

***BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN
U.S. ENGINEER DECERTIFICATION
FLOW CHART***

*Produced by the BLET Education & Training Department
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BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

Engineer Decertification Flow Chart

"5 Cardinal Safety Rules" 49 CFR 240.117(e):

- (1) Failure to control a locomotive or train in accordance with a signal indication;
- (2) Failure to adhere to limitations concerning train speed;
- (3) Failure to adhere to procedures for the safe use of train or engine brakes;
- (4) Entering track segment without proper authority;
- (5) Failure to comply with prohibitions against tampering with locomotive mounted safety appliances.

Remember Them!

Alleged violation occurs involving one or more of the "5 Cardinal Safety Rules." -- 240.117(e)

Start here, move to the right.



Carrier notifies engineer that FRA Certification is suspended. -- 240.117(b)(1)

Period of ineligibility begins on date railroad notifies engineer that certification is suspended. -- 240.117(g)(2)

Engineer contacts BLET Local Chairman or BLET-authorized Representative

Engineer may demand hearing within 10 calendar days from date of notification that certification is suspended. -- 240.307(c)(1)

Engineer elects to accept responsibility. Certificate is revoked for a period prescribed by 240.117(g)(h) -- 240.307(b)(5)

Hearing must be held within 10 days, or if combined with a disciplinary investigation, within the time prescribed by investigation rule. -- 240.307(b)(3)

Based on transcript of hearing, engineer is cleared of violation(s) of carrier's operating rules.

Engineer may seek additional remedies under the Railway Labor Act (General Chairman).

The carrier determines (based on the transcript of hearing), that engineer should not be decertified under FRA regulations.

Certificate is restored.

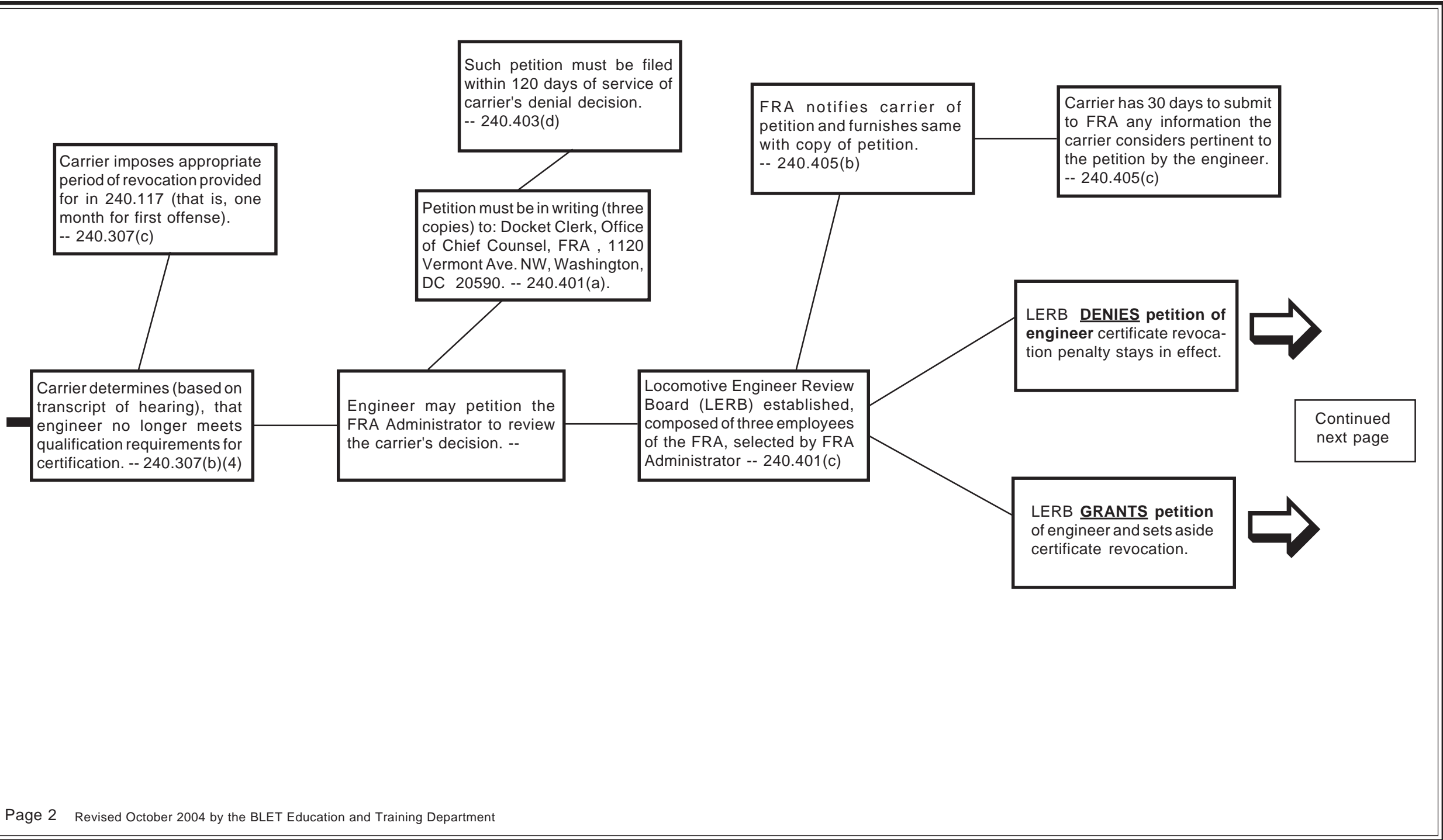
NOTE: Events in this section and on following pages are relative to FRA engineer decertification process.

Continued next page



NOTE: Events in this section relative to discipline under collective bargaining.

Based on transcript of hearing, discipline is assessed by carrier for violation of carrier's operating rules.



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Engineer may request administrative hearing following the decision of LERB. Written request must be filed within 20 days of service of LERB decision and filed with Docket Clerk, FRA, Washington, DC
-- 240.407(a), (b), (e)

Railroad may request administrative hearing following the decision of LERB. Written request must be filed within 20 days of service of LERB decision and filed with Docket Clerk, FRA, Washington, DC.
-- 240.407(a), (b), (e)

Administrative hearing will be scheduled at earliest practicable date. -- 240.407(b)(c)

Administrative hearing conducted by FRA, in accordance with the federal rules of evidence for United States Courts & Magistrates. -- 240.409(n)

At close of record period, presiding officer prepares written decision which becomes effective at expiration of 35 days from date of issuance. -- 240.409

Either party aggrieved by the decision may file appeal to FRA Administrator during 35- day time period from date of issuance of presiding officer's decision. A copy of appeal to be served on each party.
-- 240.411(a)

Either party may file reply to appeal within 25 days of service of appeal.
-- 240.411(b)

FRA Administration may grant oral arguments. Administrator may affirm, reverse, alter, or modify the decision of the presiding officer, which shall constitute the final agency action. -- 240.411(d), (g)

Judicial review under 5 USC 704 (Administrative Procedures Act).