



Effective February 1, 2022

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New Hi-Viz Attendance Program is placed into service and replaces information previously contained in the following System General Notices:

- TY&E Failure to Take Notification
- TYE Earned Rest
- Guidelines for TYE and Yardmaster Attendance
- TY&E Time Off

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BNSF Hi-Viz Guidelines for TYE and Yardmasters

Hi-Viz Guidelines is a tally system that:

- Sets a clear standard for full-time employment.
- Allows employees to easily, accurately and contemporaneously determine where they stand in comparison to BNSF's attendance standard.
- Provides employees with an opportunity to improve their standing through regular/steady attendance.

1. Assessment of Points

Subject to the Point Schedule below, employees begin with 30 points and points are deducted for various incidents of non-attendance including both full and/or partial day absences.

- a) Point deductions are determined based on the type of service the employee is in at the time of the unavailable event.
- b) Unavailable time is associated with the day the event began.
- c) Unavailable time is measured in 24-hour increments.
- d) High Impact Day (HID) point values apply if:
  - For unassigned service: The unavailable event occurs on the day of the HID, or the unavailable event occurs prior to the HID and employee is not marked up by 0600 on the HID.
  - For assigned service: The employee misses their assigned shift on the HID. If the assigned service does not include specific start times, then HID applies if the

unavailable event occurs on the day of the HID, or the unavailable event occurs prior to the HID and employee is not marked up by 0600 on the HID.

- e) Any unavailable event that begins or ends within 48 hours of a VAC, PLD, UNB, FML, CLD event, or within 24 hours of an SRS event, and does not have an intervening work event will be charged an additional 2 points for Unassigned Service and an additional 3 points for Assigned Service regardless of day of week. This is referred to as a Conjunction Penalty.
  - EMC/LOC/NOS are the exception; they will continue to be charged according to Point Schedule
- f) Handling results each time the employee exhausts their points.
- g) Each employee has electronic access to their point record.
  - Any addition or deduction in points is reflected in this record.

### Point Schedule

Incident	Unassigned Service				Assigned Service	
	Point Value				Point Value	
	M-TH	FR-SA	SU	HID	MO-SU	HID
<b>Unavailable Event</b>	-2	-4	-3	-7	-7	-10
<b>EMC (Missed Call) / LOC (Layoff on Call)</b>	-15	-15	-15	-20	-15	-20
<b>NOS (No Show)</b>	-20	-20	-20	-25	-20	-25

Unavailable Events include: **LOS** (Sick), **LOP** (Personal Business), **SIF** (Sickness in Family), **FEM** (Family Emergency), **LOF** (Fatigue), **LXU** (Failure to take Notification), **LFT** (Failure to Tie Up), **LOA** (Layoff Active Board / Away Terminal or After Start of Shift), **LOD** (Layoff Dressed & Ready to Work)

### 2. Good Attendance Credits

- a) An employee is awarded a Good Attendance Credit (worth 4 points) for any 14-day period they are marked up and available to work without an unavailable event and in which they are not otherwise absent from work. Example: An employee remains available between March 1 and March 14, they will receive a Good Attendance Credit on March 15. If they continue to remain available between March 15 through March 28, they would earn another credit on March 29.
- b) Good Attendance Credits are earned for any 14-day period if the employee:

- i. Has no Unavailable events, NOS, EMC, or LOC.
- ii. Has not otherwise been absent for any reason, apart from the paid leaves listed below:
  - Training/Rules (CBT/RUL/LAH/ERC/DRT/CRN)
  - LET (Engineer Training)
  - LIT (working lite Duty)
  - Company business (LCB)
  - Layoff for jury duty (LOJ)
  - Death in family (DIF)
  - CIR (Critical incident report)
  - Military leave/NGD with supporting LES/orders
- iii. Has no absences/leave other than those listed in 2.b.ii (e.g. does not have FML/PFM, FUR, LAM, MED, MEV, LOI, HFS, LAB, R79, PLD, SUA/SUT, UNB, VAC, etc.).
- iv. Has no bump board time > 2 hours after taking notification.

c) An employee’s point total cannot be greater than 30.

### 3. Discipline (10-day, 20-day and Dismissal)

- a) When an employee exhausts their points (balance reaches or falls below zero), they are subject to discipline.
- b) Each time an employee exhausts their points, their point total will be reset at 15.
- c) The following discipline matrix applies when an employee violates Hi-Viz. The first Hi-Viz infraction will result in a 10-day suspension with a 12-month review period. A second Hi-Viz infraction will result in a 20-day suspension with a 24-month review period. Finally, if an employee has a third Hi-Viz infraction, they are subject to dismissal. If an employee remains Hi-Viz discipline free during their review period, then their Hi-Viz progression is reset.

Hi-Viz Guideline Record	Result
First infraction	10-day suspension
Second infraction	20-day suspension
Third infraction	Employee may be dismissed

- d) In accordance with BNSF’s Policy for Employee Performance Accountability, where the Hi-Viz Guidelines provide for an imposition of a Suspension, a supervisor has the discretion to impose an Actual or Record Suspension.
- e) In addition to the discipline matrix above, dismissal may occur if an employee has either (1) two active Hi-Viz 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 Hi-Viz Guidelines violations).
- f) Maintaining a positive point balance does not preclude the company from challenging an employee’s full-time status requirement based on another reasonable standard.

#### 4. Initial Placement in Discipline Process

Employees with active discipline for BNSF Attendance Guidelines at the time of the cut-over to the new Hi-Viz Guidelines will be considered to have already received the equivalent Discipline Step.

Hi-Viz Guidelines are not intended to assess points for use of any legally protected leaves such as FMLA (Family and Medical Leave Act) or other leave of absences that are properly certified and/or documented. But as noted above, there are only 6 types of absence that allow for the good attendance credit referenced in Section 2 above.

BNSF leadership should consider all relevant information when using the Guidelines. In every case, they should apply the Guidelines with consistency and common sense.

**NOTE: Being unaware of your point total is not an excuse for exhausting your points.**

#### TYE Time Off

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**A. Laying Off on Call**

Employees MUST NOT lay off on call.

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**B. Emergency Lay Off**

Lay off code "FEM," Family Emergency, is defined as a lay off code for an emergency involving an employee or their family. An "emergency" under this code is an unforeseen circumstance that requires immediate action and is of such seriousness and magnitude that the employee must immediately absent themselves from duty and no other layoff code governs the situation, e.g. DIF, LOS, SIF, etc. Employees must use the layoff code that most appropriately describes the reason for the absence and may not use "FEM" as an excuse to be absent from duty for reasons other than those that can accurately be described as an emergency. Use of code "FEM" will be closely monitored.

Once granted authorization for layoff code "FEM," the employee must contact their supervisor within 24 hours to provide reason for the FEM. Misuse will result in corrective action against the offender and review of the code "FEM" as an unrestricted emergency code.

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**C. Bereavement Leave and DIF Layoff Codes**

Train, yard and engine employees who unfortunately suffer the loss of a family member covered by Bereavement Pay agreements can use the layoff code DIF (Death in Family) in the Workforce System to mark off. Employees will be automatically marked up from DIF at the expiration of the approved time off.

Family members who are covered by all the Bereavement Pay agreements include brother, sister, parent, child (including a legally adopted child), spouse and spouse's parents. Based on the location and craft of the employee's current assignment, additional family members covered may include grandchildren, half and stepbrothers, sisters and stepchildren. Refer to the agreement covering the employee's area or visit the Labor Relations' website under the TYE Payroll Services link.

The Bereavement Pay agreements provide for 3-day's pay at the agreed to pay rate. The employee need not have stood for work on 1 or more of the days to receive payment, and all 3 days qualified for bereavement pay will not count as an absence under the Hi-Viz Guidelines.

Employees claiming bereavement leave should use CA Code 05 on a special claim and send the obituary notice with the special claim ticket number to TYE Payroll Services via email at [FINDLTYEBereavementPay@BNSF.com](mailto:FINDLTYEBereavementPay@BNSF.com) or fax to 785-676-5186 or 8-676-5186.

BNSF understands a person may lose a family member not covered by the Bereavement Pay agreements. The DIF code should not be used in these cases, but the code FEM (Family Emergency) is available for immediate layoffs. Documentation must be maintained that explains the absence in the event the employee is required to provide the information to their supervisor. The supervisor may also help schedule additional time off through use of alternate codes such as LOP (Layoff Personal), PLD (Personal Leave Day), or a Leave of Absence if applicable.

Employees who lay off DIF, but do not send the supporting documentation to TYE Payroll Services will be considered unavailable for duty and handled in accordance with the Hi-Viz Guidelines.

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#### D. Pre-Approved Lay Off System

The following enhancements have been made to the pre-approved lay off system. The supervisor should be contacted if there are any questions.

- In the 30-day period between day 90 and day 60, BNSF will accept and hold all requests for PLD and SDV only. On the 60th day prior to the layoff date TSS will distribute the allocation of days according to seniority.
- Requests 60 days in advance and less, employees can be approved for up to four unpaid personal days (identified by layoff code LOP). Employees are still able to request all of their PLD and SDV days. When calculating LOP days, any portion of a calendar day is considered one day.
- Once approved, individuals can move an LOP, SDV, or PLD up or back one calendar day. The employee can request this change of start day within 48 hours of requested start time.
- Employees may request a single day of vacation or a personal leave day between 60 and 90 days in advance of the day it would be taken. For example, on September 8, an employee could request a day off that he/she plans to take November 7. The employee will be able to check if the request has been approved 60 days in advance or at 0001 September 9. Employees can request as many vacation or personal leave days as they have currently available to them.

Bidding and sliding process

Employees can enter a pre-approval layoff request for a single day or multiple days. If a multiple day request is entered, the request cannot be submitted until the whole request is within the request window. None of the days will be considered for approval until the entire request is within the approval window as the program will not address (approve/deny) until the last calendar day of the multi-day request.

Employees desiring high demand days off are encouraged to enter their requests one day at a time so that each day will be considered as it reaches the approval date. For example, an employee makes a three-day request for PLD. All 3 days have to be within the 90-day window before the request can be entered into the system.

At 60 days prior to day one of the request, the first day of the request will not be considered for approval because portions of a three-day request cannot be approved. All 3 days of the request must be within the 60-day window for any of it to be considered. Entering single days at a time eliminates the possibility of an allocation being full before a multiple day request will be taken into consideration.

Assigned employees cannot slide their requests as they already have assigned rest days. The slide function was designed for unassigned service where start times are not known in advance.

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**E. Lay Off Process for Military Personnel**

Two distinct lay off codes have been established which apply to military service. It is important to use the appropriate lay off code to distinguish between these two types of military service, as these codes ultimately drive benefit and pay eligibility.

**NGD** = This code should be used only for National Guard, Drill, Training or State Emergencies.

Note: NGD leaves greater than 10 days must be covered by a leave of absence.

**MLV** = This code should be used for all other military service including: Global War on Terror (Operation Iraqi Freedom, Operation Noble Eagle and Operation Enduring Freedom), enlistment into the military, or any other military service or training (other than National Guard).

Note: Military leaves greater than 10 days must be covered by a leave of absence.

Benefit Coverage

Employees who wish to retain coverage under the BNSF program while on leave will continue to pay the monthly contribution. Contribution will be taken out of any make whole payments received from BNSF while on leave. Otherwise, these contributions are required to be caught up upon return.

### Compensation

Employees should send paperwork supporting Military Pay claims and any questions regarding pay for Military leaves to [FINDLYEMilitary@BNSF.com](mailto:FINDLYEMilitary@BNSF.com).

Note: Employees who wish to earn Good Attendance Credit must submit their LES or training documentation no later than 60 calendar days after their return to work from leave.

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### **F. Jury Duty**

BNSF and the Labor Organizations representing BNSF employees support employees summoned to perform their civic duties in the form of Jury Duty by providing negotiated agreements for compensation for time lost to employees who are summoned for Jury Duty. The collective bargaining agreements will govern any dispute as to compensation for Jury Duty. However, the following guidelines are provided to minimize such disputes and provide for prompt and proper payment of valid Jury Duty claims. In the event of a dispute, BNSF and the appropriate Labor Organization will work to resolve the matter.

Employees instructed to report for Jury Duty at a specific date and time are authorized to mark off for Jury Duty to make sure they are rested and available for Jury Duty. They are also expected to make an effort to perform their normal duties whenever reasonably possible.

Employees subject to certain call-in or "stand by" notification procedures used by some courts will remain marked up except in circumstances where protecting service will obviously jeopardize such notification.

If there are questions about the ability to protect service, the employee should consult with a designated supervisor before marking off and jointly set up a strategy to ensure compliance with the court's instructions and to protect their assignment when reasonably possible.

Employees will be expected to mark up immediately upon release from the courts or, if on call, immediately after receiving notification they will not have to report to the court.

To validate qualification and provide the proper documentation with the claim:



### Qualifies for Jury Duty Lost Wages:

- Reporting at a specific location and time for jury selection and/or Jury Duty when an actual loss of wages occurs.
- Reporting for Jury Duty conflicts with the employee's ability to obtain rest under the Hours of Service Act before or after the Jury Duty. Booking additional rest does not apply to Jury Duty.
- Extra board personnel who mark off for 24 hours or less will receive the equivalent of a day's guarantee if the trip missed is not completed prior to the mark up.

### Does Not Qualify for Jury Duty Lost Wages:

- Jury Duty that occurs on a rest day or other periods of scheduled or unscheduled time off when no loss of wages occurs.
- Layoffs when courts are not in session. Examples include weekends and major holidays.
- Any days over the 60-day maximum. The Agreements provide for a maximum of 60 days in any calendar year.
- Failure to follow supervisor's recommendations for protecting service or reporting at the court without specific instructions to do so.

### Supporting Documentation for Jury Duty Claims:

- The following information must be included on the Jury Duty claim:
  - Date(s) scheduled for Jury Duty
  - Location
  - Time scheduled to report
  - Time released for each day
  - Lost trip information.
- The following documents should be sent to TYE Payroll Services via email at [FINDLTYEJuryDutyPay@BNSF.com](mailto:FINDLTYEJuryDutyPay@BNSF.com) or fax to 785-676-5186 or 8-676-5186.
  - A copy of the Jury Duty notice
  - The Court's reporting instructions.
  - A copy of the Court receipt for amount paid while performing Jury Duty which will be deducted from the lost wage payment. Note: If payment is delayed or there is no

payment for that day from the Court, authorization must be obtained from the supervisor for payment of lost wages.

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**G. Lay Off Fatigue (LOF)**

BNSF wants to ensure that everyone is rested and prepared to work safely. Employees who are fatigued as a result of working numerous trips in a row or working consecutive long trips can use the LOF to take 24 hours off for rest. The LOF code may not be used for any other purpose and employees who misuse the LOF code will be subject to discipline under the Policy for Employee Performance Accountability. For example, this code may not be used to extend rest days, vacation, or other layoffs. An LOF counts as an unavailable day under the Hi-Viz Guidelines.

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**H. Lay Off/Mark Up for Outlying Assignments**

Following a layoff, employees assigned to outlying positions must mark-up prior to the tie-up of their regular assignment in order to release the extra board employee covering their position. If an assigned employee fails to mark-up prior the tie-up of their regular assignment, the extra board employee will be held to protect the assignment's next tour of duty and the regular employee will be charged an unavailable day (LOP) under the Hi-Viz Guidelines. This does not apply going into the rest days of the assignment.

Example: Employee Smith fails to mark-up from a one-day sick layoff prior to the tie-up of their assignment and, as a result, ends up missing two days of their assignment. Employee Smith will be charged points for two assigned days under the Hi-Viz Guidelines.

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**I. High-Impact Days**

BNSF has the responsibility to provide our customers with reliable service every day, including High-Impact Days. High-Impact Days are days that have historically reflected higher train crew absenteeism and more missed opportunities to meet customer expectations. Those days are currently identified as: New Year's Day, Super Bowl Sunday, Easter Sunday, Mother's Day, Memorial Day, Father's Day, Independence Day, Labor Day, Halloween, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve.

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### J. Failure to Take Notification

An employee is required to accept notification when their assignment has changed (displaced, forced, cut, awarded a successful bid, etc.). Employees is then afforded their bump board time based on the applicable CBA. An employee who has not accepted notification upon first attempt will be placed in an LXX status until notification is accepted.

- Employees whose **last inbound assignment upon tie up** was “other than assigned service,” the employee will have 10 hours to accept notification for all future bid/bump events which occur prior to their next work event. Employees who do not accept notification within 10 hours will have all time pending notification for that event count as unavailable time, and points will be deducted using Unassigned Service Point Value.
  - 0 to 10 hours - no exception
  - >10 hours - points will be deducted according to the Hi-Viz Guidelines
- Employees in assigned service that are bumped or cut from their assignment while on duty are considered “other than assigned service” upon tie up.
- Being on a rest day does not exempt an employee from accepting change notification of an assignment.

Example: an employee out-boards on an assigned 05/02-yard job; however, the employee is bumped while on duty, takes notification upon tie up and is placed on the bump board. The employee's inbound status is “other than assigned service” account being placed on the bump board.

Example of pending notification: An extra board employee is “rested” and available for call at 1300. Upon the employee becoming rested, the Crew Office attempts to notify employee of a displacement (bump) at 1301. The employee does not respond to the notification. The Crew Office continues to attempt notification every 2 hours. If the employee has not taken notification by 2301, the Hi-Viz system will recognize this employee as having more than 10 hours of avoiding notification and mark the employee with an unavailability event. The crew office will continue to attempt notification to this employee and the attendance system will continue to account for time in which the employee has made themselves unavailable.