

Local Claims Conference Information

Local Claim Conference Requirements and Instructions

Once a claim has been denied it can be submitted for a conference by the local UTU or BLET representative. BNSF is obligated to make sure employee claims for arbitrary payments are handled in conference in a reasonably expeditious manner. Best practices recommend that conferences are scheduled every 30 days with the respective UTU and BLET representatives. Resolving arbitrary claims on a monthly basis establishes a positive working relationship with the union representatives and improves employee job satisfaction when claims are paid or handled in a timely manner.

Each claim is again reviewed and discussed for merit at the claims conference. The officer representing the division often has very little to go on other than the original declination. Declines with a "no basis for claim" or no text at all, have a high probability of being paid during these conferences. This further underscores the critical nature of providing detailed declination language so that the merit of the claim, or lack thereof, can be properly addressed at all appeal levels.

During conference sessions questions may arise concerning the proper application of a rule or agreement. BNSF does not expect the FLS to know all of the collective bargaining rules. When in doubt, just ask for help. There are numerous resources to assist the supervisors and to help resolve claim issues. The majority of disputes should be resolved during local claim handling.

The TY&E Claim Evaluator (see link below) of this playbook is designed to help the FLS properly evaluate common claim issues across the system. This matrix should provide everything you need to know about how to evaluate specific claims on your territory. However, if questions still arise concerning appropriate agreement applications, the FLS should not hesitate to contact the appropriate LR Representative or Division Liaison for their location. The LR website can also be used as a resource to look up agreements, or questions can be submitted through AskLR. If you have collective bargaining agreement questions, Labor Relations has answers. Use these resources early and often because it is always better to resolve claims as quickly as possible and avoid the escalation of disputes reaching LR on appeal.

[TY&E Claim Evaluator](#)

Burden of Proof

In order to properly evaluate a claim, understanding the burden and standards of proof required is crucial during claim conference discussion. Generally, the moving party (presenter of the claim) is required to provide all of the information necessary to support the claim. In other words, if the BNSF alleges a rule violation occurred, such as in a discipline case, then the company is required to carry the burden of proof. Conversely, if the Organization alleges that BNSF violated their agreement, then the burden is entirely upon them to provide facts and proof that the violation occurred.

Let's take a "cab condition" claim for example. In order for a claim to be valid, a crew member must report the defect prior to departure time of the road trip. So let's say that the FLS is presented with a claim for an engine that had a bad order toilet as documented by the Mechanical Dept in LDCINQ. However at conference, while the local chairman is able to show that the b/o was reported, he is unable to produce any facts that indicate the defect was reported prior to the crew's departure time as is required in order to give BNSF an opportunity to resolve the issue prior to the crew's departure. Absent qualifying facts, the claim should be withdrawn by the union representative or denied by the FLS. The reality is that regardless of the actual circumstances, the only thing that truly validates a claim in conference is what can be factually proven.

Recording Conferences in ECC

The Electronic Claims Conference program resides in TSS. The process consists of three steps.

Step 1 - Local Chairman Initiation

Using option 4B in TSS, the Local Chairman begins the process by creating a docket of tickets for conference. This screen provides the chairman the ability to enter multiple claims as well as give an explanation as to why he/she believes the claims to be payable. The Local Chairman also has the ability to provide other pertinent notes regarding the claims in this section. Once the screen is filled out, the PF5 key emails the docket to the next stage of the process. The local chairman should also address the supervising officer so that they are copied and aware of the pending conference docket. Please use the link provided below for further detailed instructions on the local chairman handling through ECC.

<http://bnsfweb.bnsf.com/departments/laborrelations/compensation/pdf/Electronic%20Claims%20Conference%20LC%20Ref%20guide%20upd.pdf>

Step 2 - Supervisor Receipt

Once the Supervisor has received notification of the claims conference request, a date should be scheduled to meet with the local chairman. ECC is not designed to modify how the conference process is conducted; it is merely a conduit to electronically document the process. Best practices encourage face to face conference sessions, although some tenured relationships may be comfortable with other formats.

During the conference the supervisor must enter the agreed upon dispositions into ECC. For future reference and general understanding, the settlement information should ideally include any helpful supporting commentary as to why the claim was paid, declined, or compromised. For detailed instructions on the supervisors handling through ECC, please use the link provided below

<http://bnsfweb.bnsf.com/departments/laborrelations/compensation/pdf/Electronic%20Claims%20Conference%20LC%20Ref%20guide%20upd.pdf>

Step 3 – Docket Sent to TYECS for Processing

Once all of the dispositions are entered into the system, the Supervisor sends the docket to TYECS for processing using the PF5 key. Supervisors should carbon copy their local chairmen and themselves for record keeping.

TYECS will process all of the payments as indicated on the docket, with the following exceptions. There are 9 exceptions to payments agreed upon in local conference. The exception items are basically a disallowance of any settlement that is not expressly provided for by CBA or would otherwise result in duplicate payment due to previous compensation already rendered. For a detailed list of these exceptions, reference the following link.

[Absolute No's of Conference](#)

Once the docket has been completely processed, TYECS will send email confirmation to the Local Chairman and the Supervisor. The confirmation notice will include the dollar amount compensated for each ticket as well as a total for the entire docket.

Cost Center Allocation

The costs associated with claim payments at any level are usually assumed by the division on which the claim occurred. Claims that are not handled or denied in DAR and during the local claim conference phase do not necessarily divert the cost of a claim to a Cost Center other than the one on which the claim occurred. However, there are limited circumstances where Labor Relations will assume budgetary liability for common claim settlements. This usually occurs when a claim or grievance has been lost at arbitration based on a known dispute between the Organization and Labor Relations. Ultimately, if the claim settlement is not based on a known dispute between the parties (LR and the Organization), the appropriate division Cost Center will be charged when the payment is made. This is yet another reason to thoroughly assess the validity of a claim sooner in the process, rather than see a surprise on the division budget when the claim is handled later on the appeal.

One more housekeeping note on cost allocation – because most TY&E time claims have payroll associated cost, it is very important to make sure that all claims have the correct CA code notation in order to properly allocate cost in the payroll system. One of the biggest problem areas for cost allocation is the use of the "miscellaneous" CA code 73. While we will continue working to dissuade employees from using Code 73, we must at the same time be diligent in correcting the 73 code when we recognize a specific code that is more appropriate for the payment being requested. Whether supervisors are handling claims in DAR or claims conference, it is imperative that payments are assigned to the cost code that accurately depicts the event. Insuring claim payments are assigned correctly not only assists the Finance group requirements for accurate reporting of expenses, but also enables supervisors to receive an accurate reflection of their itemized operating costs on budget reports.