

LOCAL COMMITTEE OF ADJUSTMENT
UTU

January 8, 2009
Organization file # 587358800
USPS TRACKING# **7007 3020 0003 0824 6572**

To: Liz Dewald
Labor Relations
1400 Douglas Street STOP 0710
Omaha, NE. 68179-0710

Dear Liz,

This will serve as my formal notice of appeal to you for the following claim:

Craft/Title	Hostler
Claimant	BD Porwoll
EMP ID	0410955
Claim Date	12/14/2008
=PE/Receipt for Claim #	587358800
Declination #:	1U5873588
Amount Claimed	\$312.97

On Claim Date Claimant was:

Assigned At:	WD640
Working Assignment:	DT07
Working From Board:	RC03

ADDITIONAL SPECIFICS OF CLAIM:

The Committee is seeking payment of \$312.97 for a make whole payment/lost wages on 12/14/08 for Mr. Porwoll was held out of work by CMS and The UP Licensing department.

ARGUMENT:

During the months of July, August and September Mr. Porwoll made several attempts to get his engineers check ride from his MOP, and was unsuccessful. Mr. Powoll did this after receiving his renewal packet from the licensing department which was sent to him 120 days before his birthday which fell on October 21st 2008. It was not until December 9th 2008 that Mr. Porwoll was able to get a confirmation from his MOP to get his check ride done on December 11th 2008 while he was working assignment WD640 RC01 TP08. It is not Mr. Porwoll's fault that the Managers of Operating Practices department in the Denver Service Unit is understaffed and unable to get his check ride done in a timely manner. His Check ride however was completed on 12/12/08 and his manager had contacted the licensing department that day and informed them of his certification ride and that it had been completed. It is ironic that Mr. Porwall completed all of his medical requirements and department of motor vehicle paperwork back in September but was unable to get his check ride at that time as well!

Specific, relevant agreement provision(s) and/or arbitration award(s) supporting claim:

UP SSI Item 7-B: Qualifications of Engineers

All locomotive engineers, hostlers and remote control operators must be re-certified (licensed) every three years. Licenses will expire on the employee's birthday, every third year, after being initially certified. All certified employees must keep their certificate current in order to avoid a possible interruption in service eligibility. It is the individual employee's responsibility to ensure that certification is kept current.

To facilitate re-certification, packets containing forms and instructions pertinent to re-certification are mailed to each certified employee 120 days prior to the employee's license expiration date which occurs on his or her birthday. Employees must take action as directed and return the required forms and information to the Licensing Group in a timely manner to permit processing for re-certification prior to license expiration.

Employees not receiving these packets 90 days prior to their expiration date must contact the licensing group at 544-8349 or 544-0537 (area code 402) to request the necessary forms and instructions.

Qualification is determined by a Designated Supervisor of Locomotive Engineers (DSLE, usually the Manager Operating Practices) before the locomotive engineer is allowed to operate without direct on-board supervision. Depending on individual case-by-case circumstances, a DSLE may provide notice of qualification after a personal ride, face-to-face discussion, or a telephone conversation with the locomotive engineer. However, if the locomotive engineer disagrees with the decision that he or she is qualified, a DSLE must ride with the locomotive engineer before qualification. The ride must be of sufficient duration over the most demanding portion of the territory to ensure proficiency.

Respectfully

Cullen Kemper
Local Chairman UTU 953c