

united transportation union



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GENERAL COMMITTEE OF ADJUSTMENT GO-001
BURLINGTON NORTHERN SANTA FE RAILROAD
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March 27, 2006

Mr. John J. Fleps
Vice President Labor Relations
BNSF Railway Company
2600 Lou Menk Drive
P. O. Box 961030
Fort Worth, TX 76161-0030

Re: Claims Handling Problems

Dear Mr. Fleps:

After our exchanges of correspondence on the above topic last year, I had hoped that a follow-up like this would not be necessary. Sadly, matters have gotten worse instead of better.

This office has repeatedly attempted to work with the Labor Relations department and/or TY&E Compensation Systems to improve the processing of claims so that valid claims can be promptly paid and invalid claims can be answered with some real Agreement authority rather than the meaningless verbiage we see used as standard procedure. Invariably, as soon as we identify the problems and suggest a plan for improvement, we hear that the system can't handle the necessary changes, or that personnel or programming won't be available until some unspecified date in the future, or that the Carrier has some other project going that will resolve the problem, etc. etc. Meanwhile, we continue seeing the same lame declinations of claims that are then routinely paid by your staff months later. Despite numerous starts and stops, we are no closer to resolving this problem today than we were a year ago or five years ago. The only conclusion I can reach (and certainly the message being sent to BNSF's employees) is that management simply prefers discord and conflict to cooperation and resolution.

Another ongoing problem is that BNSF's Labor Relations Web Page contains erroneous information regarding our Collective Bargaining Agreements, and my attempts to correct those errors are largely ignored. In recent months I have seen claim declinations from TY&ECS actually referring employees to the LR Web Page, as if that Web Page (rather than the Collective Bargaining Agreement itself) were the ultimate authority in Agreement interpretation. Attached is my E-mail to Melissa Beasley regarding erroneous information posted relative to lockers required for all road freight crews under Article 36, Section B(2) of the former Frisco Conductors' and Brakemen's Schedule, and Melissa's response indicating that she had asked Milton Siegele to correct the misinformation. No correction was made and that false information remains posted on the LR Web Site. Other articles contain inaccurate or misleading information about compensation for "familiarization" trips, duplicate time payments, FMLA, Crew Consist, etc.

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When employees (especially newer employees) see these articles written by Labor Relations "professionals" they assume that those folks know what they are talking about. Based on these misrepresentations, some employees do *not* file valid claims. The result is that BNSF denies its employees the compensation they are due by perpetuating misinformation on this LR Web Site. If my members made such misrepresentations as a basis for *submitting* a claim they would be charged with fraud.

With BNSF's operation sliding ever closer to gridlock due to a shortage of employees and a dearth of experienced managers, local officers increasingly ignore our contracts, knowingly and intentionally ordering crews to violate the Agreement, and in some cases bargaining with employees directly in order to hand-pick the folks they want on a particular job. One Trainmaster recently bribed a senior employee to bid on an assignment for the sole purpose of preventing another employee from placing on the job, offering to pay that senior employee more than half a day's pay in "perks" not available to other employees. Ironically, part of the compensation offered as a bribe by that Trainmaster is one of those valid claims that is routinely denied to other employees in the same territory. When this scheme was exposed that Trainmaster was terminated, but the pressure to increase production and the management style that bred this incident still persists, and it is getting worse.

BNSF is facing an unprecedented demand for rail service. That challenge will not be met as long as the current plantation mentality governs the BNSF labor/management relationship. We will meet that challenge only through a cooperative effort between *equal* partners. Denying or delaying employees' rightful compensation (whether by fraud or by foot-dragging), disregarding our Collective Bargaining Agreements and disrespecting employees' seniority rights will not promote such a partnership.

Sincerely,



R. D. Kerley
General Chairperson
United Transportation Union

cc: UTU-BNSF General Chairpersons
Associate General Chairpersons GO-001
Local Chairpersons GO-001
Secretaries GO-001
Mr. M. K. Rose, Chairman, President and CEO, BNSF Railway Company
Mr. C. R. Ice, Executive Vice President and COO, BNSF Railway Company
Mr. D. M. Dealy, Vice President Transportation, BNSF Railway Company