESS WILL NOT BE COMPENSATED FOR CIR AS A RESULT OF A CRITICAL INCIDENT.

Submit as a special claim. Select category LIGHT DUTY/CRITICAL INCIDENT/MED then select TC.

Extended Training (TE)

(Enter as basic day, 130mi) This claim is used when you are assigned to 777 unpaid familiarizing and NOT 774 paid familiarizing normally coming outside the Texas grand seniority district including but not limited HBT to Galveston or Houston Road jobs.

Submit on a working ticket using the CA code TE.

Trading Trains (TT)

- Galveston crews (Enter as, 65 miles)
- Houston crews (Enter as 16.25 miles)

FYI this claim is not supported if you swap trains before departing the initial terminal or within switching limits. Include your assignment and on duty time/location and the train you were swapped to (include who issued instructions, time, and location).

Submit on a working ticket using the CA code TT.

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Waiting for Lodging (WL)

Submit on regular working ticket (trip home) if you were required to wait in excess of 30min for a room at AFHT. Claim all time spent waiting from the time you arrive at the hotel until you are assigned a room and receive your key. If you are working in through freight service, this would be 16.25 miles/hour.

Submit on a working ticket using the CA code WL.

Waiting for Transportation (WT)

Submit on regular working ticket; after reaching HOS and you are required to wait on train for transportation to final terminal. This will be at 16.25 miles/hour until transportation departs location to final terminal.

CONDUCTOR if you are on OVERTIME you CANNOT claim Waiting for Transportation

Submit on a working ticket using the CA code WT.

Bereavement Leave (05)

With the ratification of the 2023 SMART-TD and BLET on-property national agreements, the way bereavement leave is handled has changed. Previously, BLET and SMART-TD handling varied with the most restrictive being that all three days had to be observed within seven days of the covered family members passing. As of December 1, 2023, both SMART-TD and BLET are handled the same for a covered family member's passing:

- Covered family members are **the employee's brother, sister, parents, child, grandchild, spouse, spouse's parents, half-brother, half-sister, step-brother, step-sister, step-parent, step-child, or legally adopted child.**
- Three calendar days to be observed within 30 days following date of death.
- The days do not need to be used consecutively, but all must be used within the 30 days.

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Example:

Employee could use one day on day of passing and then use two days for the service three weeks later.

- Paid at basic day rate of last service rendered.
- 30-day period can be extended with advance supervisor approval.

These changes give our employees greater flexibility to navigate the troubling times of a family member's passing.

(Enter as basic day, 130mi) for road (Enter as basic day, 100mi) for yard Code 05 on special claim, is the lay-off code for (DIF) **Death in Family and claiming Bereavement Leave**. After completion of the special claim, fax the obituary notice with the special claim ticket number to 785-676-5186 or Email: FINDLTYEBereavementPay@BNSF.com

If you lay off DIF, but do not send the supporting documentation by the 10th of the following month will be considered unavailable. For more information, refer to System General Notice No. 33

EMPLOYEES WHO FAIL TO FOLLOW THIS PROCESS WILL HAVE THEIR ATTENDANCE DEDUCTED AND COULD FACE POSSIBLE INVESTIGATION.

Submit as a special claim. Select category BEREAVEMENT/MILITARY then select 05.

In Lieu of Lodging (19)

When not using company provided crewman lodging (outside assignment or AFHT) those who qualify for lodging at Carrier's expense will have the option of an allowance of \$15.68 per day. (To get on this list you ask comp/payroll why claim was declined, they will with reply "you're not on the list" ask to be placed on the list, then follow ask comp's instructions.)

Submit on a working ticket using the CA code 19.

Bean Law Yard (22) / Meals Road (09) (41) (72)

Yard crews are to observe a meal period between 4'30" and 5'40" from on duty time, or from end time of the first meal period. Any deviance from this will pay

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6, 12 or 62 miles as follows:

- NO Meal during the entire shift, with at least 10 hours on duty pays 62 miles.
- NO Meal during the entire shift, with less than 7 hours on duty pays 6 miles.
- NO Meal during the entire shift, with less than 10 hours and more than 7 hours on duty pays 12 miles.
- Meal taken after the 7th hour on duty and less than 10 hours on duty pays 12 miles.
- Meal taken but outside parameters in the Rule and less than 10 hours on duty; depending on the circumstances, pay either 6 or 12 miles (i.e. early meal = 6 miles; one late meal = 6 miles; two early or late meal combinations = 12 miles).
- Meal taken after 10 hours on duty pays 62 miles.
- **CA 09** - When a conductor/brakeman in interdivisional pool freight service is on duty 8 hours or less, he is entitled to code 09.
- **CA 41** - When a conductor/brakeman in road service (other than ID service) is on duty over 8 hours and is not provided a meal period.
- **CA 72** - When a conductor/brakeman in interdivisional pool freight service is on duty more than 8 hours, he is entitled to code 72.

These codes should be automatically applied to all road tickets and are included in triprate tickets.

Submit on a working ticket using the CA code 22.

End of Train Device ETD/EOT Pay (34)

When a yard crew is instructed by a supervisor to remove or install an ETD device in a yard where carmen are employed (meaning on duty and in the yard per article IV 2024 crew consist agreement).

Submit on a working ticket using the CA code 34.

Miscellaneous Agreement Violations (73) (see below)

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Held Off Turn (74)

When a regularly assigned yardman who has been used off his/her assignment to fill another yardman vacancy and, they cannot protect his/her assignment for the complete 8-hour period because of HOS law, maybe at the option of the carrier to receive time in one half or a yard basic day.

Submit as a special claim. Select category USED OFF ASSIGNMENT/HELD OFF TURN then select 74 HELD OFF TURN.

Make Whole Adjustment (76)

If you are used off your regular assignment and make less than your assignment made, claim code 76 to recover the difference in pay.

If you made more on the assignment you were used on, don't bother claiming code 76.

Submit as a special claim. Select category USED OFF ASSIGNMENT/HELD OFF TURN then select 76 STEPUP/WORK OFF TURN.

Foreign Line Switching (78)

(Enter this as basic day, 100 mi/yard, 130 mi/road) Any time operating conditions require you to tie onto a cut of foreign line RR cars to move in any manner (tie on and shove back, move to a different track etc.), you are entitled to a basic day penalty for foreign line switching. Before performing work, notify BNSF supervisor on duty of this requirement. Be sure to include supervisor notified, date and time at which notification occurred and when event took place, BNSF car number AND foreign line RR car numbers where couplings were made to.

Submit on a working ticket using the CA code 78.

Personal Leave Days (81)

For Road Service, depending on your years of service you are allowed a certain number of personal leave days per year. Listed below are PLDs for road service effective on your hire date:

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- Less than 5 years of service – 2 days
- 5 years and less than 10 years – 4 days
- 10 years and less than 15 years – 7 days
- 15 years and less than 20 years – 10 days
- 20 years or more – 13 days

Those in yard service will be granted 11 days per year, regardless of years of service, on January 1st of each new year. Use code 81 to “cash out” PLDs in lieu of time off. If you have banked/carryover PLDs from previous years and you wish to claim one or more, use code CO. However, banked/carryover PLDs do lose monetary value for each calendar year they are rolled over. Agreements can be found link below.

Submit as a special claim. Select category LEAVE DAY/HOLIDAY then, Trainmen select 81 or CO (Carryover) can also submit on a working ticket using the CA code 81.

ALL CODE 73 MISCELLANEOUS CLAIMS

Code 73 is for miscellaneous agreement violations, such as but not limited to the following (100 miles day for yard / 130 miles day for road). Like change(s) in class of service, restricting seniority, denied PLD or vacation day

Submit as a special claim. Select category MISCELLANEOUS PENALTY/ARTICLE IX, then 73 MISCELLANEOUS AGREEMENT VIOLATION

RECENT MEMBERSHIP NOTICE

starting March 4, 2025

ALL THOSE WORKING FORMER SF EXTRA BOARDS

SUBMITTING CLAIMS FOR BEING UNILATERALLY CHANGED FROM 6/3 MANDATORY REST CYCLE TO A 6/3 VOLUNTARY REST CYCLE ON COMBO BOARDS

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Claim #1

Members who were affected by the unilateral change from 6/3 mandatory to 6/3 voluntary on a combo board should begin submitting claims every pay half starting March 4, 2025 as follows:

- Claiming a basic day for each day in pay period_____ due to the Carrier unilaterally nullifying a joint 6/3 mandatory work/rest cycle agreement on the [BOARD] board at [LOCATION] to a 6/3 voluntary work/rest cycle without negotiating the imposed pay and working conditions under the RLA. The filing of this claim is not an admission by the Organization that the Carrier's actions constitute a "minor dispute" under the Railway Labor Act, but solely to identify the contractual breach and protect the timeliness of the claim.

Claim #2

The claim language below is for those affected having lost the guarantee for rest days that are now Voluntary due to BNSF's unilateral conversion, starting March 4, 2025 as follows:

- Claiming lost guarantee for each observed rest cycle day (April xx, xx, xx, 2025) in pay period_____ due to the Carrier unilaterally nullifying a joint 6/3 mandatory work/rest cycle agreement on the [BOARD] board at [LOCATION] to a 6/3 voluntary work/rest cycle without negotiating the changes under the RLA. The filing of this claim is not an admission by the Organization that the Carrier's actions constitute a "minor dispute" under the Railway Labor Act, but solely to identify the contractual breach and protect the timeliness of the claim.
- **Dog Catching Additional Trains After 8 Hours on Duty (article 17b)**

If you are at your initial terminal and are required to dog catch additional trains after being on duty for 8 hours, claim 100-mile basic day penalty account required to depart initial terminal again after the expiration of 8 hours. (provided (1) that the mileage of all the trips does not exceed 100 miles)

Example:

Called to dogcatch the **H-BWWGAT-26A** train on 4.28.22 @ 1330-hrs at 27

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cross-over. After completing trip and arriving back to initial terminal, told to standby may have another train to protect. @ 2135 spring chief instructs you to get M-TPLGAT1-28A at SSS Texas City, thus triggering penalty of violation of article 17(b) of Northern/Southern Road Schedule.

actual claim (enter as) I am claiming a 100-mile basic day account, on 4.28.22 was instructed by spring chief to violate article 17b of Northern/Southern Road Schedule account required to depart initial terminal again after expiration of 8 hours on duty.

Train 1 H-BWWGAT-26A milepost 0 to 27 and back to yard 54 miles

Train 2 M-TPLGAT1-28A milepost 0 to 10 and back to yard 20 miles for a total of 74 actual miles

- **Galveston / Temple Dog Catching Violation**

actual claim (enter as) I am claiming a 130-mile basic day account, on this date xx/xx/xxxx I was deprived of earnings. when I was first out rested on the extra board when crewman J.P. Doe was called out of hotel to protect train

Example:

H.TPLGAT1.01A @ Bellville, Wallis, Sealy ect... inbound to Galveston. Per article 4.2 Galveston super pool agreement “Between Bellville and Galveston, including Bellville, southward, or between Bellville and Temple, including Bellville, northward, use extra board crew at destination terminal”.

- **Galveston / Corpus Dog Catching Violation**

actual claim (enter as) I am claiming a 130-mile basic day account, when Galveston super pool agreement article 3.1 was violated. on this date xx/xx/xxxx I was deprived of earnings. When I was first out rested on the extra board when crewman J.P. Doe was called out of hotel to protect train

Example:

G.CPSMSI2.14A @ Keeran, Vanderbilt, LaWard inbound to Galveston. Per article 3.1 Galveston super pool agreement “The extra list at the source of supply will be used for dogcatching on trains that are tied up at or North of Placedo”.

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- **CLAIM FOR CHANGING CLASS OF SERVICE (article 22 N/S agreement)**

Example 1 of change in class of service:

On 4.28.22 while working dogcatch job HOU.8004, train G-IDKPTN1-20A and after delivering train to port North yard at 2200-hrs, crew was instructed at 2345-hrs to take over H-DYTSLA1-28A from DYT.202 job and deliver train to Manvel. So, from 2345-hrs until you tie up you were in shuttle service.

actual claim (enter as) I am claiming a 130-mile basic day account, on 4.28.22 was instructed by spring chief to violate article 22 more than one class of road service rule. In relieving yard job Y-DYT2021-28A @ mp 241 on the UPRR West Belt sub at 2345 and delivering train to Manvel mp 36 on the Galveston sub. This was not protecting HOS relief but staging a train for an outbound crew.

Example 2 of change in class of service:

On 1.25.23 you are called to deadhead from Corpus Christi I-CPSGAT1-25A to Galveston @ 0100-hrs, and later instructed to relieve the Y-HOU3841-23A (HOUGAT) near Alvin by spring chief @ 0315-hrs, and deliver train to Galveston. So, from the time you get on the (HOUGAT) until you tie up you were in yard service.

actual claim (enter as) I am claiming a 130-mile basic day account, on 1.25.23 was instructed to violate article 22 more than one class of road service rule, by spring chief in relieving yard job Y-HOU3841-23A @ mp 27 on the Galveston sub and yard train in Galveston yard track 3101 from 0400-hrs until 0815-hrs. this changes me from through freight to yard service.

These examples of article 22 claims pay a basic day but also reduces any overtime you may have accrued while in your original job, of dogcatching or through freight service this is a pick your poison claim. (Always use train symbols like Y-HOU3841-23A and not acronyms HOUGAT or GATGAT)

Below is the Agreement language that needs to be used when submitting a claim for being denied lay off in violation of Side letter 1 on the 1992 Crew Consist Agreement.

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- **CLAIM FOR 1992 CREW CONSIST AGREEMENT VIOLATION FOR DENIED LAYOFF**

(Enter as basic day, 100mi yard,130mi road code 73) I am claiming a basic day account, on xx/xx/xxxx I was denied a single vacation day (VAC) or paid leave day (PLD) or lay-off personal (LOP) lay-off when there were ____ open lay-off allocations. "This is a violation of ATSF 1985 Crew Consist Agreement article III sec 1, and 1992 Crew Consist Agreement which states the carrier shall maintain a sufficient number of employees to permit reasonable lay-off privileges."

- **CLAIM FOR PROTECTING VACANCIES IN FREIGHT SERVICE WHEN THE TRAINMEN'S FREIGHT EXTRA BOARD IS EXHAUSTED (article 51 N/S agreement)**

(Enter as basic day, 100mi yard,130mi road) I am claiming a basic day account, on xx/xx/xxxx I was denied canvassing rights for train (symbol) per article (a) (1) When the trainmen's freight extra board is exhausted and an extra trainman is required for a vacancy in freight service, the service will be offered in seniority order to the available regular assigned freight trainman working in freight service at the terminal where the vacancy exists.

- **CLAIM FOR PROTECTING VACANCIES IN YARD SERVICE WHEN THE YARD EXTRA BOARD IS EXHAUSTED (article 17-yard agreement)**

(Enter as basic day, 100mi yard) I am claiming a basic day account, on xx/xx/xxxx I was denied canvassing rights for job (symbol) per article (b) When such yardmen's extra board is exhausted, the vacancy shall be protected by calling, in seniority order, the senior available regularly assigned qualified yardman at the terminal where the vacancy occurs, who has filed written request with the yardmaster to protect extra or relief road service and if none of the senior available qualified yardmen desire to protect the vacancy, then the junior available qualified yardman, who has filed written request to protect extra or relief road service, is required to protect the vacancy

- **CLAIM FOR RESTRICTING OF SENIORITY (article 2 N/S agreement)**

Example of restricting seniority.

On 4.28.24 you were displaced by a senior employee at 0900 hours @ 0915 you attempt to return the favor to an employee same craft junior to you, but

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you are unable to do so. you call the crew caller / administrator and they tell you, they have to send out an email or they tell you, you're coming from board 7 you can't bump the junior employee on Gat/board 30 until you exhaust all other roads options which you had. (which are the road-switcher and locals)

(Enter as basic day, 100mi yard,130mi road) I am claiming a basic day account, on xx/xx/xxxx I was denied seniority per article 2 of Northern/Southern agreement and article, 3(iv) rest cycle agreements. When I was displaced, and not awarded my bid, when I was senior to the person I was displacing on board (xyz)

- **CLAIMS FOR 48-HOUR BUMP EXPIRATION AND NO ASSIGNMENT**

(Road) Claiming 130-miles account (event date) deprived of my fundamental right to an assignment per article 44 of the ATSF Northern and Southern division conductors and trainman schedule. Article 44 (m) states in pertinent part, an employee, losing his assignment, including extra board, through no fault or action of his own must, unless he receives permission to lay-off, exercise seniority, within 48 hours and (todays date)

calculated from the time of notification or released from assignment, whichever is later. If the employee fails make displacement within the 48-hour period, he will lose his bump, and be forced to displaced the junior employee at the source of supply.

(Yard) Claiming 100-miles account (event date) deprived of my fundamental right to an assignment per article 27 of the ATSF Northern and Southern Yardmen agreement. Article 27 (m) update from 1996 national agreement states in part, an employee, losing his assignment, including extra board, through no fault or action of his own must, unless he receives permission to lay-off, exercise seniority, within 48 hours, (todays date)

calculated from the time of notification or released from assignment, whichever is later. If the employee fails make displacement within the 48-hour period, he will lose his bump, and be forced to displaced the junior employee at the source of supply.

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- **LACING AIR HOSES FOR OUTBOUND CREWS**

While building an outbound train, switchmen will not be required to lace an air hose on an outbound train if the outbound crew is on-duty. If required to lace air hoses while the crew is on-duty submit a claim for a basic day.

Example: Claiming a basic day account while working yard job (Job Number) I was instructed by (TM Initials) to lace up air hoses on (Train Symbol) while the outbound crew is on duty. I laced the air hoses between (Car/Engine Number) and (Car/Engine Number). The hoses were laced at (Time) and the outbound crew was on-duty at (Time).

- **HOSTLING BY ROAD CREWS**

(Enter as basic day, 130 mi) When called off the road board / turn and are instructed to hostile power not in connection with my train within switching limits and appropriate hostlers/yardmen were available. Was called off (board) on (date) @ (time) for the (road job/symbol).

After arriving at (location) at (time) was instructed per (yardmaster/manager's name) to perform the following hostling move with no connection to my assignment:

After tying my train down in (track #) I cut off locomotive(s) #_____ and took it / them to (track #) and attached to (train symbol if available, if not available then put head car or loco number that you attached to) I then cut in the air to the train. (include all details: unit number(s), yard, track#, times, route taken, etc). per PLB#5912, Case#125, Award 125, and SBA 18, Award 5978.

- **ENGINEERS LOST GUARANTEE ON TRAINMEN'S RWB**

Claiming loss of guarantee for each applicable day on January XX, XX, XX, 2026, pay period _____, resulting from the Carrier's improper reduction of guarantee pay.

The applicable Collective Bargaining Agreement contains no language authorizing reduction of guarantee except in cases where an employee lays off for reasons other than a paid absence from the Trainmen's RWB board. The Claimant did not lay off on the Trainmen's RWB Board on the claimed dates.

The Carrier improperly reduced the Claimant's guarantee based on the Claimant's failure to protect Engineer service from the Trainmen's RWB Board. The Agreement provides no authority for requiring Trainmen to accept

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Engineer work from a Trainmen's board, nor does it permit guarantee reduction for declining such service. This reduction further conflicts with the Carrier's own understanding that "Demoted engineers who do not stand for service in their present craft are not subject to protect service as engineer unless they can be contacted."

Also, please add any supporting evidence to the claim (times out, number of times called, etc)

Submit as a special claim. Select category MISCELLANEOUS PENALTY/ARTICLE IX, then 73 MISCELLANEOUS AGREEMENT VIOLATION