

CLAIMS AND GRIEVANCES

Processing Claims and Grievances in the Railroad Industry



Explanation

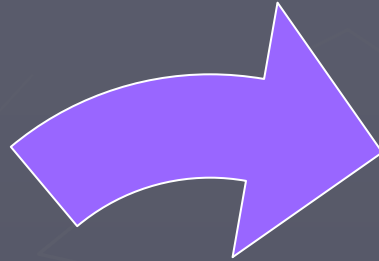
- ▶ The program is to explain only those matters that should be handled by the Local Chairman or his assistants " On the property."

Investigating and Processing Claims

System Council

Carrier

Local Union



Local Committee Chairman

- ▶ You are the face of the Local Union
- ▶ You are the voice of the members
 - Be Knowledgeable
 - Be Intelligent
 - Be well informed
 - Be fair minded and consistent

Local Chairman

- ▶ Know your duties
- ▶ Develop a personal relationship with your counterpart from management
 - Find out hobbies
 - Likes and dislikes
 - We are all in the same profession
 - Try not to be confrontational when seeking information from Management

Investigation

- ▶ To process any claim or grievance, the most important issue is the investigation.
- ▶ Be thorough
- ▶ You can never have too much information
- ▶ Always write down chronology & names of any witness

Investigation

- ▶ Who?
- ▶ What?
- ▶ Where?
- ▶ When?
- ▶ Why
- ▶ How

Who?

- ▶ Get the name of anyone that was involved, actually witnessed or has direct knowledge regarding the incident.
 - Get all pertinent and relative information from these witnesses - full name, job title, job assignment & location, years of service, rest days, and daily working hours.
 - Get the names of any and all potential witness'
 - Get statements, if possible from any witness', both Carrier as well any Craft witness (in their own handwriting and have them sign and date the statement).

What

- ▶ What is the issue?
- ▶ What is the violation?
 - Collective Bargaining Agreement
 - ▶ Identify CBA (Collective Bargaining Agreement)
 - ▶ Specify Article and Section of CBA violated
 - ▶ If the work that was allegedly done by another craft or entity is not specifically covered in the CBA, has it Historically and Traditionally been done by the Electrical Craft?
 - Work Rules
 - ▶ Specify what rule was involved or violated
 - ▶ When listing a Rule violation in your Claim always list any work rules that have been potentially violated and add "but not limited to"
 - Safety
 - >Does Safety play a role?

Where

- ▶ Service Track ?
- ▶ Shop ?
- ▶ Yard ?
- ▶ Outside point ?
- ▶ List specific location where alleged violation occurred

- ▶ If there is a safety issue involved, always document everything about the area that is unsafe and, if possible, get signed and dated statements from any witness' regarding unsafe conditions.
- ▶ Has the unsafe condition been reported before, if so get all information and details. Was the unsafe condition relative to your Claim?
- ▶ Any circumstances that may have lead to a violation.

When

- ▶ Date
- ▶ Time
- ▶ Place

- ▶ Be as specific as possible

Why

- ▶ Did Carrier violate the Agreement?
- ▶ Jurisdiction?
- ▶ Safety Violation?
- ▶ Was an Electrician available to perform the work?

How

- ▶ What improper action did the Carrier take?
- ▶ How you think the issue should be resolved?
 - Always ask for some form of a resolution in your claim.
 - The ultimate issue should always be to have the Carrier stop the practice immediately and refrain from doing it again.
 - If you seek a monetary resolution along with your request to have the Carrier stop the practice, you must be specific . You should request that your Claimant be paid for all lost wages, and any potential amount of time your Claimant could have worked (***see “demand language” page**).
 - If it is work that should have been assigned to the IBEW, is the work identified in the Collective Bargaining Agreement?
 - If the CBA does not identify the work that was done by another Craft or entity has the work been Historically and Traditionally been done by the Electrical Craft?

Responsibilities & Rights

▶ Duty of Fair Representation

- What is it?
- Union required to serve the interests of all members
 - ▶ Act without hostility
 - ▶ Exercise its discretion with complete good faith and honesty
 - ▶ Avoid arbitrary conduct. Remember, you are the Face and voice of the Union to our Members on the property.

Responsibilities and Rights

- ▶ The Local must investigate the claim
 - If there is a violation, process the grievance
 - If there is no violation, inform the grievant that their grievance will not be processed and why.

Local Chairman Responsibilities

- ▶ Properly develop the claim
- ▶ Properly develop the facts of the claim
- ▶ Properly develop the employees' position
- ▶ **Be timely with filing the claim**

How to Win

- ▶ It starts with YOU
- ▶ You are the Representative for the Union!
- ▶ The claim or grievance will only be won if you have done your investigation thoroughly and written it up properly.
- ▶ The General Chairman, if the issue is appealed, only has the written information that you have supplied.
- ▶ The General Chairman or Assistant General Chairman, assigned to your geographic location is only a phone call away should you require any help whatsoever.

Demand Language

- ▶ The following language should be used when demanding what you want in settlement for a discipline claim:

“James Meyer should be returned to service with seniority rights unimpaired and made whole for any and all losses incurred including, but not limited to: straight time pay, overtime pay, vacation benefits, health and welfare benefits, Railroad Retirement benefits, and any other benefits he/she would have earned and/or received during the time held out of service.”

Additional Information

- ▶ For additional information on handling claims and grievances, please see the "2009 IBEW Railroad Department Training Manual." Also, if you have additional questions, please don't hesitate to call you General Chairman's office or the Railroad Department.