

## **BNSF Guidelines for TYE and Yardmaster Attendance**

Effective September 1, 2012

BNSF TYE employees and Yardmasters are key members of our community, and have a legitimate expectation of reasonable opportunity to be off from work. And, along with all other members of our community, BNSF TYE employees and Yardmasters share certain responsibilities to the community as a whole. One of these basic responsibilities is to be "fulltime" employees.

### **I. Specific principles for applying these Guidelines follow:**

1. Each employee's compliance will be measured on a "rolling" three-month basis to better accommodate periods of intermittent illness. Each month is calculated independently and then combined to determine the threshold for the three-month period. The three-month rolling basis applies regardless if the employee has been in active service for the full three months.
2. Employees in 5-day assigned service (includes 05/02 extra boards) have a maximum threshold of one day per month. Employees in 6-day assigned service have a maximum threshold of two weekdays and one weekend day each month; however, employees in 6day assignments that work five days a week with one RSIA day and one rest day have a maximum threshold of one day per month.
3. Employees in Yardmaster service have a maximum threshold of one day per month.
4. For employees in unassigned and mixed service, there is a maximum threshold of twenty-five percent of weekdays and weekends, measured separately. For employees in mixed service this includes any rest days observed (25% less the total of all rest days equals final threshold).
5. Note: for rest cycle agreements, time off over and above rest days is covered in the agreement; however, employees in a rest cycle for a partial month will be considered in mixed service for that month, covered by these guidelines.
6. All maximum layoff thresholds outlined above assume the employee remains marked up the entire period; additional time off (excluded time) will reduce your threshold (consult with your supervisor or training documents for clarification).
7. Events such as jury duty, engineer recertification, foot of board, layoff union or company business, are counted the same as on duty time; therefore, these events will not affect an employee's threshold and will not count as an attendance layoff.

8. National Guard, Drill, Training, State Emergencies will also count the same as on duty time; however, employees will need to provide their supervisor a copy of their orders or LES for this time to be counted as available.

9. Time away from work such as periods of vacation, personal leave, medical leave, time on the bump board, furlough board, or work/retention board, etc., are considered as “excluded” time for the purpose of determining the maximum threshold. Excluded events will affect an employee’s threshold, but do not count as an attendance layoff. (Exception: employees on the bump board who fail to take notification that are subject to call based on their last inbound assignment will be charged attendance layoffs when failure to take notification is 10 hours or greater.)

10. Attendance layoffs such as LOS, LOP, FEM, SIF, etc., may not be altered at a later date simply because an employee chooses to claim a PLD or single day vacation after the fact.

11. Any layoff touching a weekend day will be considered a weekend day, with a 30” grace period (except in the case of jobs with assigned start times in which the start of the assignment drives the determination of weekend vs. weekday). As a result, an employee may be charged with three weekend days for a given week.

12. Any layoff period from 0-25 hours is considered as one unavailable day (except for five and six day assigned service which is based on the number of starts missed – each start is an unavailable day).

13. Working a portion of a calendar day does not negate a layoff period that begins or ends on that day from counting as an unavailable day for the purpose of attendance.

14. Failure to comply with the single tie-up process will be treated as an unavailable day.

15. Following discipline for a period, violations in subsequent months will result in an attendance violation if the total days off in the following one or two months exceeds the maximum threshold for the three-month period.

16. We encourage any employee identified as failing to maintain full-time status under these Guidelines to seek the involvement of his/her local chairman and to contact his/her supervisor to discuss options available at BNSF (e.g., Leave of Absence, MLOA, FMLA, etc.).

17. Meeting the criteria of the lay off thresholds under the Attendance Guidelines does not preclude the company from challenging an employee's full-time status requirement based on some other reasonable standard.

The TYE Attendance Guidelines Training Manual is available on the LR Web-site. Under "Attendance" select "Policy, Layoff Codes, Training." Along with other important information, the manual outlines time off for assignments that are not mentioned specifically in the attendance guidelines.

Local members of the BNSF transportation management team are specifically empowered to apply these Guidelines considering all relevant information. Managers should never act in a rigid or "wooden" manner, and in every case should use "common sense." We also invite and encourage local union leaders to give their input in the application of these Guidelines in individual cases, and, generally, to be "part of the process."

BNSF provides for and encourages each employee who knows in advance of a need to be off to request a pre-approved layoff. However, pre-approved does not excuse the employee from complying with attendance requirements. Those types of layoffs that count toward attendance, such as layoff personal, will continue to count toward the employee's attendance record even if pre-approved.

II. Discipline handling (including progression and the applicable review period) for Attendance Guidelines violations follows:

A. Progression

When an employee violates TYE Attendance Guidelines the following discipline matrix applies:

**Attendance Guideline Record Result**

First violation	Formal Reprimand
Second violation	10 day record suspension
Third violation	20 day record suspension
Fourth violation	Employee may be dismissed

**In addition to the discipline matrix above, dismissal may occur if an employee has either:**

(1) three active Attendance Guidelines violations and an active Level S violation, or (2) five rule violations of any kind in a 12-month period (which may include any combination of Standard, Serious and Attendance Guidelines violations).

B. Review Period

The TYE Attendance Guidelines review period is an "active" review period and requires an employee work a period of time which exceeds a complete 12 month period without another Attendance Guidelines discipline incident before the prior Attendance Guideline violation is considered "inactive". However, attendance violations will not be "cleared" from an employee's record

Example: Assume an employee commits an Attendance Guidelines violation for the three month rolling period of January, February, and March 2011 and receives a formal reprimand. If the employee commits an Attendance Guidelines violation for the three month rolling period of

January, February, March 2012, he/she did not work a period of time which exceeded a complete 12 month period under the Attendance Guidelines policy. As a result, the formal reprimand of January, February, March 2011 remains "active." As such, the discipline to be assessed for the January, February, March 2012 Attendance Guidelines violation would be a 10-day record suspension.

By contrast, in the example above, assume that the second Attendance Guidelines violation occurred not in January, February, March 2012, but rather in the three month rolling period of February, March, April, 2012. Under this scenario, the employee did work a period of time which exceeded a complete 12 month period without an Attendance Guidelines violation, and as a result, the formal reprimand of January, February, March 2011 is now "inactive". As such, the proper discipline to be assessed for the February, March, April 2012 violation would a formal