

CLAIMS PACKET LOCAL 329

Abstract

This packet is designed to assist union members in the process of submitting claims, it includes how to submit a claim, as well as wording for various claims. If there is a claim that is not included that you would like assistance with, please contact one of your union officials.

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This packet is designed for members who want information on how to submit time claims for agreement violations and answer questions about claims. Of course, not every question can be answered by this packet, so please contact your Local Chairman, another experienced member, or reference your agreements if you need further assistance.

A claim is a way to enforce our collective bargaining agreements, which really means that you are helping your union keep the carrier accountable to the agreements. Communicating with timekeeping by issuing a 'heat ticket' does not substitute the need for entering a claim.

Submitting a claim can be done in CMTS as a non-service claim. There is no specific wording that must be used when filing a claim, but the following pages will help guide you with the information that will need to be included. The best thing to remember is that you are telling a story to someone who needs to know all the facts and what your job entails. It is imperative that you include as much info as possible. Explain the WHO, WHAT, WHEN, WHERE and WHY of what happened.

If your claim is denied, submit it to your local committee for further processing. This is to hold the carrier accountable for the agreements and protect members across the industry. It may seem like a frustrating process, but your union will review all claims. The local chairman will appeal your claim to the carrier, if the carrier denies the appeal of the local chairman, your claim will then be forwarded to the General Chairman for further appeal.

TIME LIMITS: When an agreement violation occurs, you have 60 days to submit your claim to the carrier through CMTS. The carrier then has 60 days to deny or pay your claim. If your claim is partially paid, ask a local chairman if you should pursue it further. Your local chairman has 60 days from the payroll date to appeal the claim, so please submit them within 30 days after pay day. Please do not allow this process to discourage you from submitting claims, because those who enter valid claims regularly are being allowed additional compensation.

To progress your claims, the local chairman needs a copy of the following:

- Your original time slip and non-service claim
- Your epayroll 'Train Slip' for the pay period that shows your time slips and trains worked (denial codes are in the 'Declination Detail' section)
- All information work order, track list, BU of train, copy of conductor log, track warrant, board standing, work history, etc. that can help to validate your claim

Local Chairman Access

To expedite the grievance process, it is recommended that you allow your local chairman access to your timekeeping information. You can allow or revoke access at your discretion, but please remember that this info is only accessed to help process claims - especially for guarantee and FR issues.

To grant access to your local chairman, complete the following steps:

- Log into CMTS
- Click 'Personal Info' under 'Reporting' header
- Check the box next to 'Allow Chairman Access to Pay Screens'
- Enter your local chairman's user id in the box (Ralph Hardy otsd564, Steve Groat otsa634)
- Click 'Update' at the bottom of the page.

FRA Screen

When you report your FRA info at tie up, ***it is imperative that you enter it correctly and accurately***. The FRA screen is not only a legal obligation, it also validates your claims by telling the railroad and FRA exactly where and when specific reporting events occurred. You must include all deadhead and train information along with other specific details relating to your claim. The FRA screen of your time slip can make or break your claim.

How to Submit a Claim:

- After logging into The Union Pacific Website, go to MYUP Page
- Click on the Menu tab on the left side of the screen, and select Crew
- From the Crew menu you will select CMTS
- In CMTS underneath timekeeping you will select Non-Service Claim. Once you have selected this you will be asked to select a date and time. This is the date and time that the violation occurred. Enter the date and time. Press 'select'. Pick the appropriate claim type, many may fall under 'Claim Not Found'.
- Select the claim type by marking the appropriate box on the left of the claim item and click 'process'.
- On the next screen, click submit claim.
- This screen is where you will be asked to enter information regarding the agreement violation. You will need to be as specific as possible when typing the claim. Include all information that pertains to the violation, including all deadhead and train information as well as other specific detail related to your claim.
- The final step to submitting your claim is to press "update" at the bottom of this screen.

Your claim has now been submitted to the carrier. Watch your time slips for the remainder of the half to see if the carrier pays the claim or not. If they do not pay the claim, you will need to submit it with the proper paperwork to your Local Chairperson for further processing. Please see the documentation section of this packet to ensure you include complete documentation.

Types of Claims

Staging

This type of claim is used to request 8 hours of pay for being required to run through the terminal for staging train purposes. **ALL information needs to be entered correctly and accurately in the FRA tie up screen.**

Required information:

Departing information:

- Train ID
- Date
- Time on duty
- Terminal location

Arriving information:

- Terminal location
- Date
- Time

Instruction to go back out information:

- Dispatcher ID
- Arrival Mile Post #
- Departing from terminal location
- Date
- Time

Final arrival information:

- Arrival Mile Post #
- Date
- Time
- Final terminal location
- Date
- Time
- Tie up date and time

Example narrative:

Claiming 8 hours of pay for being required to run through the terminal for staging train purposes. I was ordered for **(train ID)** on **(date)** at **(time on duty)** from **(terminal)**.

I arrived at **(terminal location)** on **(date)** at **(time)** and was instructed by dispatcher **(dispatcher initials)** to take the train to MP **(mile post #)**. I departed **(terminal location)** on **(date)** at **(time)** and arrived at MP **(mile post #)** on **(date)** at **(time)** and arrived back at **(terminal location)** on **(date)** at **(time)** and tied up **(date)** at **(time)**.

Bay Window Claim (only applies between October 15th through April 15th)

This type of claim is used to request 8 hours of pay for being required to use a locomotive in yard service not equipped with a bay window for the majority of the shift. This type of claim is only valid from October 15th through April 15th.

Required information:

Detailed information:

- Locomotive #
- Job #
- Date
- MTO or Yard Master name or initials
- On-duty time
- Tie up time

Example narrative:

*Claiming 8 hours pay for being forced to work in yard service with a locomotive not equipped with a bay window in accordance with the letter of Understanding dated March 16, 1949. I was instructed to use locomotive (**locomotive #**) while on job (**job #**) on (**date**) to perform yard switching service per (**manager name**), between the hours of (**on duty time**) to (**tie up time**). This locomotive was used the preponderance of my shift and is not equipped with a bay window.*

Turned out of Away from Home Terminal Rule 11(B)

This type of claim is used to request a second trip rate for being required to depart the away from home terminal for a second time. **ALL information needs to be entered correctly and accurately in the FRA tie up screen.**

Required information:

Departing information:

- Away from home terminal
- Train ID
- Date
- Home terminal
- Time

Arriving information:

- Away from home terminal
- Date
- Time

Second departure information:

- Manager name or initials
- Date
- Time ordered
- Away from home terminal
- Train pick up location
- Train ID
- Pick up location

Final arrival information:

- Away from home terminal
- Date
- Time

Example narrative:

Claiming 2nd trip rate for departing the **(away from home terminal)** for the 2nd time. I was ordered for train **(train id)** on **(date)** from **(home terminal)** at **(time)**. After arriving at the **(away from home terminal)** on **(date)** at **(time)**, Corridor Manager **(manager name or initials)** ordered me on **(date)** at **(time)** to depart the terminal of **(away from home terminal)** and deadhead to **(location)** to bring train **(train id)** from **(pick up location)** to **(away from home terminal)** on **(date)** at **(time)**. FRA tie up screen will show all deadhead and train times.

Turned Out of Home Terminal Rule 11(C)

This type of claim is used to request a second trip rate for being required to depart the home terminal for a second time. **ALL information needs to be entered correctly and accurately in the FRA tie up screen.**

Required information:

Assignment information:

- Home terminal location
- Train ID
- Date
- Time on duty
- Away from home terminal

Order to depart and drag in a train:

- Manager name or initials
- Date
- Time ordered
- Home terminal Location
- Train pick up location
- Train ID
- From location
- Home terminal location

Arrival information:

- Terminal location
- Date
- Time

Second departure information:

- Train ID
- Origination and destination terminal information
- Date
- Time

Final arrival information:

- Terminal location
- Date
- Time

Example narrative:

Claiming 2nd trip rate for departing the **(home terminal)** for the 2nd time. I was ordered for **(train id)** on **(date)** from **(home terminal)** to **(away from home terminal)** at **(time)**. Corridor manager **(manager's name or initials)** ordered me on **(date)** at **(time)** to depart the **(home terminal)** terminal to deadhead to **(location)** to bring train **(train id)** from **(location)** to **(home terminal)** and then depart the **(home**

terminal) terminal for the 2nd time to take train (**train id**) to (**location**) and I was not ordered in short turnaround service. FRA tie up screen will show all deadhead and train times.

Locker

This claim is used for requesting a locker at home or away from home terminal. If they are unable to provide you with a locker you are entitled to this claim. A certified letter must be sent to the carrier manager at the terminal to request a locker. File a claim for each day you are at that terminal that you do not have a locker provided.

Required information:

Departure information:

- Train ID
- Date
- Time

Arrival information:

- Terminal location
- Date
- Time

Certified Letter information:

- Terminal location of requested locker
- Date sent
- Date received
- Name of recipient

Example narrative:

Claiming 8 hours account of not being provided a locker at (**away or home**) terminal). I was ordered on (**train ID**) on (**date**) at (**time**) I arrived at (**terminal location on date and time**). There was no locker available for me at this location. I requested a locker by certified mail to the manager on (**date and time**) and it was received by (**name**) on (**date and time**).

Runaround

This claim is used to claim 8 hours for being run around while on your assigned job or board.

Required information:

Assignment information:

- Terminal
- Board assignment
- Date
- Time

Runaround information:

- Person who ran around you
- Train ID
- Date
- Time

Subsequent departure information:

- Train ID
- Date
- Time

Example narrative:

Claiming 8 hours for being run around while assigned to the **(terminal and board assignment)**. I was first out and rested on **(date, time and board assignment)** when I was run around by **(person)**. They were called for **(train ID)** on duty on **(date)** and **(time)**. I was subsequently ordered for **(train ID)** on duty on **(date)** and **(time)**.

Run Through

This claim is used to claim 8 hours for being running through initial terminal.

Required information:

Assignment information:

- Terminal
- Train ID
- Date
- Time

Run Through information:

- Dispatcher/Manager
- Location of Train
- Train ID
- Initial terminal
- Date
- Time

Example narrative:

Claiming 8 hours for running through **(terminal Location)** for **(Train ID)** on **(Date)** at **(Time)**. I was instructed by **(Dispatcher/Manager)** to deadhead to **(location)** to pick up **(Train ID)** and run through the initial terminal to **(Location)** and tie up on **(Date)** at **(time)**. FRA tie up will show all deadhead and train times.

Bad Order Toilet

If you are instructed to operate on a locomotive with a bad toilet, ask all crew members to enter a time claim. **This must be reported as a locomotive defect at tie up.**

Required information:

Assignment information:

- Train ID
- Date
- Time
- Terminal

Directive information:

- Manager
- Time
- Locomotive #

Example narrative:

*Claiming 8 hours account being instructed to operate a locomotive with a non-complying unsanitary toilet while assigned to **(train ID)** on duty **(date)** at **(time)** at **(location)**. I notified **(manager)** at **(time)** that **(locomotive#)** was a non-complying unit due to fumes and sewage, but was told to take the train 'as is'.*

Bad Order or No Fridge/Icebox

If you are instructed to operate on a locomotive with either a bad order or no fridge / icebox, ask all crew members to enter a time claim. **This must be reported as a locomotive defect at tie up.**

Required information:

Assignment information:

- Train ID
- Date
- Time
- Terminal

Notification information:

- Manager
- Time
- Locomotive #

Example narrative:

*Claiming 8 hours account being instructed to operate a locomotive with a non-complying refrigerator/icebox while assigned to **(train ID)** on duty **(date)** at **(time)** at **(location)**. I notified **(manager)** at **(time)** that **(locomotive#)** was a non-complying unit due to no method of sanitarily storing cold water and lunches but was told to take the train 'as is'.*

Yard Service Out of Switching Limits

When assigned to yard service your duties will be performed within the established switching limits. If you are told to stage a train outside of switching limits, enter the following time claim. If you believe you have a claim for other yard switching limit violations, modify your claim based on the example or ask a Local Chairman for assistance.

Required information:

Assignment information:

- Train ID
- Date
- Time
- Terminal

Directive information:

- Manager
- Time
- Train ID
- Location
- Detail of work
- Time
- Train ID
- Time
- Train ID

Example narrative

Claiming 8 hours account being instructed to work outside of switching limits while assigned to yard job **(train ID)** on duty **(date)** at **(time)** at **(terminal)**. I was instructed by **(manager)** at **(time)** to take train **(train ID or car #)** from **(location)** to **(location)** which was outside of the scope of my yard service assignment **(explain the work you did)**. I departed switching limits at **(time)** by **(train/cab/etc)** and arrived back in switching limits at **(time)** by **(train/cab/etc)**.

Yard Meal Claim

Per agreement, yard crews are allowed to take an on-property 20-minute meal period to begin no sooner than 4 1/2 hours and to end before 6 hours after on-duty time. Engineers are also entitled to a second meal period between 4 1/2 and 6 hours after the first meal period ends. It is encouraged to take a meal period in the bracketed times. Enter the appropriate time claim if you are instructed by carrier official to take a late meal or to not take a meal period.

Required information:

Directive information:

- Instructing manager
- Train ID
- Date on duty
- Time on duty
- Location of assignment
- Meal period start time
- Meal period end time
- Explanation of why meal was taken late or denied
- Time tied up

Example narrative:

Claiming 8 hours account was instructed by **(manager)** to take meal period outside of the bracket while assigned to yard job **(Job #)** on duty **(date)** at **(time)** at **(location)**. **I asked to take my meal period and was instructed by (manager/yardmaster) to keep working.** I began meal period at **(time)** and ended at **(time)**. **(Explain why meal was taken late).**

OR

Claiming 8 hours account was denied a meal period by **(manager)** while assigned to yard job **(Job #)** on duty **(date)** at **(time)** at **(location)**. **I asked to take my meal period and was instructed by (manager/yardmaster) to keep working.** I tied up at **(time)** and was not provided with a meal period during my entire tour of duty.

Yard Start Brackets

Regularly assigned jobs have fixed start times. Where 3 eight-hour yard shifts are worked in continuous service, the start times for an assignment on 1st shift will be between 06:30 and 08:00 hours, 2nd shift between 14:30 and 16:00 hours and 3rd shift between 22:30 and 00:00 hours. Extra yard assignments will also be called in these bracketed times. If called outside of the bracket, file a time claim.

Required information:

Assignment information:

- Train ID
- Date
- Time
- Location

Detail information:

- Start brackets
- Terminal location

Example narrative:

*Claiming 8 hours account was called to protect job **(Job #)** on **(date)** at **(time)** at **(location)**. I was ordered for a start time outside of the agreed upon start brackets of 0630 to 0800 hours, 1430 to 1600 hours and 2230 to 0000 hours. **(Terminal Location)** Terminal has three yard shifts in continuous service.*

Road Run Around

When you are first out and rested, you may have a run around claim due if your pool or extra board turn is called out of sequence. Also, the first person called is to be the first to depart the terminal for both road trains and deadheads. Enter a claim if you depart out of turn. Please inform your brother/sister that they may have a claim due if you are called or depart around them.

Required information:

Assignment information:

- CIRC-7 and board
- Train ID
- Date
- Time
- Terminal

Detailed information:

- Who ran around you
- Date
- Time
- Subsequent Train ID
- Date
- Time

Example narrative:

Claiming 8 hours account of being run around while assigned to the (circ-7 and board). I was first out and rested when I was run around by (who) called for (train ID) on duty on (date) and (time). I was subsequently ordered for (train ID) on duty on (date) and (time).

Out of Bulletined Limits / Out of Assigned Start Time

If instructed to operate outside of your trains bulletined limits or to begin your tour of duty outside of your bulletined start time, you probably have a penalty claim. Please contact a Local Chairman for assistance in writing your claim. Copies of call sheets, track warrants, conductor logs, reader lists and train lists are valuable evidence supporting the burden of proof that you were mishandled. Bulletins must be specific as to the start time, on/off duty locations, home/away terminals, rest days, territory worked daily, etc. Vague bulletins are meaningless.

Required information:

Detailed information:

- Location
- Job ID
- Date
- Time
- Home/Away Terminal(s)
- Rest days
- Territory worked daily

Example narrative:

Guarantee (Federal Requirement - FR) and Bonus Day

If you are shorted guarantee or your bonus day, enter a guarantee claim following each pay half and a bonus day claim if you have been marked up for the entire period. For these claims, simple is better as the Local Chairman can dissect any issues with the carrier later. Claims for Federal Requirement (FR) are also covered by this entry.

Remember that when bumped, trainmen have 3 hours to mark up before your bonus day and guarantee are affected and 24 hours before you lose your bump. If you mark up by 11:00 hours, you are due that board's guarantee for the day.

Required information:

Assignment information:

- CIRC-7 and board

Detailed information:

- Pay period requested
- Bonus Day/Guarantee (FR)

Example narrative:

Claiming full guarantee for first/last half of (month and year) while assigned to (circ-7 and board).

Claiming bonus day due for first/last half of (month and year) while assigned to (circ-7 and board).

No Water or Supplies

If you are instructed to work in road or yard service with no water or supplies available, please enter a time claim as the carrier is to have them for you.

Required information:

Assignment information:

- Train ID
- Date
- Time
- Location

Detailed information:

- Manager name notified
- Time manager was notified

Example narrative:

Claiming 8 hours account being instructed to operate with no bottled drinking water while assigned to (train ID) on duty (date) at (time) at (location). I notified (manager name) at (time) that there was no bottled water but was told to work anyway.

Restricted Seniority

If your seniority is restricted, please enter a time claim for each day you are inconvenienced. The most important part to these claims is explaining how your seniority was restricted – the more info the better.

Required information:

Detailed information:

- Date
- Time
- Description of reason with specific details

Example narrative:

*Claiming 8 hours account my seniority was restricted on **(date)** at **(time)**. **(Explain what happened to inconvenience you -include jobs, names and times)**.*

Wait for Lodging Claim

If you are not provided lodging within a reasonable amount (over 30 minutes of arriving at the rest location), you are entitled to submit a claim for 8 hours pay.

Required information:

Assignment information:

- Train ID
- Location
- Date
- Time

Detailed information:

- Time checked into room
- Reason for check-in delay
- Original rest time
- Time rest time adjusted

Example narrative:

*Claiming 8 hours pay for not being provided lodging within a reasonable amount of time. I was ordered on Train **(train ID)** at **(location)** on **(date)** at **(time)** and tied up at **(location)** at **(time)** on **(date)**. I was not checked into my room until **(time)** on **(date)** account of **(reason)**. My original rest was **(time)** on **(date)**. I readjusted my rest upon receiving my room to **(time)** on **(date)**.*

Jury Duty

Advise your local manager that you are selected for jury duty. On dates that you need to appear at court, call CMS to mark off jury duty (LJ). Submit a non-service time slip and forward your proof of attendance paper issued by the Clerk of Court to timekeeping – email: tkopsfax@up.com or fax: 402-997-3954.

Required information:

Assignment information:

- CIRC-7 and board

Detailed information:

- Jury duty date
- Amount of compensation
- Train ID would have worked

Example narrative:

*Claiming the greater of lost earnings or full guarantee while assigned to **(circ-7 and board)** and marked off for jury duty on **(date)**. I was compensated **(\$ amount)** by clerk of court. Job I would have worked was **(train ID)**.*

Bereavement

Call CMS to mark off bereavement (BV). Agreements provide for bereavement leave, not in excess of 3 calendar days following death of an employee's brother, sister, parent, child, spouse or spouse's parent. Half-brothers/sisters are covered but not step-brothers/sisters, unless legally adopted. Submit a non-service time slip for each day off and forward your notice from funeral home or obituary to timekeeping – email: tkopsfax@up.com or fax: 402-997-3954.

Required information:

Detailed information:

- Relation of loss
- Date of death
- Service date
- Days requesting bereavement pay
- Obituary or notice from funeral home
- Non-service time slip for each day off

Example narrative:

*Claiming 3 paid days of bereavement for the loss of my **(relative)**. Date of death was **(date)** and services to be held on **(date)**. Days of requested bereavement are **(dates)**. I have emailed or faxed appropriate documents.*

Personal Auto Miles

It is position of the Union that any deadhead utilize the carrier provided transportation. If a union member works a terminal other than a home terminal and is instructed by the carrier to use a personal auto, enter one personal auto mileage claim for total miles driven to and from the outlying terminal. Make sure you include city and state.

Required information:

Detailed information:

- Number of miles claiming
- Location from
- Location to
- Date
- Description of reason for travel
- Instructing manager's name

Example narrative:

Claiming (# of miles) miles at current mileage rate account drove personal auto from (location from) to (location to) on (date) for brakeman or conductor training as instructed by (manager name).

Company Business

When marked off in a company business status (rules class, safety meeting, simulator training, peer trainer, etc.) enter claim as instructed by Superintendent Bulletin Category 10 -Timekeeping and CMS. Always add comments requesting to be paid at the greater of lost earnings or 8 hours pay. It is also recommended to list the job you missed and who protected it. Enter one claim for each day marked off.

Required information:

Detailed information:

- Superintendent Bulletin Category
- Event attended
- Date
- Instructing manager's name
- Claim amount (Train ID and protected by who)

Example narrative:

Claiming pay class of time (from supt bltn) account attended (what event) on (date) as instructed by (manager name). Claiming greater of lost earnings or 8 hours pay for (train ID) protected by (who).

Firemen Claims

Firemen-helpers in classroom training at points away from home will be allowed actual and necessary travel, meal and lodging expenses. When undergoing on-the-job training, firemen- helpers will receive lodging and meal allowances. Enter any claims daily, listing train ID and name of engineer you trained under.

Required information:

Detailed information:

- Location
- Train ID
- Fireman employee name you trained under
- Date
- Time
- List of expenses

Example narrative: