



FROM THE DESK OF

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In my April 16, 2020 update, I discussed a question involving furloughs and negotiated agreements which had been added to the Railroad Retirement Board's (RRB) website. The question was added as Question 3 and was added primarily to address issues which had arisen as the result of a specific plan which had been negotiated. Unfortunately, subsequent inquiries have revealed that the information we provided was confusing to some readers. To hopefully alleviate that confusion, we have modified the answer to Question 3 and addressed additional information by adding Question 4, found at <https://www.rrb.gov/Benefits/Coronavirus>.

The new Question 4 asks "How does the RRB determine whether employees will be eligible for UI under a negotiated plan?" The answer explains that the RRB will consider an employee to be eligible for UI while the employee is furloughed under a negotiated plan if the negotiated plan is the only alternative to an employer-imposed furlough. In other words, where an employee chooses to participate in a COVID-19 negotiated plan that includes a period of furlough, rather than be subject to an employer-imposed furlough, the furlough under the negotiated plan will be considered to be an involuntary furlough for purposes of determining eligibility for UI benefits. The answer also notes that the RRB will determine whether a negotiated plan may allow for UI eligibility for employees and provides a link to the RRB's legal department where documents should be submitted for legal review. As stated in my earlier update, if you need assistance in getting a document reviewed, please don't hesitate to reach out to my office.

I also thought I would share information we confirmed with our Office of General Counsel involving individuals who are receiving disability annuities. Individuals who work and receive a disability annuity are required to tell the RRB about the work activity, regardless of the amount earned. When such notice is received, the RRB evaluates the work activity to determine whether it is consistent with the disability determination. This happens most frequently in occupational disability cases, where the former railroad employee is disabled from performing his or her railroad job, but is capable of performing other work. Where the work activity is consistent with the disability determination, the annuitants may work, but if they earn over a specific limit, then their disability annuity is not payable. We were asked whether the receipt of payments under the Cares Act would count as earnings. We have confirmed with our Office of

General Counsel that if these individuals are eligible for Cares Act payments, those payments would not be counted as earnings in the month in which they are paid.

Finally, as I suggested in my last update, the decision has been made to maintain the current work environment for RRB employees. The RRB is still open for business, but through the month of May, field offices will remain closed to the public and all communications must continue to be limited to electronic means. We are developing a plan for “reopening” and as those details become available, I will share them with you. When we do reopen RRB field offices to the public, I anticipate that we will initially require that all in-person meetings be by appointment only. We are all eager to get back to “normal operations” but undoubtedly things will look a bit different than they did just a few months ago.

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