



**Brotherhood of Maintenance of Way Employees Division  
of the International Brotherhood of Teamsters**

**NORTHEASTERN SYSTEM FEDERATION**

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**Dale E. Bogart Jr.**  
General Chairman

November 16, 2015

To: All NESF-BMWED Members on D&H/CP Rail  
From: General Chairman  
Re: Contact and Other Information related to NY Dock Claims

Brothers and Sisters,

Please allow this letter to serve for informational purposes to provide assistance in terms filing any possible NY Dock Claims against Canadian Pacific Railway in the event that you believe that you may have been adversely affected as result of the sale of South Lines to the Norfolk Southern Railway Corporation.

First, I would like to make clarification on the forty-five (45) day requirement in terms of what that means. The Union informed many of you that if in fact you were looking to file claims for September 2015, that you would only have up to forty five (45) days to file such claims and therefore they would have to be filed no later than November 13, 2015 for any claim for the month of September 2015. This information was INCORRECT, and under the NY Dock language, the 45 day requirement or timeline if you will, is only for cases that are denied and require the submission of appeals for arbitration to resolve them.

What this means is that you are still able to claim for September 2015 and any other subsequent month thereto and are not on the forty five (45) day deadline to do so. Having said that however, I would encourage that if you believe that you have been adversely affected and were so in the month of September 2015, I would file the Claim Entitlement Form, with the Claim Forms with as much information that you currently have sooner rather than later so it does not get moved down to the bottom of the pile should you wait too long to file.

It is understood that some of you currently may not be adversely affected; however both the Union and the Company understand that there may be some people who are not adversely affected, or who may not believe that they have been adversely affected by the sale until months from now. Having said that, obviously at which time you are adversely affected or believe that you have been, that would be the time to file a claim.

It is also important to note, that being furloughed is not a guarantee that you will be eligible for these benefits, example being that if you have historically been furloughed during the winter in the year prior to the sale, being furloughed in the year following the sale does not necessarily support that such furlough is an adverse effect of the sale, as it could be argued that you were furloughed prior to the sale and nothing has changed in that regard. While this information is not intended to restrict you from filing such claims, it is for the purpose of information, and if you believe that you have been furloughed, at any point, subsequent to the sale, and you believe that you can support a direct link of that furlough to being as result of the sale, I would encourage that you file claim. Obviously each case is different, as well as their circumstances, so in the event of uncertainty, it surely does not hurt anyone to file a claim.

In conference call with CP on November 11, 2015, it was explained that the once you have submitted the "Request for Entitlement Form" that CP considers that to be a claim filed; however it was also recommended that once you fill out the "Request for Entitlement" form that you also fill out and send the claim form (*known as the "Protective Benefits Displacement/Dismissal Allowance Claim Form"*) with as much accurate information that you have at that time to get the process facilitated and to get the Test Period Information that you may need in future claims submitted.

As you may or may not know, the Carrier is under no obligation to provide such Test Period Information until you file one of these forms ("*Request for Entitlement Form*"); therefore if you believe that you have been adversely affected, I encourage you to fill out and submit these forms. I have attached the three pages of forms herein again (Request for Entitlement Form – 1 Page & Protective Benefits Claim Form – 2 Pages).

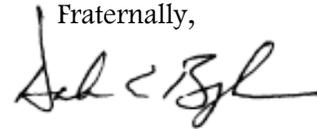
Information specific to the NY Dock Protection arrangements you were provided along with these forms at the time we entered into the Implementing Agreement with CP. Also, this information can also be found on the D&H Page on the NESF website at [www.northeasternsystemfederation.org](http://www.northeasternsystemfederation.org)

Once you have completed these forms, they are to be sent via electronic mail or fax to **HR Help – Canada** to the attention of Ms. Jessa Scott at [HR\\_Help@cpr.ca](mailto:HR_Help@cpr.ca), you may also fax these documents to Ms. Jessa Scott at **1-866-995-6959**.

If faxing, I would ensure to get a confirmation that it was received and keep records of all emails that you have sent with this information for your records in the event there is a dispute that they never received them. I would also encourage you to send copies to this office so that we may have them on file for reference in the event of any future disputes.

I am hopeful that this letter is helpful in assisting you in filling out these forms, obviously as everyone's specific case may be and is most likely different, if you have specific questions about your potential entitlement to these benefits or protections under your particular circumstances, please feel free to contact the System Office where I would be happy to try and assist you.

Fraternally,



Dale E. Bogart Jr.  
General Chairman

Cc: File  
Attachments

- 1.) Request for Entitlement Form (1 Page)
- 2.) Dismissal/Displacement Allowance Claim Form (2 Pages)