

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION REPRESENTATION POLICY

BMWED will not tolerate or condone discrimination in the workplace or among its members.

It is the policy of BMWED that System Divisions and Federations must fully and fairly investigate any complaints of discrimination made by BMWED-represented employees who request representation. If that investigation reveals that there is merit in the complaints, the Union must represent and advocate for those BMWED-represented employees.

The Union must fully and fairly investigate any complaints of discrimination made against represented employees who request representation. If that investigation reveals that the complaints are untrue or that the employee is being unfairly disciplined, the Union must represent and defend that BMWED-represented employee.

The Union must fully and fairly investigate complaints of discrimination among BMWED-represented employees and members against each other. At the completion of that investigation, the Union must attempt to mediate the dispute. If mediation is unsuccessful, the Union must make a determination of the merits of the respective complaints and will represent and advocate for the bargaining unit member or members whose complaints it finds are meritorious.

Where there exists a consent decree on any property addressing discrimination issues, BMWED urges use of any alternative grievance or complaint procedures created by such decrees.

If the complaint of discrimination is not satisfactorily adjusted, BMWED urges and supports BMWED-represented employees filing charges with the EEOC or appropriate state or local administrative agency. In most cases, such charges must be filed within 180 days of the occurrence, regardless of the pendency of any grievance process. These time limits may vary by state, so check with National Division counsel early on in handling such cases. Where appropriate, BMWED may itself be a charging party