



BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN
 COLUMBIA DIVISION 236 - *Established October 13, 1883*
 R.J. LEHMANN, LOCAL CHAIRMAN
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C.A. Thomas
 Vice Local Chairman
 BLET Division 236
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May 16, 2006

Ms. L. A. Ruf
 Assistant Director Labor Relations
 Union Pacific Railroad Company
 1400 Douglas Street – STOP 0710
 Omaha, NE 68179-0710

File:

Dear Ms. Ruf:

This in reference to a claim submitted to this Committee for resolution as prescribed by Idaho CBA Rule 133 and System Agreement, Attachment (b) effective 6-1-1996, on behalf of Engineer , under payroll date of April 28, 2006

Claims of behalf of Engineer

Date of Claim	Time Slip Number	Job ID	Declination Number	Payroll Date
04-14-06	0414	AGBSE-09	XI0401182	04-28-06

Facts of Claim

1. Copies of the available time slip, recap, and relevant CMS transcript for Engineer X are included with this appeal.
2. Engineer X is in Pool Freight service operating between Albina (OP500) and Hinkle, OR (OX591) and return. Mr. X's regular assignment was on Board RE20 pool EPX at OP500 and OX591 respectively.
3. On 04/14/2006 Engineer X was called on duty for job AGBSE-09 at approximately 0145. He

was called for service at OX591 at 0315.

4. Before reporting for duty at the designated location at OX591, Union Pacific Crew Management Services contacted Mr. X and nullified his call for job AGBSE-09 at 0214.
5. Engineer X was first contacted for the call between 10:00PM and 6:00AM.
6. According to CMS records Mr. X was again called for job AGBSE-09 at approximately 0528 for an on duty time of 0700.

Position of Committee

Mr. X's claim is based on language found in paragraph 2, Rule 95, page 49 of the Idaho Collective Bargaining Agreement effective January 1, 1977. Text as follows;

Rule 95. CALLED AND NOT USED.

Paragraph 2

If he is both called and released before leaving home or place where called. No allowance will be made if the time the engineer is first contacted for a call is within the period between 6:00AM and 10:00PM, but fifty (50) miles will be allowed if the time the engineer is first contacted for the call is within the period between 10:00PM and 6:00AM and retain his position on board.

It is this Committee's position that Engineer X has fulfilled the scope and intent of the CBA section as quoted.

The LCA requests that the claim as presented be allowed in the next available payroll period.

Sincerely,

C.A. Thomas
Vice Local Chairman
BLET Division 236

Cc: Mr. X– Claimant

File

SOC-SEC-NBR	NAME	TIME CLAIMED	NOT PAID	PAY DATE	04/28/06
040106	X IG2SE 27	41106	A10401182	22 HR 1 MIN	(DAY-LITE SAVINGS TIME) ADDITIONAL HOUR FOR TIME CHANGE (MOVING CLOCKS AHEAD/BEHIND) ACCOUNT DAY-LITE SAVINGS TIME, IS DECLINED. YOU ARE DUE ACTUAL TIME ON DUTY -- NO ADDITIONAL ALLOWANCE, AS CLAIMED.
041406	0414 AGBSE 09	41706	X00414784	A6 65 MILES (CSR)	RECORDS INDICATE YOU WERE NOTIFIED PRIOR TO LEAVING HOME/OR CLASS NOT PAYABLE FOR REST BEING DISTURBED/OR NOT PAYABLE WHEN CALL CHANGED TO [REDACTED] OR NOT WITHIN APPLICABLE HOURS STATED IN AGRMNT.
***** PAID TOTALS *****		DECLINED TOTALS (DATED THIS PAY PERIOD)		DECLINED (DATED FOR PREVIOUS PAY PERIOD)	
MILES = 1,520		MILES = 65		MILES = 0	
TIME = 58 HRS 27 MINS		TIME = 1 HRS 0 MINS		TIME = 0 HRS 0 MINS	
MEALS = \$ 0.00		MEALS = \$ 0.00		MEALS = \$ 0.00	

DECLINATION NUMBER

SOC-SEC-NBR	NAME	CO. UP	CHECK DEST.	POOL NBR	SERV M-D-YR	TRAIN-ID	CIRC 7 FROM TO	CAR OR WGT	CLS 0	STRAIGHT AMT	CONSTRUCTIVE UNITS	AMT	A D J SHORT TR	AIR PAY	TAX ALL	TOTAL AMOUNT	MLS LOD
040106	IG2SE 27	OX591	OP500	811 2 1 190	291.57	22 H 1 M26	48.92									469.98	12.00
040206	ZSEHN 01	OP500	OX591	1248 2 1 190	291.57	H 4 M25	100.49									308.53	
040406	DH51 04	OX591	OP500	1 2 1		H 8 M11	291.57									622.51	12.00
040506	MSENP 05	OX775	OX591	816 2 1 190	291.57	H 8 M11	291.57									326.83	
040706	MHKCO 05	OX591	OP500	1606 2 1 190	291.57	H 2 M16	78.00									789.81	12.00
040906	IBRCSR 08	OP500	OX591	823 2 1 190	291.57	H 2 M16	77.36									412.15	
041006	GSETKA 08	OX591	OP500	841 2 1 190	291.57	H 2 M16	77.36									419.73	12.00
041306	MFIHK 12	OP500	OX591	1231 2 1 190	291.57	H 2 M16	77.44									406.55	
041406	AGBSE 09	OX591	OP507	1605 2 1 190	291.57	H 2 M	45.91									366.48	12.00
TOTALS		1520	2332.56			1790.01										4122.57	60.00

THE FOLLOWING PAYMENT BREAKDOWNS ARE INCLUDED IN THE TOTAL LINE:

TOTAL VACATION	PERS LEAVE	HOLIDAYS	CAROUSE	AUTO/BUS	TRAVEL ALL.	INITL DELAY	FINAL DELAY	HELDAWAY
GROSS DAYS	AMT DYS	AMT DYS	AMT	ALLOW. ALLOW.	HRS MIN	AMT	HRS MIN	AMT
4122.57							37 35	850.29

MORE SUPPORTING INFORMATION FOR CLAIM

Ross Lehmann

From: [REDACTED]
Sent: Wednesday, May 03, 2006 9:32 AM
To: Ross Lehmann
Subject: CALL AND RELEASE CLAIM(DISTURBED REST)04/14/06

Ross,

Attached find my trip report for 1st half of April, 06. On the third page you'll see that I was cut on my claim for disturbed rest between the hours of 10PM and 6AM per Idaho Rule 95. Seems like 2nd paragraph of this rule on page 49 of the Idaho Agreement pretty much covers it. Could you appeal this for me or make a phone call?

Thanks,

[REDACTED]

04/14 0145 OD [REDACTED] OX591 RE20 EP [REDACTED] ENG AGBSE 09 04/14
0315 R
04/14 0214 JA [REDACTED] OX591 RE20 EP [REDACTED] ENG AGBSE 09 04/14
0315 R
04/14 0528 OD [REDACTED] OX591 RE20 EP [REDACTED] ENG AGBSE 09 04/14
0700 R

XAYPE402
CLAIM #: 01845672 SLIP #: 041406P CLAIM DATE: 04/14/06 04/15/06 17:07
LOCATION: OX591 TRAIN/JOB: AGBSE 09 SERVICE UNIT: 18
LEAD CLAIMANT: [REDACTED] [REDACTED] ENG 65 MILES
CALLED FOR AGBSE 09 AT 0145HRS FOR ON DUTY TIME OF 0315HRS. BUSTED CALL AT 0214HRS. PER BLE IDAHO AGREEMENT RULE 95 CLAIM 65 MILES FOR DISTURBED REST BETWEEN THE HOURS OF 10PM AND 6AM.

Copy of Claim



Quoted Rule



Translog for claim

