

# NATIONAL RAILROAD ADJUSTMENT BOARD UNIFORM RULES OF PROCEDURE

(Revised June 23, 2003)

These Uniform Rules of Procedure are effective with Notices of Intent dated on or after July 1, 2003. In instances where Circular No. 1 issued October 10, 1934, differs from these Uniform Rules of Procedure, these Uniform Rules of Procedure will govern.

1. (a) A Notice of Intent to file a Submission, which will contain a full Statement of Claim, must be filed with the appropriate Division of the Board. A separate copy of the Notice of Intent must be furnished to the Respondent by the Petitioner. A 75-day period within which to file a Submission will begin on the date of the Board's letter to the parties acknowledging the Notice of Intent. The Arbitration Assistant will designate the date the Submissions are due. No request for a time limit extension will be granted.

(b) Each party must file one copy of its Submission with the Board in the manner set forth in Paragraph 9. Upon receipt, the Arbitration Assistant will assign a Docket No. and notify the parties to exchange their Submissions in the manner set forth in Paragraph 9. Each party will be responsible for providing copies of the Notice of Intent and both Submissions to its respective partisan member.

(c) In those disputes in which an individual appeals a grievance without the assistance of a Labor Organization, each party to the dispute will file four paper copies of its Submission with the Board. Upon receipt, the Arbitration Assistant will assign a Docket No. and notify the parties to exchange paper copies of their Submissions. The Arbitration Assistant will furnish one paper copy of each Submission to the respective Chairman and Vice Chairman of the Division.

(d) In discipline cases, the Investigation Transcript shall be furnished to the Board as an Exhibit to the Carrier's Submission.

(e) When excerpts from Awards are quoted within a Submission from First Division Awards 1 through 21867, Second Division Awards 1 through 6327, Third Division Awards 1 through 19195, and Fourth Division Awards 1 through 2677, only the Statement of Claim and Findings or Opinion must be included as an Exhibit. All other Awards that are quoted within a Submission must be included in their entirety as an Exhibit.

2. Upon prompt receipt of advice from the Arbitration Assistant that the Submission of one or both of the parties has not been received by the designated date, the Chairman and Vice Chairman of the appropriate Division may jointly authorize the Arbitration Assistant to advise the parties that the final date for receipt of their Submissions will be the tenth business day from the date of the Board's letter.

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3. (a) In cases involving a Third Party, the Board will order the Petitioner and the Respondent to furnish copies of their Submissions to the Third Party within ten days of the Board's Order. Copies of the parties' transmittal letters to the Third Party must be sent to the Board. The Board will concurrently advise the Third Party that it may file a Third Party Response within 30 days of its receipt of the parties' Submissions. No request for a time limit extension will be granted.

(b) Upon receipt of the Third Party's Response, the Board will order the Third Party to furnish a copy of its Third Party Response to the Petitioner and the Respondent within ten days of the Board's Order and grant them 30 days from date of receipt to file an Answer to the Third Party Response. A copy of the Third Party's transmittal letter to the Petitioner and the Respondent must be sent to the Board. Upon receipt, the Board will order the Petitioner and the Respondent to furnish the Third Party a copy of any Answer filed within ten days of the Board's Order. No request for a time limit extension will be granted.

(c) The Petitioner and the Respondent will be responsible for providing copies of Third Party Responses and any Answer filed to its respective partisan member.

4. When the Chairman and Vice Chairman of the First Division jointly determine that a Rules case is being advanced by an Organization that does not hold the Schedule Agreement on which the claim is based, the Board will afford the Organization holding the Schedule Agreement an opportunity to comment whether, in its view, the claim before the Board "is" or "is not" supported by the Schedule Agreement. The Board will order the Petitioner and the Respondent to furnish a copy of their Submissions to the Organization holding the Schedule Agreement within ten business days from the date of the Board's letter. A copy of each party's transmittal letter to the Organization holding the Schedule Agreement must be sent to the Board. The Board will concurrently advise the Organization holding the Schedule Agreement that it may file a copy of its "Yes/No" Response within 30 calendar days of its receipt of the parties' Submissions. No request for a time limit extension will be granted.

5. (a) In cases involving a change in seniority status (not including discipline cases) notice will be given to all concerned of the pendency of the dispute. Thirty days will be allowed for a response to such notice. No request for a time limit extension will be granted.

(b) Parties to the dispute will be given 30 days to respond to the Concerned Party's Submission. No request for a time limit extension will be granted.

(c) The Petitioner and the Respondent will be responsible for providing copies of any concerned Party's Submission and any Answer filed to its respective partisan member.

6. There will be no Letters of Objection.

7. Oral Hearings before the Board (without a Referee present) will be granted upon written request of any party involved in a dispute.

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8. When cases are deadlocked by the Board, notice will be given to all parties, with the advice that if they desire a Referee Hearing before the Board (with a Referee present) they must request the same in accordance with Circular No. 1.

9. (a) Any and all Submissions, including Exhibits, Third Party Responses, Answers to Third Party Responses, Answers to Concerned Party Submissions and the like that are filed with the Board must be furnished to the Board on a properly labeled compact disc (CD) in "read-only" format. Exhibits must be facsimiles of the originals contained in graphic files which, when printed, yield an actual copy of the original. No more than one Submission may be stored on a CD and it must be accessible through a current version of Adobe Acrobat Reader.

(b) Individuals will be permitted to file their documents either in paper or compact disc (CD) format.

(c) In hardship cases, Carriers and/or Organizations will be permitted to file their documents in paper format instead of a compact disc (CD) provided they receive advance written authorization from the Chairman and Vice Chairman of the involved Division.

10. If and when a Referee is assigned, the Board will order the Petitioner (unless the Petitioner is an individual) and the Respondent to furnish the Referee two copies of their Submissions (one CD and one paper copy) as well as a copy of any Third Party Responses, Answers to Third Party Responses, Concerned Party Submissions and Answers to Concerned Party Submissions, within ten business days from the date of the Board's letter. A copy of each party's transmittal letter to the Referee must be sent to the Board. The Petitioner must also include a copy of its Notice of Intent, which is capable of being copied and pasted within the Award so as to obviate the need to type the Statement of Claim. In cases involving an individual, the Board will furnish the Referee the Notice of Intent, the Submissions of both parties and all other documents, if any.

11. All time limits will be governed by the postmark date or its equivalent in the absence of a postmark.

12. The same format for Awards will be maintained on all Divisions. The effective date of Orders will be on or before 30 days following the postmark date the Award is transmitted to the parties.

Approved this 23<sup>rd</sup> day of June 2003

Martin W. Fingerhut, Chairman  
National Railroad Adjustment Board

William R. Miller, Vice Chairman  
National Railroad Adjustment Board