

**SPECIAL BOARD OF ADJUSTMENT**

**CASE NO. 1**

**Smart Transportation Division TD**

**vs.**

**Union Pacific Railroad**

**with**

**Neutral Earlene R. Baggett-Hayes**

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**PRELIMINARY FINDINGS AND ORDER TO PROVIDE POST-HEARING  
SUBMISSIONS**

**PRELIMINARY FINDINGS**

Pursuant to PEB 250 and the Agreement signed on the 16<sup>th</sup> day of September, 2024, by and on behalf of the Union Pacific Railroad Company (hereinafter called “Carrier”) and SMART Transportation Division (hereinafter called “Union”), with particular reference to Paragraphs 9 and 10 therein, it is hereby requested that Post-Hearing Briefs be submitted consistent with the following preliminary findings:

1. The Board’s jurisdiction is limited in scope to items that are legitimately before it.
2. The Board lacks jurisdiction over a number of the specified Union requests.
3. The scope of the Board’s jurisdiction does include Scheduled Rest, Self-Supporting Pool, and Prearranged Layoffs at 25%/20%.
4. The jurisdictional scope does not include Self Supporting Pool (65 Mile Payment), Earned Days Off, Vacation (Jan/Feb), Vacation (New Hire), Personal Leave Days, Bereavement, Held Away Home Terminal Pay (12 Hours), Away From Home Terminal Meal Allowance (\$25 per meal), Pay Differentials, Overtime After Eight (8) Hours, Step Rates, Penalty for Delayed Lodging (after 30 minutes), or Certificate and RCL Allowance Increases. Consequently, the Board is not authorized to rule on these matters that are outside of its jurisdictional scope.
5. The Parties are not limited in the scope of topics that may serve as leverage in their further discussions between themselves in an effort to reach agreement, and they are encouraged to have further discourse in this regard.

## **ORDER**

Pursuant to and consistent with PEB 250, the Parties are ordered to:

Based on the preliminary findings above, submit revised/modified proposals encompassing Articles V, VI, and VII.

1. The proposals must adhere to the appropriate jurisdictional scope as described above.
2. The proposals shall include the best and final offers, respectively, and must specifically address their compliance with the quid pro quo and workability mandates, considering both the Carrier and the Union.
3. The proposals may not exceed parameters or topics already presented and argued.
4. The proposals may not provide new evidence.
5. The proposals must address the impact of any modified costing or other variables.
6. The proposals should not merely reiterate what has already been submitted and argued.
7. The proposals should not exceed twenty-five pages in length.
8. The proposals shall be due within sixty days of receipt of this Order and shall be mutually exchanged at 5:00 PM on a mutually agreed-upon date.

IT IS SO ORDERED:

March 17, 2025

*Earlene R. Baggett-Hayes*  
Board Chairperson