

BNSF



Date: February 11, 2000

To: Service Region AVPs, Division Superintendents, All TY&E supervisors

From: Dave Dealy

Subject: Attendance Guidelines

Accompanying this e-mail message is the information kit associated with the attendance guidelines for TY&E employees. Our goal is to have face-to-face discussions with as many TY&E employees as possible during the next week.

The items in the kit are for your use only in introducing the guidelines to employees and responding to their questions and in administration of the guidelines.

Included in the information kit are:

- A one-page Summary of BNSF TY&E Attendance Guidelines.
- Guidance for the Administration of BNSF's TY&E Attendance Guidelines, including questions and answers about the guidelines. These will be modified as additional information is developed as a result of your discussions with TY&E employees.
- The TY&E Attendance Guidelines roll-out plan.

The goal of these guidelines is to ensure that TY&E employees work full-time, with reasonable time off. The approach is based on input from TY&E employees, the BLE and the UTU. Thank you for your help and support of this effort to ensure that BNSF operating employees are in place to meet our customers' expectations.

INTEROFFICE MEMO

Summary of BNSF TY&E Attendance Guidelines
For BNSF Supervisors Only

Train, yard and engine employees are key members of the BNSF community. Each TY&E employee has a responsibility to the other members of our community to be a full-time employee. Each TY&E employee also has a right to reasonable time off. The following attendance guidelines are intended to help TY&E employees fulfill that responsibility to each other and to our customers.

- TY&E employees in unassigned service will be considered full-time employees if they lay off no more than 25 percent of weekdays and weekend days during a continuous three-month period.
- Continuous compliance with these guidelines for twelve months will clear an employee's record of any previous attendance issues addressed under these guidelines.
- Any time an employee is not marked off, as well as time marked off for jury duty, bereavement leave, engineer recertification, or layoff union or company business, is considered the same as on-duty time.
- Vacation, personal leave, layoff on miles, foot of board, bump board and any other paid leave is considered neither on-duty nor off-duty time.

Supervisors of TY&E employees are empowered to consider employees' individual circumstances. Local union leaders are encouraged to become part of the process of applying these guidelines.

Pre-arranged layoffs are encouraged. Employees may request a layoff up to 90 days in advance, and will receive a prompt response. BNSF cannot cancel a pre-arranged layoff without the employee's consent.

Guidance for Administration of BNSF's Attendance Guidelines

Beginning on March 1, 2000, BNSF will introduce the BNSF Guidelines for TY&E Employee Attendance. The Attendance Guidelines inform our employees that one of their responsibilities is to be "full time" employees.

Why Guidelines, not a Policy?

It is our intention to provide our supervisors with the flexibility to manage attendance issues. These guidelines allow local supervision to consider special individual circumstances and to emphasize a common sense approach to each situation.

Unassigned Service

The primary focus of the Attendance Guidelines is unassigned service. Our expectation is that each employee in unassigned service fulfills his or her responsibility to maintain "full time" status, in general, by laying off not more than twenty-five percent of the weekdays and weekends, measured separately, in any three month period. Employees in assigned service are also required to be "full-time" employees, but it will be up to each division to determine if employees in assigned service are meeting the "full-time" standard.

Assigned Service

Like employees who work in unassigned service, employees who work in assigned service (locals, road switchers, yard assignments, and work/rest boards) are required to maintain "full-time" status; however, we're leaving this up to the local supervisors to determine, as they have in the past, and the local supervisor needs to apply common sense to the facts involved in each situation.

Administration

Each month each division will receive a computer report showing the number of days each employee was in unassigned service during that month, the number of days available in unassigned service, the threshold for full-time attendance on weekends and weekdays, and the deviation from that threshold, if any.

Each division will receive the monthly report on about the eighth day of each month. Upon receipt of the attendance report, the designated supervisor will use the report, along with reports for the two prior months, to determine if the employee met the "full-time" standard for the three-month period.

Three Month Measurement Period

The measurement period for determining "full-time" status is based on the threshold for full-time attendance over a three-month period. That means that the first three-month period under consideration will be the March/April/May period, since we are introducing the Guidelines effective on March 1, 2000.

If an employee is determined not to have maintained "full-time" status for the March/April/May measurement period, the employee will be handled under PEPA.

If an employee does not meet the "full-time" threshold in the first month, or the first and second months of a measurement period, the employee should be dealt with immediately. For example, for the March/April/May measurement period the maximum number of weekend days an employee in unassigned service could be off is 6.5. If an employee is unavailable for seven weekend days during the month of March (which is already over the allowance for the three month period), the local supervisor should address that attendance issue with the employee as soon as the supervisor receives the monthly attendance report for the month of March.

Here's another example. If an employee is unavailable for four weekend days during March and four weekend days during April (which is over the allowance for the three month period), the local supervisor should address that attendance issue with the employee as soon as the supervisor receives the April attendance report.

Determining "Full-time" Status Within a Measurement Period

During any measurement period, an employee must maintain "full-time" status. So how do we calculate "full-time" status? Let's take the March/April/May 2000 measurement period for example.

During this measurement period, the attendance threshold for this employee, assuming that he has no excluded time, will be 19.5 weekend days and 50 weekdays. In other words, this employee could be off 6.5 weekend days and 16 weekdays during this measurement period and still be considered to have met his "full-time" status requirement.

PEPA

Under PEPA, discipline sanctions are not considered in determining discipline level after thirty-six months. Discipline for not maintaining "full-time" status will be treated differently. For purposes of the Attendance Guidelines, discipline assessed for not maintaining the "full-time" standard will be taken into consideration in determining level of discipline until an employee has maintained "full-time" status for twelve consecutive months. Once an employee has maintained "full-time" status for twelve consecutive months, any previous discipline for not maintaining "full-time" status will not be considered in determining an employee's discipline level.

PEPA Matrix

The following is a matrix that outlines basic results within PEPA as a result of failure to maintain full-time status:

Current record*	Next Event	Result
Clean	Attendance Violation	Level 1 Formal Reprimand
One minor offense (e.g. run through switch) still active	Attendance Violation	Level 2 0-10 days suspension
Two minor offenses or attendance violations still active	Attendance violation	Level 3 20 day suspension
Three minor offenses or attendance violations still active	Attendance Violation	Employee may be dismissed**
Any combination of three minor or serious offenses or attendance violations still active	Attendance Violation	Employee may be dismissed***

- * Assumes employee has not been disciplined for attendance in the last 12 months.
- ** No employee will be dismissed for an attendance violation unless another prior attendance violation is active on the employee's record within the last 12 months.
- ***For the purposes of determining level, serious and minor offenses count the same as one violation

Common Sense Must Prevail

In every case, local supervisors should consider special circumstances and use common sense in applying the Guidelines. Local supervisors should also encourage involvement of local chairmen in order to promote fair and common sense application of the Guidelines.

Questions About the Attendance Guidelines

1. What constitutes a violation?

An employee in unassigned service is in violation of the guidelines if he/she is unavailable for duty more than 25% of the time during any three month measurement period as outlined in the Attendance Guidelines.

2. How are the three-month measurement periods determined?

In most cases, employee attendance is reviewed at the end of every month for the preceding three months (with the exception of first two months of implementation - March and April - which may be reviewed if the employee is already over the allocation for the three-month period). For example, at the end of May the March/April/May measurement period would be reviewed. At the end of June, the April/May/June measurement period would be reviewed. The measurement period rolls to the most recent three months.

3. What happens if an employee is not in compliance during a measurement period?

Failure to maintain "full-time" status is a standard handling offense under PEPA with a one-year probation. The employee is advanced to the next level of discipline based on the prior offenses committed that still have active probationary periods. For example, if an employee has an active Level 1 Reprimand on his record, discipline for failure to maintain "full-time" status will advance him to Level 2 under PEPA (0-10 day suspension).

For example, consider the case of an employee who failed to maintain "full-time" status for one measurement period. If the employee is already at Level 1 under PEPA, discipline for failure to maintain "full-time" status, like any other minor offence, will progress the employee to Level 2 under PEPA.

It is important to note that at the end of the probation period, the attendance offense (like other offenses) is not removed from the employee's record. It is maintained on the hard card, but cannot be taken into consideration when assessing future discipline.

4. Once an employee is disciplined for failure to maintain "full-time" status, how does that effect future handling?

Future handling is still a standard offense, but the measurement period has changed to account for discipline issued.

5. Can an employee be dismissed for failure to maintain "full-time" status?

Yes. When an employee reaches the point in the disciplinary process of four active discipline (or other) events on his record, he may be dismissed.

However, a discipline sanction for failure to maintain "full-time" status can only be the terminating event if the employee has another active attendance violation that is still within the twelve month probation period for attendance related discipline.

For example, an employee that is at Level 3 for a series of safety rules may be dismissed if his next event is a run-through switch. However, if his next event is failure to maintain full-time status, and this is his first discipline for attendance, he cannot be terminated.

Attendance Guidelines Roll-out Plan

Thursday, February 10

1 p.m.

Conference call led by Mr. Dealy, to include all TY&E supervisors.

Friday, February 11, 6 p.m.

Electronic transmission of cover letter, summary, implementation instructions, FAQs and roll-out plan to supervisors via service region AVPs and division superintendents and directors of administration.

Monday, February 14, 9 a.m.

Regular transportation supervisors conference call led by Mr. Dealy. Opportunity to discuss additional questions. Updated FAQs, if necessary based on questions developed during call, to be distributed electronically by close of business.

Supervisors begin meeting with TY&E employees, individually and in groups at on-duty locations as opportunities present themselves, to discuss implementation of attendance guidelines.

Friday, February 18

Superintendent's notice announcing attendance guidelines posted.

Monday, February 21 (week of)

Letter from Carl Ice to TY&E employees' homes, with copy of summary.

Tuesday, February 22

8 a.m.

Issue press release to rail trade publications; release to be used as press statement for response to inquiries from local newspapers and broadcast stations.

3 p.m.

Conference call led by Mr. Dealy to discuss any additional questions TY&E supervisors may have about guidelines, summary or FAQs, including input from employee contacts. Updated FAQs, if necessary based on questions developed during call, to be distributed electronically by noon Wednesday, February 23.

Monday, February 28

Depending on feedback in discussions among supervisors and employees, an additional conference call could be scheduled with Operations supervisors at 3 p.m. Monday, February 28. Alternatively, a modified version of FAQs could be distributed electronically as necessary.

Wednesday, March 1

Attendance guidelines take effect.