

## **BNSF and SMART-TD PAID SICK TIME AGREEMENT Q&As:**

In connection with the BNSF and SMART-TD Paid Sick Time Agreement, the parties agree to the following Questions and Answers:

**Q: When is the Agreement effective?**

A: June 15, 2023

**Q: How many paid sick days will each employee receive in 2023?**

A: Each employee will receive two paid sick days as well as the ability to convert up to three personal leave and/or single vacation days to paid sick days.

### **Qualification**

**Q: How many paid sick days will each employee receive?**

A: Beginning in 2024, each employee will receive four paid sick days per year. Additionally, employees will be able to convert up to a maximum of three personal leave (PLD) or single vacation (SDV) days (or combination of PLDs and SDVs) to paid sick days. The number of PLD or SDV days that can be converted are subject to how many days the employee qualifies for under the Agreement.

**Q: How does an employee earn the paid sick days provided in the Agreement?**

A: An employee must be an active employee in the calendar year to qualify for the paid sick days for that year.

**Q: If an employee does not qualify for vacation and/or personal leave days, do they still receive the 4 paid sick days?**

A: Yes, the employee would receive 4 paid sick days; however, they would not have any PLDs/SDVs to convert.

**Q: Do employees working on assigned service jobs (i.e., yard jobs, locals, road switchers, etc.) qualify for the paid sick days?**

A: Yes, so long as the employee is working on an assignment under the jurisdiction of the signatory SMART-TD general committees.

**Q: Are paid sick days considered as "qualifying" days for purposes of holiday qualification?**

A: No, layoffs taken as paid sick time are disqualifying days for purposes of holiday pay qualification.

**Q: Do paid sick days count towards next year's vacation qualification?**

A: A compensated sick day is not considered compensated service for purposes of vacation qualification.

**Q: Will paid sick days transfer if employees do a craft transfer (e.g., TYE to BMWED)?**

A: Sick days will only transfer if employees are transferring to a craft with sick days, otherwise, the unused days will be paid out at the end of the calendar year.

### **Layoff Process**

**Q: Can I take a partial paid sick day?**

A: No, compensated sick days must be paid in minimum one (1) day increments.

**Q: Is there a maximum number of paid sick days that can be taken consecutively, so long as they are in one (1) day increments?**

A: No.

**Q: Are paid sick days counted in the daily layoff allocations?**

A: No, paid sick days are granted over and above daily layoff allocations.

**Q: What steps does an employee need to take to utilize a paid sick day?**

A: An employee must be assigned to a job covered by the paid sick day agreement.

Where the use of paid sick days is not foreseeable, train service employees will continue to mark-off in the manner they do currently and must do so as soon as practicable. If the need for paid sick days is foreseeable (e.g., a doctor's appointment or procedure that is scheduled at least seven (7) days in advance of the absence), the employee's request, if possible, should be made by entering a future layoff request at least seven (7) calendar days in advance of the use of paid sick day(s).

In all cases, employees should utilize the Layoff Sick Paid (LSP) layoff code and then submit a claim for payment within 3 days of the layoff; failure to do so will result in a deduction of points under Hi-Viz.

**Q: Do employees have to utilize their paid sick days prior to using an unpaid layoff (e.g., LOS, SIF, FEM, etc.)?**

A: No.

## **Compensation**

**Q: What is the compensation for paid sick days?**

A: All paid sick days or personal leave days converted into sick time will be compensated at the rate of one (1) basic day at the rate of the last service performed by the train service employee.

Single vacation days that are converted into sick time will be paid in accordance with collective bargaining agreements.

**Q: How will a paid sick day affect extra board guarantee?**

A: Paid sick days will count as a paid day layoff and will not trigger guarantee forfeiture.

**Q: Are paid sick days payable in the event of an employee resignation, termination, death, or retirement?**

A: If an employee has qualified for sick days in a calendar year and retires, compensation will be provided for unused days. If an employee is terminated or resigns, the sick days will not be paid out. If an employee dies, compensation for unused sick days will be paid to the employee's estate.

**Q: What happens to unused paid sick days at the end of the year? Can those days be carried over or "banked" for future use?**

A: Unused sick days may be contributed by the employee to their 401(k) account or paid out at the end of the year at the rate of one (1) basic day at the rate of the last service performed by the train service employee. Unused sick days cannot be carried over to the following calendar year or "banked" for future use.

**Q: What steps does an employee need to take to get compensated for a paid sick day?**

A: Until such time that automated programming becomes available, employees must submit a special claim via the 1B option in the Paperless Timekeeping system within 3 days of their paid sick day layoff. Failure to do so will result in a deduction of points under Hi-Viz.

**Q: What does an employee need to do to convert either personal leave or single vacation days to paid sick days?**

A: Until such time that automated programming becomes available, employees must submit an Ask Comp Systems (ACS) question indicating the number of either personal leave days or unscheduled floating vacation days to convert. Employees will receive a response, indicating your request has been received and processed.

**Q: Can BNSF decline an employee's request to convert either PLDs or SDVs to paid sick days?**

A: No, however, once an employee converts their PLDs/SDVs to paid sick days, they cannot be converted back and will remain paid sick days.



**Q: If an employee has converted their extra leave day to be used on their birthday, can it later be converted into a paid sick day?**

A: No.

**Q: When can an employee convert either their personal leave or vacation days to paid sick days?**

A: At any time, so long as they follow the request process determined by Payroll; once converted, the days cannot be converted back to PLDs/SDVs.

**Q: If an employee converted personal leave days (PLDs) to paid sick days, how does that affect holidays during the calendar year?**

A: Any PLDs converted to sick days will offset the 11-day maximum PLD/holiday combination.

**Q: How will paid sick days impact RUIA sickness benefits?**

A: A compensated sick day will delay an employee's eligibility for sickness benefits under the RUIA as it would be considered a compensated day.

**Q: An employee missed work due to sickness earlier in the year. Can the paid sick days be applied retroactively to cover those days?**

A: No; as previously indicated, employees must submit a special claim via the 1B option in the Paperless Timekeeping system within 3 days of their paid sick day layoff. Failure to do so will result in a deduction of points under Hi-Viz.

**Q: Can paid sick days be donated?**

A: No.

## **Attendance**

**Q: Under what circumstances can an employee use a paid sick day?**

A: Compensated sick days are available to employees who are absent from work due to a bona fide case of sickness or prescheduled medical appointment. This includes cases of bona fide sickness of an immediate family member. An employee falsely claiming sick time will be subject to disciplinary action under the BNSF Policy for Employee Performance Accountability.

**Q: Are paid sick days subject to points under the Hi-Viz Attendance Policy?**

A: All paid sick days will be treated as a personal leave day under BNSF's Attendance Policy and will not result in a point deduction. However, paid sick days cannot be used on recognized National Holidays and, where pattern abuse is identified, employees may be held accountable.

**Q: Will employees be required to provide a doctor's note to substantiate a paid sick layoff?**


A: BNSF may request a doctor's note under certain circumstances.


**Q: The Agreement prohibits use of a paid sick day on a Nationally Recognized Holiday. What happens if an employee's sickness spans multiple days, overlapping a holiday?**

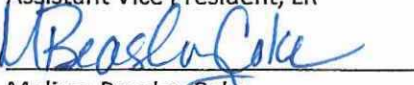
A: Employees are prohibited from using paid sick days on the Nationally Recognized Holidays and will receive points under Hi-Viz for an uncompensated layoff. However, if there are extenuating circumstances, employees should contact their local supervisors to address concerns/corrections related to point deductions; BNSF may require a doctor's note.


The parties agree to the application of these questions and answers, effective June 15, 2023.


FOR BNSF:

  
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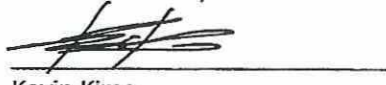
  
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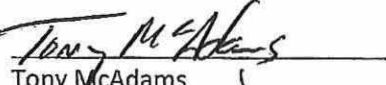
  
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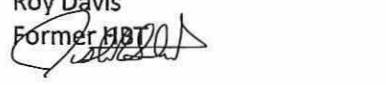
  
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