



BURLINGTON SYSTEM DIVISION

BMWED-IBT

2023 TRAINING SEMINAR

GATHERING OUR TOOLS: LEARNING HOW WE WORK, LEARNING HOW WE ACT!

GOOD AND BAD STATEMENTS

• CLAIMS AND GRIEVANCES DEPEND ON GOOD STATEMENTS!

- THE UNION HAS TO PROVE THE FACTS IT LAYS OUT IN ANY CLAIM OR GRIEVANCE. WHILE WE CAN USE A LOT OF ARGUMENTS BASED ON AGREEMENT INTERPRETATION, THE FACTS OF ANY CASE CAN ONLY COME FROM WITNESS STATEMENTS OR SUBMISSIONS BY MEMBERS THEMSELVES.
- THE LABOR RELATIONS DEPARTMENTS OF THE RAILROADS WHERE OUR MEMBERS WORK KNOW THAT, IF THEY CAN “KICK THE CAN” ON A CLAIM TO ARBITRATION, THEY CAN HAVE A MUCH EASIER TIME SOWING DOUBT OR MISINFORMATION TO THE THIRD-PARTY, NEUTRAL ARBITRATOR. THESE ARBITRATORS ARE GENERALLY **NOT** EXPERIENCED WITH RAILROAD TERMS OR PRACTICES.
- ARBITRATION FOR ANY CLAIM CAN BE MONTHS OR YEARS AFTER THE ACTUAL VIOLATION, WELL AFTER ANY RAILROADER WITH DIRECT EXPERIENCE OF THE ISSUE HAS MOVED ON IN THEIR WORK. STATEMENTS SHOULD COME IN EARLY, DURING THE INITIAL CLAIM HANDLING! DON'T WAIT UNTIL THE APPEAL OR AFTERWARD, WHICH WILL BE MONTHS AFTER THE FACT, TO TRY AND REMEMBER THE FACTS OF THE CLAIM!

• GOOD CLAIM STATEMENTS ARE DETAILED, ACCURATE, AND TELL A STORY

- IT'S NOT ENOUGH TO JUST SAY “IT'S OUR WORK,” OR “I HAVE SENIORITY.” IN YOUR STATEMENT, EXPLAIN **WHY** WHAT HAPPENED VIOLATED THE AGREEMENT. USE SPECIFIC DATES, TIMES, AND LOCATIONS—DON'T GENERALIZE.
- IF YOU'VE DONE THE SORT OF WORK YOU'RE CLAIMING BEFORE, DESCRIBE WHEN, WHERE, AND WHY YOU DID THAT WORK. IF IT'S WORK RESERVED TO YOUR POSITION BY SENIORITY OR SUB-DEPARTMENT, TELL THE STORY OF WHY THAT IS SO. THE RAILROAD **WILL** MAKE ARGUMENTS THAT THEY CAN HAVE YOU WORK WHEREVER, WHENEVER. WE CAN DISPUTE THAT WITH AGREEMENT LANGUAGE, BUT YOUR STATEMENTS SHOWING THAT YOUR FACTS ARE THE CORRECT FACTS ARE **VITAL** TO CONVINCING AN ARBITRATOR.
- HARD-HITTING, DETAILED STATEMENTS MAY GIVE US THE FOUNDATION WE NEED TO SETTLE A CLAIM OR GRIEVANCE ON PROPERTY, BEFORE IT GETS TO AN ARBITRATOR. IF WE SHOW THE LABOR RELATIONS PEOPLE THAT THEY ARE BOUND TO LOSE, THEY ARE MORE LIKELY TO SETTLE A CLAIM IN OUR FAVOR.

- **GOOD STATEMENT EXAMPLES**

- PROVIDE CLEAR, ACCURATE, DETAILED INFORMATION ON THE WHO, WHAT, WHEN, WHERE, & HOW OF A PARTICULAR VIOLATION.
- CLEARLY DEMONSTRATE THAT THE CLAIMANT HAS A RIGHT TO BE MADE WHOLE FOR LOSSES THEY SUFFERED FROM THE CARRIER'S VIOLATION.
- REFER TO ACTUAL EXAMPLES OR INSTANCES, NOT GENERAL IDEAS OR STATEMENTS.

- **BAD STATEMENT EXAMPLES**

- JUST MAKE A STATEMENT, WITH NO FURTHER DETAILS, REASONING, OR SUPPORT (I.E. "**I HAVE SENIORITY**" OR "**IT'S MY WORK.**")
- REFER TO GENERAL IDEAS OR EXAMPLES ("**WE'VE DONE THIS LOTS OF TIMES.**") INSTEAD OF HARD, CLEAR EXAMPLES ("**I LAST DID THIS EXACT TYPE OF WORK, AS DIRECTED BY MY SUPERVISOR, AT MP 31.5 ON APRIL 8, 2022. MY WORK THEN LASTED THREE HOURS, DOING THE SAME TASK PERFORMED IN THIS CLAIM.**")

TIPS ON PUTTING TOGETHER BETTER STATEMENTS

- WHEN WRITING OUT YOUR STATEMENT, REFER TO A CLAIM SUBMISSION FORM (YOU CAN FIND THEM ON OUR WEBSITE). THE CLAIM SUBMISSION FORM CAN REMIND YOU OF DETAILS THAT ARE IMPORTANT FOR A WITNESS STATEMENT, TOO, AND HELP YOU PUT TOGETHER A COMPLETE, DETAILED STATEMENT.
- IF YOU REGULARLY HAVE TO SUBMIT COMMENTS ON TIME ENTRY, KEEP TRACK OF YOUR COMMENTS FOR STATEMENTS AND SUBMISSIONS. OLDER MEMBERS OFTEN KEPT DETAILED WORK RECORDS OF ALL THEIR JOBS, HOURS, AND OTHER INFORMATION IN DAILY PLANNERS. ANY TOOL THAT HELPS YOU RECALL IMPORTANT FACTS IS VALUABLE.
- WRITE YOUR STATEMENT LIKE YOU'RE EXPLAINING YOUR JOB OR THE ISSUE TO THE ARBITRATOR, WHO OFTEN DOESN'T KNOW MUCH ABOUT RAILROADING. WHILE WE FILE CLAIMS WITH THE RAILROAD, OUR STATEMENTS SHOULD NOT ATTEMPT TO CONVINCE THEM OF ANYTHING, BUT OFFER A CLEAR PICTURE THAT TELLS THE STORY TO A NEUTRAL THIRD PARTY.
- REMEMBER THAT, WHILE IT DOESN'T HAVE TO BE PERFECT, YOUR STATEMENT SHOULD BE ACCURATE AND DETAILED. **NEVER GUESS, FUDGE NUMBERS, OR ROUND-OFF INFORMATION THAT THE RAILROAD CAN LATER USE TO INVALIDATE THE CLAIM.**
- IF YOU'RE ON A CLAIM WITH MULTIPLE CLAIMANTS, YOU CAN WORK TOGETHER TO SUBMIT A STATEMENT FROM THE GROUP AS A WHOLE. YOU CAN ALSO CHECK YOUR DETAILS WITH OTHER MEMBERS.
- **PRACTICE, PRACTICE, PRACTICE!** NO ONE STARTS OUT AS A PRO AT WRITING CLAIMS AND STATEMENTS. CLAIMS USE THEIR OWN SORT OF LANGUAGE AND JARGON. THE ONLY WAY TO GET GOOD AT WRITING POWERFUL STATEMENTS IS TO TAKE A SHOT AT WRITING STATEMENTS!

<https://www.bmwedburlington.org/Claims>