

NATIONAL RAILROAD ADJUSTMENT BOARD UNIFORM RULES OF PROCEDURE (Revised September 19, 2023)

These Uniform Rules of Procedure are effective with Notices of Intent dated on or after October 1, 2023. 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 electronically 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 its Submission with the Board in the manner set forth in Paragraph 9. Upon receipt, the Arbitration Program Specialist will assign a Docket No. to the existing Case No. and notify the parties to exchange their Submissions in the manner set forth in Paragraph 9, unless the parties' Schedule Agreement provides an alternative method and/or timing for such exchange. Each party will be responsible for providing copies of the Notice of Intent and both Submissions to its respective partisan member.

(c) In discipline cases, the Investigation Transcript and any exhibits produced during the hearing shall be furnished to the Board as an Exhibit to the Carrier's Submission.

(d) 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 Program Specialist 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 Program Specialist to advise the parties that the final date for receipt of their Submissions will be the fifteen calendar days from the date of the Board's 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 with the Board within 30 days in the manner set forth in Paragraph 9. 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.

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, and advise them that any Concerned Party Submission must be filed with the Board in the manner set forth in Paragraph 9. 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 advised by the Board of the filing of any Concerned Party Submissions and given 30 days to respond to the Concerned Party's Submission. No request for a time limit extension will be granted.

6. All data submitted in support of the employees' position must affirmatively show the same to have been presented to the carrier and made part of the particular question in dispute, unless stated otherwise in the parties' Schedule Agreement. All data submitted in support of the carrier's position must affirmatively show the same to have been presented to the employees or duly authorized representative thereof and made a part of the particular dispute, unless stated otherwise in the parties' Schedule Agreement.

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

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. 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 pursuant to the current NRAB Instructions Sheet. Exhibits must be facsimiles of the originals contained in graphic files which, when printed, yield an actual copy of the original. Submissions and Exhibits must be submitted in a Portable Document Format (PDF) such that they can be viewed using commonly available application(s), such as Adobe Acrobat Reader or its equivalent. Audio and video exhibits should be submitted in a format such that they can be viewed using commonly available application(s).

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 an electronic copy of their Submissions 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. 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 electronic time stamp, or its equivalent.

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 date the Award is transmitted to the parties.

Approved this 19th day of
September 2023

Kristin C. Beckner

Kristin C. Beckner, Chairman
National Railroad Adjustment Board

Douglas Davidson

Douglas Davidson, Vice Chairman
National Railroad Adjustment Board