

**SMART**  
Transportation Division  
**MEMORANDUM**

JOHN D. WHITAKER, III  
GENERAL CHAIRMAN (SCL)

3560 Cardinal Point Dr.  
Suites 103 and 104  
Jacksonville, FL 32257

TRAVIS RAYNES  
GENERAL CHAIRMAN (CO)

DALE BARNETT  
GENERAL CHAIRMAN (LN)

JAMES DARBY  
GENERAL CHAIRMAN (AWP)

July 3, 2017

TO: ALL LOCAL CHAIRPERSONS, CSXT  
FROM: CSRA GENERAL CHAIRPERSONS  
RE: PERSONAL INJURIES & SUBSEQUENT CHARGE LETTERS



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It has recently been brought to our attention by SMART – TD Designated Legal Counsel (DLC) that the Carrier is issuing charge letters when a member is involved in a personal injury. I have attached a copy of an example where a waiver is offered with formal reprimand.

It is important to note that when a member accepts the waiver, they are indeed admitting guilt to the associated charge. If you are required to seek justice in accordance with the Federal Employees Liability Act (FELA), you can rest assured the waiver for the admitted violation will surface which could or will have a negative impact from the case.

Please maintain due diligence when handling cases of this nature. I would also recommend that you speak to SMART – TD DLC on this matter prior to entertaining accepting a waiver.

Also, please feel free to contact this office should you have any questions or desire to discuss further.



Arrange to attend a formal investigation to be held in Conference Room,  
(CSX time)

The purpose of this investigation is to develop the facts and place your responsibility, if any, in connection with information received that on \_\_\_\_\_ at or near \_\_\_\_\_, you failed to remain alert and mindful of surroundings or choose a route that afforded the safest walking conditions, and all circumstances relating thereto.

You must be fully rested under the FRA Hours of Service Law to attend the scheduled investigation. You may be represented in accordance with the provisions of your working agreement. You may arrange to have present witnesses who have knowledge of the matter under investigation; however, it will be your responsibility to arrange for their participation.

You have the choice to accept accountability for the aforementioned violation, and waive your contractual right to this formal investigation. No claim or grievance will be filed by you or on your behalf in connection with this incident. For your admitted violation, you will be assessed a **formal reprimand**.

To select the waiver and the discipline as outlined above, sign in the space below and send a copy of this letter (no later than 48 hours prior to the scheduled hearing) to Field Administration, via fax to 904-516-6038, or email to [SignedWaivers@csx.com](mailto:SignedWaivers@csx.com). If you choose the waiver, you **MUST** also immediately notify your supervisor and duly authorized representative of your election. Failure to submit the signed waiver within 48 hours prior to the hearing will result in customary handling under the Railway Labor Act and the hearing will be held as scheduled.

I select the waiver and agree to the conditions outlined above.

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Employee signature

Date