



HILDEBRAND McLEOD & NELSON INC.

Representing Injured Railroad Employees Since 1926

ATTORNEYS & OFFICES



Frederick L. Nelson
David B. Draheim
Anthony S. Petru
Quynh L. Nguyen
Kristoffer S. Mayfield
Ryan J. Otis
Bradley W. Wahrlich

350 Frank H. Ogawa Plaza, 4th Fl
Oakland, CA 94612
1 (800) 447-7500

Victor A. Russo
Michael J. Vener

700 North Brand Blvd., Suite 860
Glendale, CA 91203
1 (800) 344-3352

WHISTLEBLOWER VIOLATIONS

WHAT ARE WHISTLEBLOWER VIOLATIONS?

Pursuant to 49 U.S.C. Section 20109, the railroad commits a whistleblower violation when it engages in any **adverse action** against a railroad worker because that worker performed a **protected activity**.

Common Protected Activities:

- Notifying the railroad of **work-related injuries and medical conditions**
- Reporting **hazardous safety or security conditions**
- Accurately reporting **hours of service**
- **Filing or assisting with an OSHA Complaint**
- The railroad **cannot delay, deny, or interfere** with your **medical treatment**

Common Adverse Actions :

- Discipline
- Firing
- Harassment
- Probation or adverse “points” assessments
- Retaliation
- Intimidation
- Threats
- Reduced pay, hours, or choice of jobs
- Blacklisting

Examples of Potential Violations:

- 1) Termination, discipline, or harassment for reporting an on-duty injury or hazardous safety condition
- 2) Delaying or denying an employee’s request for hospital or medical care
- 3) Railroad nurse or railroad doctor interfering with or delaying medical care
- 4) Intimidation/Harassment: Threatening investigation or discipline if an injury is reported

HOW TO PROTECT YOURSELF

1) Ask questions and get advice before and after reporting an injury

- Contact your union reps and experienced attorneys at Hildebrand McLeod & Nelson LLP

2) Explicitly request medical treatment

- Your **maximum protection** is when you **request hospital/ER** care immediately after an injury
- If you ask for the **hospital**, the railroad **must** promptly arrange transport to the **nearest hospital**
- With or without a request, the railroad still cannot delay, deny, or interfere with your treatment

3) Keep detailed notes

- Write down all key events, dates, times, witnesses, and conversations with railroad managers

4) Timely file a whistleblower complaint with OSHA

- **Timing: You must file your complaint no later than 180 days after an adverse action**
- Potential remedies: Punitive damages up to \$250,000, back pay and other economic damages, emotional damages, reinstatement and clearing of personnel record, attorney fees, and other relief afforded by the law