

**EFFECTIVE January 21, 2025**

## BNSF TYE Attendance Guidelines

All TYE Employees are full-time employees and are required to be available for service to ensure BNSF meets its customers' expectations. Contingent upon the needs of service, reasonable unavailable events are permitted.

The TYE Attendance Guidelines:

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

### 1. Assessment of Points

Employees are deducted points for various incidents of non-attendance including both full and/or partial day absences.

- a) Unavailable events including **ELO** (Employee Layoff), **LFT** (Failure to Tie Up), **LFS** (Canadian Fatigue Scale), **LOA** (Layoff Active Board / Away Terminal or After Start of Shift), and **LOD** (Layoff Dressed & Ready to Work) deduct 10 points if the event begins on a Monday, Tuesday, Wednesday, or Thursday. Unavailable events that begin on Friday, Saturday or Sunday deduct 16 points.
- b) High Impact Day (HID) unavailable events deduct 20 points. The HID deduction 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.
- c) EMC (missed call), LOC (layoff on call), and NOS (no show) events deduct 20 points, or 25 points if on HID.
- d) Any unavailable event that 1) begins within 48 hours following a VAC, PLD, or LXD event, or 2) begins within 24 hours following an SRS event, or 3) begins or ends within 48 hours of CLD, MED, LAB, UNB, FML, SCA or any other unpaid leave event will be charged an additional 3 points. This is referred to as a Conjunction Penalty. No Conjunction Penalty is assessed for unavailability during the 48 hours before a VAC, PLD, or LXD event.
  - Work events and scheduled rest days break the Conjunction Penalty
  - Conjunction penalty does not apply to EMC/LOC/NOS
- e) Unavailable time is measured in 24-hour increments.
- f) Disciplinary follow-up may occur each time the employee exhausts their points (balance

reaches or falls below zero).

- g) Each employee has electronic access to their point record.
  - Any addition or deduction in points is reflected in this record.
  - Point deductions are preceded by a seven day “pending” period before the deduction occurs. Employees with questions or concerns regarding the deduction should discuss it with their supervisor during that pending period.

### 2. Good Attendance Credits

- a) An employee is awarded a Good Attendance Credit (worth 5 points) for any 25-day period in which they are marked up and available to work without an unavailable event and in which they are not otherwise absent from work.
- b) Good Attendance Credits are earned for any 25-day period if the employee:
  - i. Has no Unavailable events, EMC, LOC or NOS.
  - ii. Has not otherwise been absent for any reason, apart from the paid leaves listed below:
    - Training/Rules (CBT/RUL/LAH/ERC/DRT/CRN)
    - Engineer Training (LET)
    - Working lite duty (LIT)
    - Company business (LCB)
    - Layoff Investigation (LOI)
    - Layoff Jury Duty (LOJ)
    - Death in family (DIF)
    - Critical incident report (CIR)
    - 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, LDR, LSP, LXD, MED, HFS, LAB, R79, PLD, SUA/SUT, UNB, VAC, etc.).
- c) An employee’s point total cannot exceed 30 through Good Attendance Credits.

### 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) When an employee violates the TYE Attendance Guidelines. The first Attendance infraction

will result in a 10-day suspension with a 12-month review period. A second Attendance infraction will result in a 20-day suspension with a 24-month review period. Finally, if an employee has a third Attendance infraction, they are subject to dismissal. If an employee remains Attendance discipline free during their review period, then their Attendance progression is reset.

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

TYE Attendance Guidelines are not intended to assess points for use of any legally protected leaves such as FMLA (Family and Medical Leave Act) or other leaves of absences that are properly certified and/or documented.

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

TYE Attendance FAQs are available on the LR Website. Under "Employee Performance Expectations" select "Attendance Guidelines and Information" and then "Attendance Guidelines FAQs." Along with other important information, the FAQs clarify and explain concepts not specifically mentioned in the Guidelines.

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



**TYE Time Off**

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**A. 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, parents, child, grandchild, spouse, spouse’s parents, half-brother, half-sister, stepbrother, stepsister, stepparent, stepchild, or legally adopted child.

The Bereavement Pay agreements provide for 3-day’s pay at the agreed to pay rate and must be observed within thirty (30) days following the date of the death. The employee must stand to work (i.e. not rest days, holiday, vacation days, personal leave days, or annual leave days) to receive payment, and all 3 days qualified for bereavement pay will not count as an absence under the TYE Attendance Guidelines.

Employees claiming bereavement leave should submit a 1B special claim under code 05 and send supporting documentation to TYE Payroll Services.

Submit a 1B special claim:

- Category – Bereavement/Military
- Bereavement/Death In Family

Provide supporting documentation:

- Obituary/memorial with date of death and relationship
- Employee Name and 7-digit ID
- Ticket number and date of claim

Send to TYE Payroll Services:



- Fax: 785-676-5186 or 8-676-5186
- Email: [FINDLYEBereavementPay@BNSF.com](mailto:FINDLYEBereavementPay@BNSF.com)
- Online: Ask Payroll Services (APS) through the Hub (Compensation >> Ticket Information)

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; the code ELO 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 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 TYE Attendance Guidelines.

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**B. Pre-Approved Lay Off System**

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.

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 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.

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### C. 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 submit a 1B special claim under code 83 and send supporting documentation to TYE Payroll Services.

Submit a 1B special claim:

- Category – Bereavement/Military
- National Guard/Military Annual Training

Provide supporting documentation:

- Employee Name and 7-digit ID
- Ticket number and date of claim

Send to TYE Payroll Services:

- Fax: 785-676-5186 or 8-676-5186
- Email: [FINDLYEMilitary@BNSF.com](mailto:FINDLYEMilitary@BNSF.com)
- Online: Ask Payroll Services (APS) through the Hub (Compensation >> Ticket Information)

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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### **D. 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:

Employees should submit a 1B special claim under code 85 and send supporting documentation to TYE Payroll Services.

Submit a 1B special claim:

- Category – Jury Duty/Court Investigation

Provide supporting documentation:

- Employee Name and 7-digit ID
- Ticket number and date of claim
- Location and dates to report for jury duty
- Times scheduled to report each day
- Times released each day
- Lost trip information
  
- A copy of the Jury Duty notice
- The Court's reporting instructions
- A copy of the Court receipt for the 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.

Send to TYE Payroll Services:

- Fax: 785-676-5186 or 8-676-5186
- Email: [FINDLTYEJuryDutyPay@BNSF.com](mailto:FINDLTYEJuryDutyPay@BNSF.com)
- Online: Ask Payroll Services (APS) through the Hub (Compensation >> Ticket Information)

Employees who lay off LOJ, but do not send the supporting documentation to TYE Payroll



Services will be considered unavailable for duty and handled in accordance with the TYE Attendance Guidelines.

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**E. 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 under the TYE Attendance 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 TYE Attendance Guidelines.

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**F. 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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**G. Turn Swap**

Layoffs following SWP are considered LOC for purposes of Attendance.

Employees who use turn swaps and then lay off (excluding pre-approved layoffs for VAC or PLD) will be marked as "laid off on call" and managed according to the Attendance Guidelines.

If a genuine emergency event occurs after swapping turns that necessitates the layoff, employees must inform their supervisor within the 7-day pending period specified in the Attendance Guidelines.

**H. Paid Sick Days**

Paid Sick Days are intended to provide paid time off due to intermittent periods of illness or medical emergencies; their purpose is not to extend rest days or other approved paid time off, above the



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allocation. Using sick days appropriately helps us maintain a healthy work environment, ensures sick days are available when needed, and supports those who genuinely need time off for health-related issues.

BNSF monitors patterns of LSP usage to identify possible sharp practices. Misuse of LSP, such as (but not limited to) a pattern of consistently combining LSP's with other time off, excessive weekend LSP usage, and/or chaining LSP's with other layoffs to create extended time off may result in BNSF requesting documentation, coaching and counseling and possible discipline for repeated misuse, in accordance with BNSF's PEPA.