

**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



*(COMPARISON - JUNE 23, 2003 VS. MARCH 12, 1999)*

## 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.

*(As before, the Rules will be the same on all four Divisions, with the exception of Rule 4, which pertains to the First Division only.)*

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.

*(The new Rule requires the Petitioner to file one copy of its Notice of Intent with the Board, whereas the old Rule provided that three copies of the Notice of Intent were to be filed with the Board.)*

(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.

*(This is a major change in procedure.)*

*Under the old Rule, each party furnished the Board two paper copies of its Submission when the parties consisted of a Carrier and an Organization, as opposed to an individual. The Board used the two copies it received to prepare two files - one for the Government record and one for the Referee. The National Mediation Board has taken the position that reduced office and file cabinet space, as well as reduced Section 3 funding, no longer make it feasible for the two NMB staff members to prepare and distribute Referee files.*

*Under the new Rule, a party will file only one copy of its Submission with the Board. As set forth in Rule 9, the Board's copy of the Submission must be furnished on a properly labeled (i.e., NRAB Case No. affixed) compact disc (CD) in "read-only" format. Exhibits must be facsimiles of*

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*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.*

*Although not required by the new Rules, Carriers are encouraged to "bookmark" essential components of Submissions, such as the Parties, the Statement of Claim, the Statement of Facts, the Position of Carrier, Signatures and individual Exhibits.*

*As in the past, each party will be responsible for providing paper copies of the Notice of Intent and both Submissions to its respective partisan member. The outer cover of the file folder should identify the parties, as well as the NRAB Case No. and Docket No. assigned by the Arbitration Assistant. The files should be addressed to: "Carrier Members, National Railway Labor Conference, 1901 L Street, NW, Suite 500, Washington, D.C., 20036-3514. Under the old Rules, the Arbitration Assistant provided copies of any Third Party Responses, Answers to Third Party Responses, Concerned Party Submissions and Answers to Concerned Party Submissions to the Board Members. Under the new Rules, each party will now be responsible for providing paper copies of any Third Party Responses, Answers to Third Party Responses, Concerned Party Submissions and Answers to Concerned Party Submissions to its respective partisan member.*

*In addition to furnishing the Carrier Members with paper copies of the Notice of Intent and the Submissions of both parties once a case is docketed, it is also requested that Carriers simultaneously furnish the Carrier Members a properly labeled (i.e., Docket No. affixed) compact disc (CD) containing the Notice of Intent and the Submissions of both parties, including exhibits.*

*When cases ultimately involve Third Party Responses, Answers to Third Party Responses, Concerned Party Submissions and/or Answers to Concerned Party Submissions, it is also requested that Carriers subsequently furnish the Carrier Members a properly labeled (i.e., Docket No. affixed) compact disc (CD) containing such documents.)*

(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.

*(No change from the old Rule.)*

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

*(No change from the old Rule. Be advised that in the event a Carrier fails to include the Investigation Transcript as an Exhibit to its Submission, the Labor Members will pursue a sustaining Award on that basis.)*

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(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.

*(No change from the old Rule.)*

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.

*(The old Rule provided that the grace period would begin on the first workday following the Board's notification that the grace period had been granted. The new Rule provides that the final date for receipt of the parties' Submissions will be the tenth business day from the date of the Board's letter. Pursuant to Rule 11, all time limits will be governed by the postmark date or its equivalent in the absence of a postmark.)*

*Be advised that the issuance of a 15-day grace period letter is not a matter of right. It requires joint approval of the Chairman and Vice Chairman of the involved Division. If either side objects and a pattern of abuse is documented, it may be exceedingly difficult, if not impossible, to obtain the Labor Member's concurrence to authorize a grace period letter.)*

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.

*(Under the old Rule, a Third Party was required to file its Third Party Response within 75 days of its receipt of the parties' Submissions. Under the new Rule, the time limit has been reduced from 75 to 30 days from receipt of the parties' Submissions.)*

*Carriers are encouraged to identify Third Parties at the beginning of the "Carrier's Position" section of their Submissions in order to facilitate prompt notification of Third Parties and avoid having to reschedule Hearings before the Board.)*

(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

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**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.

*(Under the old Rule, the Board furnished a copy of any Third Party Response to the Petitioner and the Respondent. The new Rule requires 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. The 30-day time limit within which to file an Answer to the Third Party Response remains unchanged.)*

*(Under the old Rule, the Board furnished the Third Party a copy of any Answer filed by the Petitioner and the Respondent. Under the new Rule, the Board will order the Petitioner and the Respondent to furnish the Third Party a copy of any Answer filed.)*

**(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.**

*(As noted above, under the old Rules, the Arbitration Assistant provided copies of any Third Party Responses and Answers to Third Party Responses to the Board Members. Under the new Rules, each party will now be responsible for providing paper copies of any Third Party Responses and Answers to Third Party Responses to its respective partisan member.)*

*(As previously noted in the comparison section following Rule 1 (b), when cases ultimately involve Third Party Responses and/or Answers to Third Party Responses, it is also requested that Carriers subsequently furnish the Carrier Members a properly labeled (i.e., Docket No. affixed) compact disc (CD) containing such documents.)*

**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.**

*(This new Rule simply memorializes a 1950's era Agreement between the Operating Crafts. If necessary, a Third Party Notice may be issued.)*



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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.

*(As noted above, under the old Rules, the Arbitration Assistant provided copies of any Concerned Party's Submissions and Answers to Concerned Party's Submissions to the Board Members. Under the new Rules, each party will now be responsible for providing paper copies of any Concerned Party's Submissions and Answers to Concerned Party's Submissions to its respective partisan member.)*

*(As previously noted in the comparison section following Rule 1 (b), when cases ultimately involve Concerned Party's Submissions and/or Answers to Concerned Party's Submissions, it is also requested that Carriers subsequently furnish the Carrier Members a properly labeled (i.e., Docket No. affixed) compact disc (CD) containing such documents.)*

6. There will be no Letters of Objection.

*(No change from the old Rule.)*

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

*(No change from the old Rule, with the exception that such requests must now be in writing.)*

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.

*(No change from the old Rule.)*

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.

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*(See the explanation following Rule 1(b) above.)*

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

*(Notwithstanding the provisions of Rule 1(c) this new Rule affords individuals an opportunity to file their documents on a compact disc (CD) if they so desire.)*

**(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.**

*(This new Rule was designed to enable small Carriers and/or small Organizations which find it impossible to file their documents on a compact disc (CD) to file in paper format 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.**

*(This is a major change in procedure.)*

*As noted above, the National Mediation Board has taken the position that reduced office and file cabinet space, as well as reduced Section 3 funding, no longer makes it feasible for the two NMB staff members to prepare and distribute Referee files. Accordingly, 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 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.*

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*We recommend that the parties make an effort to take turns furnishing Referees with entire case files.)*

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

*(No change from the old Rule.)*

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.

*(There are two types of Orders depending on the disposition. When a claim is denied or dismissed, the Board "... orders that an Award favorable to the Claimant(s) not be made." When a claim is sustained in accordance with the Findings or sustained, the "... Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties."*

*The old Rule provided that the date of the Order would be the date the Order was transmitted to the parties. There is no substantive change under the new Rule.)*

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Any questions concerning the new Rules should be addressed to the Carrier Member who, depending on the fiscal year, is either the Chairman or Vice Chairman of the involved Division of the Board. In this vein, questions should be addressed to the following NRLC personnel:

**First Division**

Martin W. Fingerhut  
Executive Director - Carrier Members  
National Railway Labor Conference  
1901 L Street, NW, Suite 500  
Washington, D.C.  
20036-3514  
(202) 862-7241; FAX (202) 862-7230

E-mail: [mfingerhut@rrnrlc.org](mailto:mfingerhut@rrnrlc.org)

**Second Division**

Paul V. Varga  
Carrier Member - NRAB  
National Railway Labor Conference  
1901 L Street, NW, Suite 500  
Washington, D.C.  
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(202) 862-7239; FAX (202)  
862-7230

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**Third Division**

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**Fourth Division**

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