



# **SMART-TD**

## **Local 202**

### **Denver, Colorado**

# **Trainman**

# **Yardman**

# **Time Claim Guide**

Version 1

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# Yard Claims

## 22½ Hour Claim

### (Yard Schedule of Rules - Rule 3)

#### Premise

Where an extra man commences work on a second shift in a twenty-four hour period he shall be paid at time and one-half for such second shift **except** when it is started twenty-two and one-half to twenty-four hours from the starting time of the first shift.

Submit as a non-service claim.

#### Wording:

*Claiming 8 hours penalty overtime rate of pay for a violation of UPED Yard Rule 3, section 4. Was called on duty at \_\_\_\_\_ hrs on (date) for the (circ7 and job ID). Was subsequently called on duty again at \_\_\_\_\_ hrs on (date) for the (circ7 and job ID). Claim 8 hours overtime penalty rate for UPED Rule 3 violation, section 4, two starts within a 22 1/2 hour period of time.*

Items to provide when appealing this claim:

A call sheet/snapshot (show job called for)  
Snapshot of protecting extra board showing availability.

## Called and Not Used

### (Yard Schedule of Rules - Rule 22)

#### Premise

Yardmen reporting for duty after being called and not performing service will be allowed a minimum day's pay. When vacancies occur and senior yardmen are left unplaced through no fault of their own, they will be allowed a minimum day's pay.

Submit as a non-service claim

#### Wording:

*Claiming a basic day for being called and not used. I was called on duty for the (circ7 and job ID) at \_\_\_\_\_ hrs. I was released from service at \_\_\_\_\_ hrs.  
Claiming a basic days pay per yard rule 22.*

Items to provide when appealing this claim:

A call sheet/snapshot (show job called for)  
A snapshot (after being released)

# Handling an EOT

## Premise

When instructed to handle (remove or hang) an EOT at a location where carmen are on duty.

Submit as a non-service claim

## Wording:

*Claiming 2 hours pay for handling an EOT at a Class A Terminal where carmen are employed around the clock-or-Claiming 2 hours pay for handling an EOT during shift when carmen were on duty. Was called to work the (train symbol) on (date) at (Circ 7). At \_\_\_\_ hrs, inside yard\_\_\_\_, track \_\_\_\_, Yardmaster \_\_\_\_\_, instructed me to remove EOT # \_\_\_\_\_ from car #\_\_\_\_\_ and place it on the new rear car of train after making a joint on a cut of cars. The new rear car on which placed the EOT was car #\_\_\_\_\_. Carman \_\_\_\_\_ was on duty. As per PLB 5487 case 6, award 6 entitled to 2 hours pay.*

Items to provide when appealing this claim:

The EOT #  
Your train list  
Mark/highlight original rear car #  
New rear car # if instructed to re-hang

# HI (HELD-IN) STATUS

## Premise

When placed in HI status and employees standing behind you on the board, are called on-duty prior to your being called.

Submit as a non-service claim

## Wording:

*On (date) at (time) was placed in HI status by CMS on the (circ-7) (board id). At (time) hrs (employee name) ran around my position-called for the (train/job id). At (time) hrs (employee name) ran around my position-called for the (train/job id). At (time) hrs (employee name) ran around my position-called for the (train/job id) . I was called on-duty at (time) hrs for the ( train/job id). Claim basic day for CMS Mishandling.*

Items to provide when appealing this claim:

Your accurate federal tie-up data.  
Board snapshot which shows you ahead of employees which later ran-around you.  
CMTS job history of all employees which ran-around you-showing their call.

## Irregular Service

### (Yard Schedule of Rules - Rule 9)

#### Premise

When yard crews are told to perform duties not properly within the scope of yard service, or told to perform road service when road crews are available. When yard crews are used in road service, they shall be paid miles or hours, whichever is the greater, with a minimum of one hour, for the class of service performed, in addition to the regular yard pay, and without any deduction therefrom for the time consumed in said service

Submit as a non-service claim

#### Wording:

*Claiming (amount of time – with minimum of one hour) for working in road service and in violation of yard rule 9. I was called on duty at \_\_\_\_\_ hours for the (circ7 and job ID) . At \_\_\_\_\_ hours I was ordered by Yardmaster/Manager \_\_\_\_\_ to perform work on the (Train Symbol). I stopped working in yard service at \_\_\_\_\_ hours and again started working in yard service again at \_\_\_\_\_ hours. Claiming \_\_\_\_\_ hours for working in road service when I was called for yard service.*

Items to provide when appealing this claim:

A call sheet/snapshot (show job called for)  
Train List showing Road Work Performed  
Snapshot of protecting extra boards showing availability.

## Lunch

### (Yard Schedule of Rules - Rule 6)

#### Premise

When denied a meal period, instructed to eat on locomotives, or denied 2nd meal period. 1st meal period is 20 minutes and must be taken between 4 1/2 and 6 hours after starting work. 2nd meal period when required to work 2 hours of overtime. 2nd meal period is for a reasonable amount of time.

Submit as a non-service claim

#### Wording:

#### Denied 1<sup>st</sup> Lunch Period:

*Claim 100 mile basic day for not being allowed a proper meal period. I was called on duty for (ASSIGNMENT) at \_\_\_\_\_ hours on (DATE). At \_\_\_\_\_ hours I informed (Yardmaster/Manager) of my need for a required meal period. At \_\_\_\_\_ hours I was ordered per (Yardmaster/Manager), that I was not to take*

*a meal period and I was to continue working for the entire shift without being allowed to eat. Claim 100 mile basic day for not being allowed a meal period as per Yard Rule 6.*

### **Denied 2<sup>nd</sup> Lunch Period:**

*Claim 100 mile basic day for not being allowed a proper 2<sup>nd</sup> meal period. I was called on duty for (ASSIGNMENT) at \_\_\_\_\_ hours on (DATE). After having worked 2 hours overtime, at \_\_\_\_\_ hours I informed (Yardmaster/Manager) of my need for a required 2<sup>nd</sup> meal period. At \_\_\_\_\_ hours I was ordered per (Yardmaster/Manager), that I was to continue working for the entire shift without being allowed to eat. Claim 100 mile basic day for not being allowed a meal period as per Yard Rule 6.*

### **Forced to Take Lunch on the Locomotives:**

*Claim 100 mile basic day for not being allowed a proper meal period. I was called on duty for (ASSIGNMENT) at \_\_\_\_\_ hours on (DATE). At \_\_\_\_\_ hours I informed (Yardmaster/Manager) of my need for a required meal period. At \_\_\_\_\_ hours I was ordered per (Yardmaster/Manager), that I was not to take a meal period and was to only take a break on the locomotives. I was not allowed a proper lunch for the entire shift. Claim 100 mile basic day for not being allowed a lunch period as per Yard Rule 6.*

## **On Duty Outside Calling Hours (Yard Schedule of Rules - Rule 5)**

### **Premise**

When you are called for a job under the yard schedule, outside yard calling hours. If on-duty outside yard calling hours, it will constitute a basic day penalty. Where three 8-hour shifts are worked in continuous service, the time for the first shift to begin work will be between 6:30 a.m. and 8:00 a.m.; the second 2:30 p.m. and 4:00 p.m.; and the third 10:30 p.m. and 12 midnight.

### **Submit as a CMS Mishandling Claim**

### **Wording:**

*Claiming a basic day account being called for yard job (JOB ID) outside of calling windows as defined in Rule 5. Was called on duty off the (CIRC-7 and Board ID) for the (JOB ID) at (time) hrs. Tied-up at (time) hrs.*

### **Items to provide when appealing this claim:**

A call sheet or snap shot demonstrating the improper call time and job.  
A complete copy of your tie-up showing what you worked and when.

## Shortage in Pay Voucher (Yard Schedule of Rules - Rule 3)

### Premise

When a yardman's check is found to be five dollars or more short (for the pay period) of the proper allowance through no fault of his own, voucher will be issued for the full amount of the shortage if requested. First if your pay is shorted, you must submit a heat ticket through the timekeeping service center.

Submit as a non-service claim

### Wording:

*Claiming a pay shortage voucher for the (1<sup>st</sup>/2<sup>nd</sup>) half of (month). I was shorted more than five dollars and am requesting a shortage voucher per yard rule 23.*

Items to provide when appealing this claim:

Pay stub from the half you were originally shorted.

## Working Overtime (Yard Schedule of Rules - Rule 3)

### Premise

When overtime is worked by a job which works under the yard schedule. Transport time to the terminal is allowed and not in violation. Any actual work performed while on overtime should constitute a basic day penalty.

Submit as a non-service claim

### Wording:

*Claiming a basic day for being ordered to work overtime in violation of Yard Rule 3. Was called on duty at \_\_\_\_\_hrs for the (circ7 and job ID) . At hrs. was ordered by Yardmaster \_\_\_\_\_to work on overtime until \_\_\_\_\_hrs. when yard van arrived to transport to tie up point. Tie-up at \_\_\_\_\_hrs. Claim a basic day for Rule 3 violation by working \_\_\_\_\_hours, \_\_\_\_\_minutes of overtime.*

Items to provide when appealing this claim:

A call sheet/snapshot (show job called for)

Switch list marked to show all work performed on over time.

Transport times to tie-up point.

Snapshot of protecting extra board showing availability.



# Road Claims

## Additional Service

### (Road Schedule of Rules - Rule 41(9))

#### Premise

If instructed to perform additional service before arriving objective terminal in ID pool Service, claim 130 miles penalty per Rule 41(9). This claim is for when you are on duty for a train. See claim below if you are in dh status while en-route to final terminal.

#### Wording:

*I.A.W. Rule 41 Part (9). Claim 130 miles penalty account instructed to perform service on train (SYMBOL) at station (NAME). We finished service on train SYMBOL at STATION and got into Renzenberger van NUMBER and DH to STATION to crew train SYMBOL @ TIME. DISP NAME instructed us at TIME to perform this service.*

#### Items to provide when appealing this claim:

Copy of Delay Report

Copy of time-slip (fill out FRA report properly)

Please notify Local Chairman so he can put a run around claim in for crew that should have caught the train.

## AUTO TRAIN - NEW DAY

#### Premise

When they call the ARLNSR short turn around to run East on the Limon sub, and called as a Zone with a brakeman this claim does not apply if under 08:00 hours on duty! Call sheet must say ZONE OR MUTIPLE, If not it is Automatic Release under new day. Do this thru available claims when tying up or claim xx.

#### Wording:

*Claim 2nd trip account instructed to run train through terminal to stage train at Mesa. We left switching limits 635.1 at \_\_\_\_ hours and reentered the terminal at \_\_\_\_ hours after we secured train at Mesa.*

#### Items to provide when appealing this claim:

Copy of working Time Slip

Copy of Call Sheet (Very Important)

## **Called and Released**

### **(Road Schedule of Rules - Rule 41(d))**

#### Premise

Claim 65 miles if you are called and not used. If you are released after 4 hours then it is 130 miles

Submit as a non-service claim

#### Wording:

*Claim 65 miles Penalty payment account called & released. On Duty LOCATION DATE @ TIME hrs & released from duty LOCATION DATE @ TIME hrs. REF: RULE 41(d) & PLB 3736, AWARD NO. 4.*

Items to provide when appealing this claim:

Copy of Non-Service Time Slip  
Copy of Call Sheet if possible

## **CREWING TRAINS AT BARNETT**

### **(Denver Hub Agreement Supplemental – 1997)**

#### Premise

Switching limits as designated in the Eastern Lines App. B Item (W) in Cheyenne as MP507.27 and 511.81 and Article X of the Denver Hub Agreement Supplemental Dated April 14th 1997. Please note you must be east of SL-507.27 when getting on your train.

Claim this under "Available Claims" in CMTS when tying up.

#### Wording:

*I.A.W. Eastern Lines Agreement APP. B Item (W) and Denver Hub Supplemental dated April 4th 1997 claim 130 miles penalty account crewing train SYMBOL east of M.P. 507.27 at Barnett NX506 on the Sidney Sub. This train should be protected By Fourth district Zone 200 Conductors in the Cheyenne Terminal."*

CON ONLY 130 miles for off district.

ENG (BLE DENVER HUB AGREEMENT entitled to 65 miles for receiving train on opposite side of terminal.)

Items to provide when appealing this claim:

Copy of Time Slip  
Copy of Call Sheet if possible  
Copy of BU of train (BU MNPDV 21 a a)

## **EXCHANGE OF TRAINS**

### **(Road Schedule of Rules - Rule 41(e))**

#### Premise

This will be a valid claim if either crew has been on duty 08:00 hours or more. Both crews need to exchange trains (reciprocal) even if one of the crews will tie the train down and sit on the train. Both crews need to show both trains in the FRA tie-up. If only one crew exchanges trains, claim under UPED rule 41e additional work claim.

#### Wording:

*Claim 130 mile penalty payment account non-compliance of PART VIII, SECTION 7 of the 05/22/1972 ID AGREEMENT & the January 11TH 2018 UPRR Labor Relations interpretation agreement. Trains exchanged en-route DATE @ TIME hrs from the TRAIN ID, UNIT ID DIRECTION with CREW POSITION CREW MEMBER on duty LOCATION DATE @ TIME hrs to the TRAIN ID, UNIT ID DIRECTION with CREW POSITION CREW MEMBER on duty LOCATION DATE @ TIME hrs. Dispatcher INITIALS authorized exchange on SUBDIVISION at DATE @ TIME hrs. REF IAW 05/22/1972 ID AGREEMENT PART VIII, SECTION 7 & January 11th 2018 UPRR Labor Relations interpretation agreement.*

## **GRAIN TRAIN/OIL TRAIN OUTSIDE OF LASALLE**

### **(Road Schedule of Rules - Rule 57)**

#### Premise

Conductors need to enter a service claim for the miles run off the Greeley sub. Your miles claimed are in addition to (above) the basic day. Overtime is not affected by the access miles run outside your assignment. Refer to Rule 57 (Con) or 23(i) (Eng) when making this claim. Make your claim according to the service you performed when delivering or receiving the train. Be sure to show the side trip on your FRA tie-up report. SEE EXAMPLE AT BACK OF BOOK. Claim 32.8 miles if taking train to Kelim or 20 miles picking up train at Milliken.

#### Wording:

*Claim 32.8 miles in addition to the trip rate for making side trip on the Fort Collins subdivision under Rule 57. As instructed by the corridor manager, I took train (symbol) from la Salle WD687 to Kelim (WF809) Secured train at WF809 at (TIME) and then returned to La Salle (WD697) at (time).*

#### Items to provide when appealing this claim:

Time Slip with FRA showing all trains handled  
Call Sheet if possible

## LODGING CLAIM

### Premise

Public Law Board 6312 and 269 was awarded to a fellow brother who did not receive his room with the 30 minutes as stated under the FRA's "Suitable food and lodging at designated terminals, Hours of Service Act Interpretation" in 1990.

### Wording

*I.A.W. PLB 6312, Award 269, FRA FEB 3rd 2004 Memorandum, and ARTICLE II, Section 1 of the UTU/BLE 1964 National Agreement allow 130 mile penalty account did not receive room with the allotted 30 minutes after tie up. Tied up off assignment (train) at (time). Departed Bond/Pburg at (time) and arrived Lodging facility at (time) and was given room key at (time).*

### Items to provide when appealing this claim:

Copy of working time slip showing declination and FRA tie-up information. What time you were off duty.

Time of departure from off duty point

Time of arrival at lodging facility.

Time room was received.

Copy of job history for pool showing original and adjusted time.

Reason for delay (i.e. waiting for transportation, waiting for room to be cleaned.)

**NOTE:** For any reason if van is stopped while en-route to hotel no claim should be submitted.

## MAKE WHOLE/SHOVE FOR YOUR ASSIGNMENT/TURN (Road Schedule of Rules - Rule 92(t))

### Premise

Pool crews are not to lose earning for missing their turn and working another job, UTU SCHEDULE ITEM [92\(t\)](#) & [PLB 164](#), AWARD NO. 186 & 187. If you step up out of your turn you will get a SHOVE make-whole plus 65 miles for the step up. CMS will say that you are not entitled to both but per the agreement you are.

### Wording:

*Claim 65 miles penalty payment for regular conductor off assignment Step-up, plus Make Whole for turn WD640 RC01 TP02. On duty LOCATION DATE @ TIME hrs for the JOB ID job off regular Conductor assignment Turn (TURN ID) on the BOARD ID board & tied up LOCATION DATE @ TIME hrs. Turn (TURN ID) with CREW POSITION CREWMEMBER On duty LOCATION DATE @ TIME hrs for the JOB ID job & LOCATION DATE @ TIME hrs for the JOB ID job. REF IAW UPED - UTU SCHEDULE ITEM 92(t) & PLB 164, AWARD NO. 186 & 187.*

Items to provide when appealing this claim:

Copy of Time Slip showing declination  
Copy of crew boards of who worked your turn  
Local chairman can get time slips of persons filling your turn

## Non-Zone Dog Catch

Premise

A dog catch short turn around which allows you to dog catch 1 train only outside of the terminal limits. NOTE: It is a good idea Keep a copy of each BU of each train and write down notes on them. IT IS IMPORTANT YOU SHOW ALL TRAINS ON FRA REPORT. If you are made to dog catch another train Claim additional 130 miles per automatic release [RULE 67 \(CON\)](#) and [RULE 71 \(ENG\)](#). Also REF: [PLB 6531](#) Note: Use the F12 key to report trains under 2nd day

Wording:

*I.A.W. PLB 6531 Case 7, Award 7. Claim trip (SYMBOL) as Follows: Claim 130 miles for dog catching train \_\_\_\_\_ and then Claim additional 130 miles for dog catching train \_\_\_\_\_. I was called to only dog catch 1 train and was not called for zone dog catch service. Please see FRA Tie-up data of all trains handled during tour of duty.*

Items to provide when appealing this claim:

Copy of time slip  
Copy of BU of all trains handled

## OFF DISTRICT

**(Road Schedule of Rules - Rule 92(5))**

Premise

[\(UPED-RULE-92\)-\(5\)](#) Rights of conductors and brakemen will be confined to their respective districts; branch lines will be considered a part of the district with which they connect. Claim under available claims in CMTS.

Wording:

*Claim a basic day account off district I.A.W. with rule 92 part (5) of the Eastern Lines Agreement. I Entered the NAME subdivision at milepost NUMBER to crew SYMBOL which is not my assigned seniority district.*

Items to provide when appealing this claim:

Time Slip

## Off District (Speer West of CP520 Arriving/Departing w/ Train)

### Premise

When working in another Seniority District claim 130 mile penalty. PLEASE NOTE IT IS IMPORTANT TO SHOW RUBBER TIRES IN THE ACTIVITY PORTION OF THE FRA REPORT TO AND FROM SPEER OR OTHER LOCATION SUCH AS BORIE (WX519).

### Wording:

*(ARRIVING): I.A.W. Paragraph one of the Yost award claim 130 penalty account Denver crew moved train (SYMBOL) past CP520 at Speer, Wyoming AT (TIME) to spot train at Granite (WX529). Please review FRA tie-up data for time getting off train at Granite.*

*(DEPARTING): I.A.W. Paragraph one of the Yost award claim 130 penalty account Denver crew crewed train (SYMBOL) west of CP520 at Speer, Wyoming AT (TIME) from Cheyenne crew to move train to Denver. Please review FRA tie-up data for time getting on train at Speer.*

### Items to provide when appealing this claim:

Copy of working Time Slip with proper FRA data

## Pool Crews Called for Short Turn-around – EXTRA BOARD CREWS AVAILABLE - DOG CATCHING

### Premise

If an interdivisional crew is called for short turnaround or other irregular service, and there are extra or other non-interdivisional crews available who should have been used, the interdivisional crew is entitled to the round-trip mileage of their assignment and the extra crew who should have performed the short turn around service is entitled to a run-around claim. This happens a lot on the West Pool.

### Wording:

*Claim District miles for being called for short turn around service with extra board personnel available at call time. Conductor NAME and Engineer Name should have crewed train SYMBOL on duty @ TIME, DATE. Reference Part VII section 1 of the 1972 Interdivisional Agreement and "Kenny Settlement Letters" from 1975 and 1976.*

### Items to provide when appealing this claim:

Non-Service Time Slip  
Crew boards

**Note:** Please inform Local Chairman of run around and should have stood for such train so we may put in claim for that person.

## **POOL MILEAGE CLAIM**

### **(Road Schedule of Rules - Rule 40)**

#### Premise

When turns added to the pool without prior authorization by the local chairman and mileage is not met while you are marked up then a claim would be submitted for the remainder of miles you did not earn.

#### Wording:

*I.A.W. rule 40 Eastern lines agreement claim remainder of mileage not earned because CMS added turns without Local Chairman's approval. I did not make the required mileage set at 3850 to 4000 miles and did not lay off during the half.*

#### Items to provide when appealing this claim:

Copy of working time slips showing what time you were off duty  
Copy of claim  
Local Chairman will print work history

## **RECEIVING TRAIN ON FAR SIDE OF TERMINAL**

#### Premise

When boarding your train at Sable or Mesa or other locations claim 65 miles under F12 when tying up.

#### Wording:

*Claim 65 miles account receiving train on far side of terminal. We crewed train at MP 631 at \_\_\_\_\_ hours and re-entered terminal at \_\_\_\_\_ hours.*

#### Items to provide when appealing this claim:

Copy of working Time Slip

## **RUN-AROUND**

### **(Road Schedule of Rules – Rule 41 (c))**

#### Premise

Claim 65 miles if called within 8 hours of runaround or claim 130 miles if called after 8 hours of the runaround.

#### Wording:



*Ref Rule 41 of eastern lines agreement. Claim (65/130) miles account run around by NAME on BOARD in Denver. I stood first out for Train SYMBOL called @ TIME hours on the DATE. I was subsequently called for train SYMBOL on duty at TIME hours.*

Items to provide when appealing this claim:

Working Time Slip  
Snap shot of the boards

## **RUNNING TRAIN THROUGH THE FINAL TERMINAL** **(Road Schedule of Rules – Rule 67)**

Premise

Train crews are not required to run their trains through the final terminal as you are automatically released upon arrival at the final terminal. This will have to be put under the working time-slip under new day. Remember time spent out of switching limits goes against your overtime!

Wording:

*I.A.W. Eastern Line Agreement Rule (67) Automatic Release claim additional 130 miles account told to run train through final terminal after arriving at \_\_\_\_\_. Train SYMBOL Left Switching Limits \_\_\_\_\_ at \_\_\_\_\_ hours and stopped train at Station \_\_\_\_\_. We re-entered the terminal at \_\_\_\_\_ hours to tie up.*

Items to provide when appealing this claim:

Copy of working Time Slip (Show FRA from location of where you left train

## **ZONE DOG CATCH**

Premise

Zone Dog catch allows you dog catch trains outside of the terminal with penalties that may incur if certain conditions arise. Zone service does not limit the amount of trains that can be dog caught within the zone in the first 8 hours on duty.

Claim 130 mile penalty if you break the zone. MP 32.5 (West), 31.2 (North), 610.1 (East) Mp 25.0 (South)

Claim 130 mile penalty if you depart the SL after 8 hours on Duty. MP 7.5 (West), 6.2 (north), 635.1 (East) and 0.0 (South).

Claim 130 mile Penalty if you run off more than 100 miles within the zone.

NOTE: If call sheet say "Multiple Trips," "One or More Trains," or "Multiple Hours of Service," you are called under the Zone Rule.

Wording:



*Claim trip CWECSH-20 as follows: "Claim 130 miles and then claim (U9) used outside zone account left zone (MP32.5) at 1203 hours to dog catch train CWECSH-20 at KP681. We re-entered zone at 1355 hours with train and yarded it at kp643 at 1800 hours. Then Claim additional 130 miles account we departed after 8 hours to dog catch train MNPDV-21 at WD659. We left SL 6.2 at 1855 and crewed train (MP13) at 1920 and arrived back in the terminal at 1810 to yard train with final tie up at 1935. Please review FRA tie-up data of all train handled."*

Items to provide when appealing this claim:

FRA report showing all trains (this is the back bone of your claim)  
BU of each train (ex BU ANPDV 13 a a)  
Time Slip.

## Road/Yard Claims

### Failure to Furlough After 48 Hours

Premise

When left on a bump board/status when cannot hold a regular position and should have been furloughed after 48 hours.

Submit as a non-service claim

Wording:

*Claiming a basic day penalty from (date) to (date) for total of \_\_\_\_ days account Carrier failed to furlough when I could no longer hold any assignment after 48 hours. Was notified of being cut off/bumped from (Circ-7) (board) (job id) on (date) at (time) hrs. After 48 hours I should have been placed in furlough status, as I was unable to hold any assignment.*

Items to provide when appealing this claim:

Your job history showing when you were notified of being cutoff/bumped.  
A copy of the seniority roster showing your inability to hold a job.

### Interest on Back Pay after 30 Days

Premise

When your Arbitral Award was fully sustained with back pay and the Carrier has not paid within 30 days of the award being transmitted to the parties.  
Claim Interest at an Annual Percentage Rate per day on all monies owed.

Submit as a non-service claim

Wording:

*Claiming interest on all back pay with interest on account not being returned to service through no fault of my own after a sustaining Arbitration Award and the Carrier has failed to comply with the Arbitration Award. According to (**First Division or PLB No.**) (**Award No.**) the Carrier was directed by Referee (**NAME**) to "**make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.**" The Award shows dated at "**(CITY, STATE) this (DATE on the Award).**" and as of (**DATE**) I should have been paid all back pay. The Carrier has exceeded the 30 days as stated in the Award and therefore the back pay will be due interest at a 20.9% Annual Percentage Rate per day.*

*Note: Interest shall be computed by multiplying the entire amount of back pay by .0005726 (20.9% APR). For every \$100,000 dollars owed that would compute to \$57.26 per day.*

Items to provide when appealing this claim:

Copy of the Return to Work letter from the Carrier  
Documentation showing that you have made timely attempts to comply with the Carrier's instructions to get marked up in a timely fashion. *i.e.: phone records, email correspondence and doctor's note after taking the return to work physicals / medical exams.*

## MAKE-WHOLE FOR RULES CLASS

Premise

Crews are not to lose earning for missing assignment due to rules class. The carrier is required to pay you all lost earnings if you were on an assignment. If you are not on assignment or did not lose work you can only claim a basic day for each day you are in rules class. You cannot claim both, just one or the other. If you are on an assignment reference UTU SCHEDULE ITEM [92\(t\)](#) & [PLB 164](#), AWARD NO. 186 & 187. If you are not on an assignment or returning to work you must claim a basic day under Rule 78.

## Not Complying with Arbitral Award

Premise

When you have been returned to service after a sustaining Arbitral Award and have not been returned to service on or before 30 days.

Claim all lost earnings to which "you would have earned" had the Carrier returned you to work within 30 days.

Submit as a non-service claim

Wording:

*Claiming (**PROJECTED LOST EARNINGS**) on account being withheld from service through no fault of my own, for more than 30 days after a sustaining Arbitration Award. According to (**First Division or PLB No.**) (**Award No.**) the Carrier was directed by Referee (**NAME**) to "make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties." The Award shows dated at "**Chicago, Illinois, this 28th day of March 2018.**" and as of (**DATE**) I should have been returned to service and had all seniority rights, pay and insurance benefits restored.*

Items to provide when appealing this claim:

Copy of the Return to Work letter from the Carrier  
Documentation showing that you have make timely attempts to comply with the Carriers instructions to get marked up in a timely fashion. *i.e.: phone records, email correspondence and doctor's note after taking the return to work physicals / medical exams.*

## **Not Notified of Railroad's Determination Within 2 Weeks of Being Medically Cleared**

Premise

When Doctor clears you to mark-up, and railroad doesn't respond/make a determination within 5 days of being notified.  
Claim lost earnings for every day after the expiration 5 day period.

Submit as a non-service claim

Wording:

*Claiming all lost earnings from (assignment) from (date) to (date) account no determination made by Carrier within 5 days after being notified of my being medically cleared for duty. Carrier was notified by certified letter of medical release on (date). Claim all lost earnings as per PLB 394, case 35, award 35.*

Items to provide when appealing this claim:

A copy of your payroll recap (e-payroll paystub) showing declination number  
A copy of your medical release, with tracking info/proof of delivery to railroad.

## Seniority Restriction – Senior Extra Board Applicant

### Premise

When junior men (borrow-outs in the current scenario) are added to the extra board and you should/would have been added instead. CMS must have picked up enough positions that would have resulted in your being added. You need to have had your application in at the time the improper individuals were picked up. Claim is for a basic day for CMS Mishandling/seniority restriction. Can additionally claim the difference in earnings for what you actually worked vs. the applicable extra board guarantee.

Submit as a non-service claim

### Wording:

*Claiming a basic day penalty account CMS Mishandling in restriction of my seniority. On (date) at (time) hrs. the (circ-7) (board-id) was increased by (#) positions with junior employees. Claim 130 mile basic day for each day from (date) to (date) for a total of basic days for restriction of my seniority.*

Items to provide when appealing this claim:

A copy of the applicable seniority roster showing your ranking.

A copy of the board snapshot in seniority order-mark the junior men which were picked-up improperly.

A copy of your JOB HISTORY showing what you were actually working during the date range for which claims are being made.

## SINGLE VACATION DAY-REFUSAL TO RESCHEDULE

### Premise

When CMS refuses to accept requests to reschedule single vacation day/days.

### Wording:

*On (date) was on (CIRC-7) (BOARD) working (JOB ID). At (time) hrs, called CMS and spoke to caller (name) and requested to reschedule (#) single day vacation day(s) from week of (date) to (date(s)). Was informed that CMS will not accept requests to reschedule single day vacations. Claim basic day penalty for violation of the Vacation Modification Agreement.*

Items to provide when appealing this claim:

Keep track of Time called and requested, name of caller, and response.

# Reference Material

## EXPLANATION OF 4 HOUR BREAK (INTERIM RELEASE)

The most important thing to know is you must be notified prior to tying up from your assignment. This is not an agreement, but FRA hours of service law. This can be done at the away from home terminal and the home terminal. If a corridor manager makes you do this at the home terminal you can go home for 4 hours.

Example:

- You are called out of Denver on assignment DH32-08 on Duty at 0900 in the morning. The Corridor manager informs you will be getting out on a 4 hour break when you arrive at Cheyenne.
- When you arrive Cheyenne do not tie up. Call the corridor manager and inform him that you have arrived and CMS must tie you up to accommodate the 4 hour break. Let's say you tie up at 1100 with 2 hours for the dead head.
- If you are called or put back on duty between 1101 and 1459 it is consider continuous time which means you would be dead on the law at 2100 hours.
- If you are called between 1500 and 1859 you would then have 10 hours to work in accordance with FRA rules.
- If you were called at 1900 you would then be subject to 12 hours of service again.

## Charts for Properly Registering Your Miles

### 100 Mile Road Trip

MINUTES of Overtime	Additional Miles													
	0	100	42	13	1:23	26	2:05	39	2:46	52	3:28	65	4:10	78
3	1	45	14	1:26	27	2:08	40	2:50	53	3:31	66	4:13	79	
6	2	48	15	1:30	28	2:11	41	2:53	54	3:34	67	4:16	80	
10	3	51	16	1:33	29	2:14	42	2:56	55	3:38	68	4:19	81	
13	4	54	17	1:36	30	2:18	43	2:59	56	3:41	69	4:22	82	
16	5	58	18	1:39	31	2:21	44	3:02	57	3:44	70	4:26	83	
19	6	1:01	19	1:42	32	2:24	45	3:06	58	3:47	71	4:29	84	
22	7	1:04	20	1:46	33	2:27	46	3:09	59	3:50	72	4:32	85	
26	8	1:07	21	1:49	34	2:30	47	3:12	60	3:54	73	4:35	86	
29	9	1:10	22	1:52	35	2:34	48	3:15	61	3:57	74	4:38	87	
32	10	1:14	23	1:55	36	2:37	49	3:18	62	4:00	75	4:42	88	
35	11	1:17	24	1:58	37	2:40	50	3:22	63	4:03	76	4:45	89	
38	12	1:20	25	2:02	38	2:43	51	3:25	64	4:06	77	4:48	90	

## 130 Mile Road Trip

MINUTES	HOURS						
		8	9	10	11	12	13
	0	130	154	178	202	226	250
	5	132	156	180	204	228	252
	10	134	158	182	206	230	254
	15	136	160	184	208	232	256
	20	138	162	186	210	234	258
	25	140	164	188	212	236	260
	30	142	166	190	214	238	262
	35	144	168	192	216	240	264
	40	146	170	194	218	242	266
	45	148	172	196	220	244	268
	50	150	174	198	222	246	270
	55	152	176	200	224	248	272

## 148 Mile Phippsburg or Bond Trip

MINUTES	HOURS						
		9	10	11	12	13	14
	0	148	170	194	218	242	266
	5	148	172	196	220	244	268
	10	150	174	198	222	246	270
	15	152	176	200	224	248	272
	20	154	178	202	226	250	274
	25	156	180	204	228	252	276
	30	158	182	206	230	254	278
	35	160	184	208	232	256	280
	40	162	186	210	234	258	282
	45	164	188	212	236	260	284
	50	166	190	214	238	262	286
	55	168	192	216	240	264	288

## 165 Mile Road Trip

MINUTES	HOURS						
		10	11	12	13	14	15
	0	165	185	209	233	257	281
	5	165	187	211	235	259	283
	10	165	189	213	237	261	285
	15	167	191	215	239	263	287
	20	169	193	217	241	265	289
	25	171	195	219	243	267	291
	30	173	197	221	245	269	293
	35	175	199	223	247	271	295
	40	177	201	225	249	273	297
	45	179	203	227	251	275	299
	50	181	205	229	253	277	301
	55	183	207	231	255	279	303

## Switching Limits

Denver Union Terminal:

North to and including M.P. 6.24 and M.P. 6.43 on the Dent Branch

South to and including M.P. 5.5

East to and including M.P. 635.10

West to and including M.P. 7.5

## Station Numbers

WEST		EAST	
STATION	STATION	STATION	STATION
KP643	DENVER NY	WD640	DENVER 36TH
KP644	UTAH JCT	KP634	SANDOWN
KP645	C&S JCT	KP632	ROYDALE
KP646	ARVADA	KP631	SABLE
KP651	LEYDEN	KP628	MAGEE
KP654	CHEM SPUR	KP625	MESA
KP657	ROCKY	KP622	WATENBURG
KP658	GWA SPUR	KP618	WATKINS
KP659	AEC SPUR	KP609	BENNETT
KP660	CLAY	KP603	STRASBURG
KP664	PLAIN	KP597	BYERS
KP670	CRESCENT	KP584	DEER TRAIL
KP676	CLIFF	KP572	AGATE
KP681	ROLLINS	KP563	CEDAR POINT
KP686	TOLLAND	KP551	LIMON
KP689	EAST PORTAL	KP536	HUGO
KP696	WINTER	KP526	CLIFFORD
KP701	FRASER	KP518	BOYERO
KP705	TABERNASH	KP508	AROYA
KP715	GRANDBY	KP488	KIT CARSON
KP725	SULPHUR	KP474	FIRST VIEW
KP732	FLAT	KP463	C. WELLS
KP737	ROUBLESOM	KP453	ARAPAHOE
KP743	KREMLING	KP447	JIM
KP745	GORE	KP442	WESKAN
KP750	AZURE	KP430	S. SPRINGS
KP755	RADIUM		
KP762	YARMONY		
KP768	BOND		
MJ410	CRATER		
MJ414	VOLCANO		
MJ423	TOPONAS		

NORTH	
STATION#	STATION
WD640	DENVER 36 <sup>TH</sup>
WD648	DUPONT
WD650	ROLLA
WD652	HAZELTINE
WD655	HENDERSON
WD659	BRIGHTON
WD666	LUPTON
WD675	PLATTEVILLE
WD680	GILCREST
WD687	LASALLE
WD689	EVANS
WD690	GARDEN CITY
WD692	GREELEY
WD694	GILL
WD696	LUCERNE
WD700	EATON
WD703	AULT
WD712	NUNN
WD726	CARR
WX518	SPEER
WX510	CHEYENNE

MJ439	PHIPPSBURG	
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# Yard Foreman Rates

Basic Day		256.64	7.70	264.34										
Pro-rata	Hour	30.0825		33.0425	Overtime		Hour	45.1238		49.5638				
	Minute	0.5014		0.5507			Minute	0.7521		0.8261				
	5 Minute	2.5069		2.7535			5 Minute	3.7603		4.1303				
Overtime Table														
	Min	8 Hrs	9 Hrs			10 Hrs			11 Hrs			12 Hrs		
0	240.66	264.34		285.78	313.90		330.91	363.47		376.03	413.03		421.15	458.46
5	244.42	268.47		289.54	318.03		334.67	367.60		379.79	417.16		424.91	462.60
10	248.18	272.60		293.30	322.16		338.43	371.73		383.55	417.16		428.68	466.73
15	251.94	276.73		297.06	326.29		342.19	375.86		387.31	421.29		432.44	470.86
20	255.70	280.86		300.82	330.43		345.95	379.99		391.07	425.42		436.20	474.99
25	259.46	284.99		304.59	334.56		349.71	384.12		394.83	429.55		439.96	479.12
30	263.22	289.12		308.35	338.69		353.47	388.25		398.59	433.68		443.72	483.25
35	266.98	293.25		312.11	342.82		357.23	392.38		402.35	437.81		447.48	487.38
40	270.74	297.38		315.87	346.95		360.99	396.51		406.11	441.94		451.24	491.51
45	274.50	301.51		319.63	351.08		364.75	400.64		409.87	446.07		455.00	495.64
50	278.26	305.64		323.39	355.21		368.51	404.77		413.63	450.20		458.76	499.77
55	282.02	309.77		327.15	359.34		372.27	408.90		417.39	454.33		462.52	503.90

# Yard Switchman Rates

Basic Day		246.21	7.39	253.60						
Pro-rata	Hour	30.0825	31.7000	Overtime	Hour	45.1238	47.5500			
	Minute	0.5014	0.5283		Minute	0.7521	0.7925			
	5 Minute	2.5069	2.6417		5 Minute	3.7603	3.9625			
Overtime Table										
Min	8 Hrs	9 Hrs		10 Hrs	11 Hrs		12 Hrs			
0	240.66	253.60	285.78	301.15	330.91	348.70	376.03	396.25	421.15	439.84
5	244.42	257.56	289.54	305.11	334.67	352.66	379.79	400.21	424.91	443.80
10	248.18	261.53	293.30	309.08	338.43	356.62	383.55	400.21	428.68	447.76
15	251.94	265.49	297.06	313.04	342.19	360.59	387.31	404.17	432.44	451.72
20	255.70	269.45	300.82	317.00	345.95	364.55	391.07	408.14	436.20	455.69
25	259.46	273.41	304.59	320.96	349.71	368.51	394.83	412.10	439.96	459.65
30	263.22	277.38	308.35	324.93	353.47	372.47	398.59	416.06	443.72	463.61
35	266.98	281.34	312.11	328.89	357.23	376.44	402.35	420.02	447.48	467.57
40	270.74	285.30	315.87	332.85	360.99	380.40	406.11	423.99	451.24	471.54
45	274.50	289.26	319.63	336.81	364.75	384.36	409.87	427.95	455.00	475.50
50	278.26	293.23	323.39	340.78	368.51	388.32	413.63	431.91	458.76	479.46
55	282.02	297.19	327.15	344.74	372.27	392.29	417.39	435.87	462.52	483.42

## Pay Rates

These are the new pay rates as of July 1, 2018 in Denver.

### Conductor/Trainmen Extra Board Guarantees (XC01, XT01, XC34)

Percentage	Half	Month
100	\$4461.19	\$8922.38
95	\$4238.13	\$8476.26
90	\$4015.07	\$8030.14
85	\$3792.01	\$7584.02
80	\$3568.95	\$7137.90

Conductor	Pools Trip Rate	Flip Rate
RC01 (North)	\$238.15	\$378.32
RC02 (East)	\$352.11	\$768.04
RC03 (West)	\$261.12	\$538.02

### Brakeman Extra Board Guarantee (XK01)

Percentage	Half	Month
100	\$4191.69	\$8383.38
95	\$3982.11	\$7964.22
90	\$3772.52	\$7545.04
85	\$3562.94	\$7125.88
80	\$3353.35	\$6706.70

### Yard Rates at 100 miles or 8

Percentage	hours Foreman	Switchman
100	\$256.64	\$246.21
95	\$243.81	\$233.90
90	\$230.98	\$221.59
85	\$218.14	\$209.28
80	\$205.31	\$196.97
75	\$192.48	\$184.66

Percentage	RCL Box Pay Foreman	Switchman
100	\$24.59	\$23.60
95	\$23.36	\$22.42
90	\$22.13	\$21.24
85	\$20.90	\$20.06
80	\$19.67	\$18.88

## Vacation

Employees with the number of years shown below, must earn a minimum of 24,000 miles in the preceding year in addition to having obtained the corresponding lifetime miles to be eligible for the number of week(s) listed for their respective years of service.

<b>Years of Service</b>	<b>Lifetime Miles</b>	<b>Amount of Vacation</b>
1 Year	24,000	1 Week
2 Years	32,000	2 Weeks
8 Years	128,000	3 Weeks
17 Years	272,000	4 Weeks
25+ Years	400,000	5 Weeks

Yard service or interchangeable road and yard service 1.6 miles for each mile worked for the computation of vacation. Equivalent to 150 qualifying days to earn vacation.

All other service gets 1.3 miles for each mile worked. Equivalent to 180 qualifying days.

IE: 100 mile basic 8 hour day will earn 160 miles toward vacation. You can check your mileage by going to MyUP>CMTS>Timekeeping>Employee Stats then selecting Vacation Stats

## Personal Leave

Number of days based on the number of years as a Trainmen. Yard service, hostler, and certain road locals get paid holidays in lieu of personal leave days. You get personal leave days August 1<sup>st</sup> and must use or have them denied by July 31<sup>st</sup> or you lose them. Denied days can be carried over into the next cycle but must be used by January 31. Carried over days must be granted on demand; denied days do not. If not granted a carried over day when requested, notify a local chairman.

Personal Leave Days	Years of Service
2	Less than 5
4	5-10
6	10-15
8	15-20
11	20+

Total number of PL days taken, and paid holidays cannot exceed 11 regardless of number of PL days you have (excluding carried over days). Trainman PL days not tied to any requirements, such as working 180 starts in previous year and are not banked.

## Holidays

Only jobs that do not get paid personal leave days are eligible for holiday pay. Must have a qualifier the day before and the day after the holiday to get paid, as well as 11 yard starts in the 30 days prior to the holiday.

New Year's Day  
Memorial Day  
Thanksgiving Day  
Christmas Day

President's Day  
Independence Day  
Day after Thanksgiving  
New Year's Eve

Good Friday  
Labor Day  
Christmas Eve

## Rate Progression Applicable to New Employees

(2011 National Agreement)

Each carrier covered by this Article who, on the date of this Agreement, has five (5) year service scale/rate progression rules in effect, shall amend such rules in accordance with this Section. Such revised rules shall be applicable to all employees who enter train or engine service in any class of service or job classification after the date of this Agreement.

(a) Rates of pay, additives, and other applicable elements of compensation for employees covered by this Section will be 75% of the applicable full rate and will

increase in increments as provided below for each year of active service, which shall consist of a period of 365 calendar days in which the employee performs a total of 80 or more tours of duty:

- (i) 75% during the first year of active service;
- (ii) 80% during the second year of active service; (you will obtain this rate progression upon passing your conductor qualification exam)
- (iii) 85% during the third year of active service;
- (iv) 90% during the fourth year of active service;
- (v) 100% on and after completion of the fourth year of active service.

You can check your rate progression and number of starts by going to  
MyUP>CMTS>Timekeeping>Employee Stats