

RULE 20 — TIME LIMIT ON CLAIMS

- a. A claim for compensation alleged to be due may be made only by a claimant or, on his behalf, by a duly accredited representative. No later than sixty (60) days from the date of the occurrence on which the claim is based, a claimant or his duly accredited representative must submit two (2) timeslips alleging the claim to the officer of the Company designated to receive timeslips. The representative of the Company who receives the timeslips from the claimant or from his duly accredited representative must acknowledge receipt of the timeslips by signing and dating them, and return the duplicate copy to the claimant or his duly accredited representative. If not presented in the manner outlined in this paragraph, a claim will not be entertained or allowed, but improper handling of one (1) claim will not invalidate other claims of a like or similar nature. No monetary claim will be valid unless the claimant was available, qualified, and entitled to perform the work.
- b. If a claimant is absent because of sickness, temporary disability, leave of absence, vacation or suspension, the sixty (60) day time limit will be extended by the number of days the claimant is absent.
- c. To file a claim, a claimant or his duly accredited representative will be required to furnish sufficient information on the time slip to identify the basis of the claim, such as:
 1. Name, occupation, employee number, division.
 2. Train symbol or job number and engine number(s).
 3. On and off duty time.
 4. Date and time of day work performed.
 5. Location and details of work performed for which claim is filed.
 6. Upon whose orders work was performed.
 7. Description of instructions issued to have such work performed.
 8. Claim being made, rule if known, and reason supporting claim.
- d. When a claim for compensation alleged to be due is not allowed, or should payment be made for less than the full amount claimed, the claimant will be informed of the decision and reasons for it, in writing, within sixty (60) days from the date that claim is received. When the claimant is not so notified, the claim will be allowed, but such payment will not validate any other such claims, nor will such payment establish any precedent. It is understood that the requirement set forth in this paragraph for initial denial of monetary claims for compensation alleged to be due will be satisfied when a monetary claim is identified and disallowed on an itemized statement of earnings form issued within the time limits specified herein.
- e. A claim for compensation, properly submitted, which has been denied, will be considered closed unless the duly accredited representative, within sixty (60) days from the date of denial, appeals the denial in writing with the designated Labor Relations officer, setting forth the facts upon which the appeal is based and the Organization's position. In said appeal, the duly accredited

representative shall either request discussion of the claim or waive discussion and request a written response. If the duly accredited representative waives discussion and requests a written response, the Labor Relations officer will provide the response, setting forth, if the appeal is denied, the facts upon which the appeal is denied and the Carrier's position, within sixty (60) days from the date of the appeal. If discussion is requested, the Labor Relations officer will schedule and hold the discussion within sixty (60) days from the date of the appeal. When a claim for compensation is denied following such discussion, the Labor Relations officer will notify the duly accredited representative in writing within sixty (60) days from the date of such discussion, setting forth the facts upon which the appeal is denied and the Carrier's position. When the duly accredited representative is not notified as required by this paragraph, the claim will be allowed as presented, but such payment will not validate any other such claim nor will such payment establish any precedent.

- f. (deleted)
- g. (deleted)
- h. (deleted)
- i. The decision of the Labor Relations officer will be final and binding unless, within six (6) months after the date of that decision, the officer is notified in writing that his decision is not accepted. In the event of such notification, the claim will become invalid unless, within one (1) year from the date of the Company's decision, the claims are disposed of on the property, which will include conference with the General Chairman, if so requested by the Labor Relations officer, or submitted to a tribunal having jurisdiction pursuant to law or agreement, unless the parties mutually agree to other proceedings for final disposition of said claims.
- j. The time limit provisions in this Rule may be extended at any level of handling in any particular case by mutual consent of the duly authorized officer of the Company and the duly accredited representative of the Organization.
- k. The time limits set forth herein do not apply in discipline cases.

RULE 21 — DISCIPLINE AND INVESTIGATION

- a. Except as provided in paragraph (c), no Passenger Engineer will be disciplined, suspended or dismissed from the service until a fair and impartial formal investigation has been conducted by an authorized Company officer.

Note: An officer of a foreign railroad may properly conduct the formal investigation into discipline matters involving MBCR Passenger Engineers on such foreign railroad territory, but an MBCR officer will be present to assure compliance with Rule 21. (Adopted from Side Letter No. 5 of the BLE-Amtrak December 23, 1985 Memorandum of Understanding.)

- b.
 - 1. Except when a serious act or occurrence is involved, a Passenger Engineer will not be held out of service in disciplinary matters before a formal investigation is conducted. A serious act or occurrence is defined as: Rule “G”, Insubordination, Extreme Negligence, Stealing.
 - 2. If a Passenger Engineer is held out of service before a formal investigation for other than a serious act or occurrence, he will be paid for what he would have earned on his assignment had he not been held out of service beginning with the day he is taken out of service and ending with the date the decision is rendered or he is returned to service, excluding the day of the formal investigation, whether or not he is disciplined. Holding a Passenger Engineer out of service before a formal investigation or paying him for being out of service for less than a serious act or occurrence is not prejudging him.
- c. Formal investigations, except those involving a serious act or occurrence, may be dispensed with should the Passenger Engineer involved and/or the duly accredited representative and an authorized officer of the Company, through informal handling, be able to resolve the matter to their mutual interests. Requests for informal handling must be made at least twenty-four (24) hours before a formal investigation is scheduled to begin. No formal transcript, statement, or recording will be taken at the informal handling. When a case is handled informally and the matter of responsibility and discipline to be assessed, if any, is resolved, no formal investigation will be required. A written notice of the discipline assessed and the reason therefor will be issued to the Passenger Engineer responsible, with a copy to the duly accredited representative if he participated in the informal handling, at the conclusion of the informal handling. Discipline matters resolved in accordance with this paragraph are final and binding.
- d.
 - 1. A Passenger Engineer directed to attend a formal investigation to determine his responsibility, if any, in connection with an act or occurrence will be notified in writing within seven (7) days from the date of the act or occurrence or in cases involving stealing or criminal offense within seven (7) days from the date the Company becomes aware of such act or occurrence. The notice will contain:
 - A. The time, date and location where the formal investigation will be held.

- B. The date, approximate time and the location of the act or occurrence.
 - C. A description of the act or occurrence which is the subject of the investigation and rules which may be involved.
 - D. A statement that he may be represented by his duly accredited representative.
 - E. The identity of witnesses directed by the Company to attend.
2. When a letter of complaint against a Passenger Engineer is the basis for requiring him to attend the formal investigation, the Passenger Engineer will be furnished a copy of the written complaint together with the written notice for him to attend the investigation.
- e.
1. The investigation must be scheduled to begin within seven (7) days from the date the Passenger Engineer received notice of the investigation.
 2. A Passenger Engineer who may be subject to discipline will have the right to have present desired witnesses who have knowledge of the act or occurrence, to present testimony, and the Company will order employee witnesses to be in attendance.
 3. The time limit is subject to the availability of the principal(s) involved and witness(es) to attend the formal investigation and may, by written notice to the Passenger Engineer involved, be extended by the equivalent amount of time the principal(s) involved or necessary witness(es) are off duty due to sickness, temporary disability, discipline, leave of absence or vacation.

When a Passenger Engineer is being held out of service for a serious act or occurrence pending the investigation and other principal(s) or witness(es) are not available for the reasons cited, he may request commencement of the investigation. If either the Passenger Engineer or the Company officer is of the opinion that the testimony of the unavailable principal(s) or witness(es) is necessary for the final determination of the facts and discipline has been assessed against the Passenger Engineer as a result of the investigation, such discipline will be reviewed when the testimony of the missing principal(s) or witness(es) is available.

4. When a formal investigation is not scheduled to begin within the time limit as set forth in this Rule, no discipline will be assessed against the Passenger Engineer.
5. A Passenger Engineer who may be subject to discipline and his duly accredited representative will have the right to be present during the entire investigation. Witnesses may be examined separately but those whose testimony conflicts will be brought together.

- f. When a Passenger Engineer is assessed discipline, a true copy of the investigation record will be given to the Passenger Engineer and to his duly accredited representative with the notice of discipline.
- g.
 - 1. If discipline is to be imposed following a formal investigation, the Passenger Engineer to be disciplined will be given a written notice of the decision within ten (10) days of the date the formal investigation is completed, and at least fifteen (15) days prior to the date on which the discipline is to become effective, except that in cases involving serious acts or occurrences, discipline may be effective at any time.
 - 2. When a Passenger Engineer is required to perform service during a period of suspension, the balance of said suspension will be eliminated.
- h.
 - 1. When a Passenger Engineer or his duly accredited representative considers the discipline imposed unjust and has appealed the case in writing to the Labor Relations officer having jurisdiction within fifteen (15) days of the date the Passenger Engineer is notified of the discipline, the Passenger Engineer will be given an appeal hearing. Dismissal cases involving claims for time lost will be handled in accordance with the provisions of paragraph (k).
 - 2. The hearing on an appeal, if requested, will be granted within fifteen (15) days of the Labor Relations officer's receipt of the request for an appeal hearing.
 - 3. Except when discipline assessed is dismissal, or when a Passenger Engineer has been held out of service under paragraph (b) and assessed discipline, this appeal will act as a stay in imposing the discipline until after the Passenger Engineer has been given an appeal hearing.
 - 4. At appeal hearings, a Passenger Engineer may, if he desires to be represented at such hearings, be accompanied by his duly accredited representative.
 - 5. The Labor Relations officer having jurisdiction will advise the Passenger Engineer of the decision, in writing, within ten (10) days of the appeal hearing, with a copy to the duly accredited representative. If the decision is to the effect that the discipline will be imposed, either in whole or for a reduced period, the stay referred to in paragraph (h)(3) will be lifted, and the discipline will be effective on the tenth (10th) day following the date the decision is rendered.
- i. (deleted)
- j. The decision of the Labor Relations officer having jurisdiction will be final and binding unless, within sixty (60) days after the date of the written decision, that officer is notified in writing that his

decision is not accepted. In the event of such notification, the decision on a case involving other than dismissal is still final and binding, unless the case is submitted to a tribunal having jurisdiction pursuant to law within one (1) year computed from the date the decision was rendered.

k. Expedited Procedure for Handling Dismissal Cases.

1. When a Passenger Engineer is dismissed, his case may be given expedited handling by his General Chairman to a Special Board of Adjustment, which will meet in Boston, MA, and be composed of three (3) members:
 - A. A representative of the Brotherhood of Locomotive Engineers.
 - B. The highest appeals officer of the Company or his designated representative.
 - C. A neutral member selected by the parties.

In the event the parties are unable to agree upon a neutral member, they will request the National Mediation Board to appoint a neutral. Such Special Board will be established pursuant to Public Law 89-456 89th Congress, H. R. 706 June 20, 1966, within thirty (30) days of the effective date of this Agreement.

2. Before invoking the services of the Special Board of Adjustment, the General Chairman must, within thirty (30) days after the date of a notice of dismissal, appeal the case in writing directly to the Labor Relations officer having jurisdiction.
3. In the written appeal, the General Chairman should either request a conference or waive the conference and request a written decision. When a conference is requested, a meeting date will be arranged as promptly as possible but not later than thirty (30) days after the Labor Relations officer having jurisdiction receives the request. The Labor Relations officer will render a decision in writing to the General Chairman as promptly as possible, but no later than fifteen (15) days after the date the case is discussed in conference. When a written decision is requested, the Labor Relations officer will render a decision in writing to the General Chairman as promptly as possible, but not later than (30) days after the date the appeal is received.
4. The decision of the Labor Relations officer will be final and binding unless, within thirty (30) days after the date the General Chairman receives the decision, the General Chairman notifies the Labor Relations officer in writing of his desire to submit the case to the Special Board of Adjustment. After the Labor Relations officer receives such notification, the Board will be convened as promptly as possible. The Board will render a final and binding decision as promptly as possible, but not later than thirty (30) days after the case is presented before the Board.

5. Claim for time lost will be waived in any dismissal case which the Organization does not progress under the Expedited Procedure for Handling Dismissal Cases. This will not preclude the Organization for progressing such a case to a tribunal having jurisdiction pursuant to law without regard to any time limits in this Rule. The progression of such a case will not be considered a request for leniency.
- l.
 1. Time limits provided for in this Rule may be extended or waived by agreement in writing between the applicable officer of the Company and the Passenger Engineer's General Chairman or duly accredited representative.
 2. If discipline assessed is not appealed within the time limits set forth in this Rule or as extended, the decision will be considered final, except as provided in paragraph (k)(5). If the decision on the appeal is not rendered within the time limits set forth in this Rule or as extended, the discipline assessed will be expunged.
 - m. When notification in writing is required, personal delivery or proof of mailing within the specific time limit will be considered proper notification.

Q & A's — RULE 21 — DISCIPLINE AND INVESTIGATIONS

- Q1. What is meant by the term "Company" as used in paragraph (d)(1) relating to cases involving stealing or criminal offense?
- A1. General Superintendent involved.
- Q2. (deleted)
- A2. (deleted)
- Q3. What pay will a Passenger Engineer be entitled to if found not guilty as a result of a disciplinary investigation?
- A3. When discipline assessed as a result of a formal investigation is subsequently expunged, an engineer who has incurred wage loss shall be paid for such wage loss incurred. When discipline assessed is subsequently reduced, an engineer who has incurred wage loss shall be paid for such wage loss during any period not part of the final discipline assessment.