

MEMO
June 26, 2112

To: Local Chairmen, GO-245

From: Office Of UTU General Chairman, GO-245

Re: Timeslip Instructions - BNSF Unilateral Change Of Pool Handling (First In, First Out)

As you are all aware, BNSF has served notice of their intent to change the manner in which pool turns are marked up in unassigned service when the assignment owner marks up. Effective June 27, 2012, when a pool turn owner marks up from any absence and their assigned turn is not at the home terminal, the Carrier intends on placing them to the bottom of the board at the home terminal. To accomplish this, they intend on changing their previous turn to a make up turn and placing the employee on a new turn with the same number.

Once notified of their intention, this office, along with all other UTU General Chairmen, filed non-acquiescence letters with BNSF stating that this constitutes a unilateral change in working rules and agreements. Our position is further complimented by several decades of proper handling without exception. Not only is the handling change a violation of our first in, first out rule, but it is contrary to our respective mileage agreements and contemplates an adverse and irreparable impact on the earnings of those assigned to the pool.

At this juncture, it is safe to say that attempts to eliminate or delay this implementation have proven futile, and we are directing our efforts at settling this dispute through expedited arbitration. UTU Vice President Robert Kerley is assigned to assist the BNSF General Chairmen with this matter and discussions concerning the process of resolution are ongoing.

Since there is no doubt that employees will be adversely affected on many levels by this handling, we will outline herein the nature of timeslips that should be submitted and the documentation that is required to support all such claims. While we believe that some of the following claim scenarios have more merit than others, we wish to cover all of our bases to ensure that the maximum amount of liability to placed on Carrier's shoulders. If you are affected by any of the following three scenarios, please submit a timeslip as described and assist with gathering all supporting documents. As always, regardless of your claim's merit, if it is not accompanied by supporting documentation, it cannot be progressed. If you have any doubts or need assistance with this, please contact your Local Chairman.

Scenario 1:

In the event your turn is not at the home terminal when you mark up and you are erroneously placed at the bottom of the board, please submit a timeslip for payment of one basic day account violation of CB&Q Schedule Rule 20 (first in, first out). Detail on your timeslip the fact that your turn was not at the home terminal and that it was arbitrarily repositioned to the bottom of the board at the home terminal. We will also need the name of the extra board employee that initially filled your vacancy and pool records indicating your turn was improperly moved within the rotation.

Scenario 2:

In the event you are assigned to a turn directly behind the turn that was improperly repositioned (as in Scenario 1), you will be due a pool runaround claim once the other crew is eventually called. This only applies to the first turn behind the improperly placed turn and not subsequent turns. Whether you are working a standard or interdivisional pool will determine whether this claim is for two hours or one basic day. Here again, you will need to provide all documentation as you would for any other runaround claim once it is denied and turned over to your Local Chairman.

Scenario 3:

Finally, this office will support documented claims for any pool turn owner that can demonstrate that they suffered reduced work opportunities as the result of the Carrier's artificial augmentation of pool turns. While this will by far be the most difficult claim to document, it carries with it a great deal of merit.

To accomplish this en masse, we propose that upon the close of each pay period, the Local Chairmen or designee(s) should provide all pool turn owners a copy of the pool's outbound history for the period. This documentation may be distributed to our members either electronically or via hard copy. In either instance, the turn owner should review his/her pool rotation throughout the period, indicating where their turn should have worked. If, at the end of the period, we can document that your turn would have made an additional one-half, whole, etc. trip(s) during this period, a timeslip should be submitted for the missed trip(s).

Please feel free to share these guidelines and instructions with our members and encourage them to protect their rights by submitting all applicable timeslips and providing the requisite information and documentation. We are sure there will be many questions regarding this and feel free to contact us with any you cannot answer. Above all, please ensure these claims are well documented and handled locally in a timely manner.