



A bold voice for transportation workers

May 31, 2016

Mr. Charles Mierzwa
Chief of Information Resources Management
Railroad Retirement Board
844 North Rush Street
Chicago, Illinois 60611

**RE: Railroad Retirement Board Revised Forms
Information Collection Request
Docket No. 2016-07130**

Dear Mr. Mierzwa,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to comment on the Railroad Retirement Board's (RRB) proposed renewal and revision of its G-251 form. By way of background, TTD consists of 32 affiliated unions that represent workers in all modes of transportation, including those employed in the railroad industry.¹ We therefore have a vested interest in this proceeding.

Through the Railroad Retirement Act, RRB administers disability annuities for railroad employees who become totally or occupationally disabled over the course of their employment. This benefit is critical for workers who are no longer able to perform positions they have held for years, and/or have a disability which prevents them from gaining employment outside of the railroad. Given how vital these benefits are, TTD fully supports RRB's efforts to ensure they are granted fairly.

In this notice, RRB solicits comment on revisions to its G-251 form, the Vocational Report, which is due for renewal. RRB uses this form to obtain information on an employee's job history, and to determine the effect of a disability on an employee's ability to work. RRB states that it is making revisions to this form in order to improve the disability program following recommendations by the RRB's Office of Inspector General and the Government Accountability Office.

TTD appreciates RRB's efforts to ensure that the information collected through the Vocational Report is accurate and complete in order to best assist examiners in determining disability benefits. TTD supports a change to the form which allows employees to more accurately describe their job duties, and express concern over the addition of a new question. We also

¹Attached is a complete list of TTD's 32 affiliated unions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



express concern over potential conflicts between this form and the proposed G-251a form, as revised. These issues are described below.

Questions 14

This question asks workers to note the types of physical actions they performed on the job. TTD appreciates the addition of several physical activities, including balancing, twisting, reaching above shoulder level, climbing, crawling, gripping, foot control and fine manipulation to the list of activities that workers can select as having performed. Through these additions, workers can better describe their day-to-day functions and provide disability examiners with a more complete depiction of how they may be restricted. With the additional information, examiners will be better able to grant the appropriate benefits commensurate with a more complete understanding of how a worker is impacted.

Question 15

Question 15 concerns permanent job accommodations. While new to G-251, this question previously has appeared on the Disability Application. The question asks if an employee has a permanent job accommodation, for which of their job duties the accommodation is for, and over what period of time the employee had the accommodation. According to a 1998 RRB legal opinion, if an employee has engaged in an accommodated job for at least five years, the duties of their regular occupation are replaced with the duties of the accommodated job for the purpose of determining disability benefits. For example, if an employee had a formal accommodation to assist with lifting items for the previous five years or more, that employee could not claim an occupational disability because of an inability to lift those items.

TTD notes that in some cases, employees may receive informal or temporary accommodations which do not rise to the level of permanent accommodation. TTD expresses concern that examiners may interpret non-permanent accommodations as a sign that an employee does not have a disability. However, the reasons and circumstances in which an individual may receive temporary or informal accommodation are greatly varied and this information should not be used to automatically deny disability claims. RRB should ensure that information gathered from this question is used only to determine if job duties have become permanently accommodated, as per the 1998 opinion.

Form G251a

In addition to form G-251, RRB is also revising form G-251a, (Docket No. 2016-10034). G-251a, the "Job Information Report," serves the same purpose as G-251, but is filed by the employer. RRB notes G-251a is being revised to more closely mirror the G-251 form by asking many of the same questions in the same format. While TTD will comment separately to that docket, we express concern here that discrepancies may arise between the two forms resulting in a denial of benefits. It is likely that in some cases, the employer and employee may submit different responses to exactly which physical actions and duties the employee performed, and for what period of time. If RRB proceeds with its proposed revisions to the G-251a form it should anticipate that increased mismatches may occur, and should ensure that differences in responses between the employer and employee form do not result in automatic denial of benefits.

When soliciting information from railroad workers, it is important that the data collected is accurate and beneficial for the proper determination of benefits. TTD supports RRB's efforts through these revisions to gather more complete and descriptive information. RRB must also ensure that replies are used only for their intended purpose and not to unjustly deny workers their earned benefits.

We appreciate the opportunity to comment on the proposed form changes, and we look forward to working with RRB on these and upcoming revisions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a horizontal line underneath.

Edward Wytkind
President



Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SMART-Transportation Division
Transportation Communications Union/ IAM (TCU)
Transport Workers Union of America (TWU)
UNITE HERE!
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)

These 32 labor organizations are members of and represented by the TTD

