

## T&E Availability Standards - Q&A

The questions and answers below reflect the Company's current application of the revised Availability Standards. They are for general guidance purposes only and do not reflect all conceivable situations. Every employee is expected to come to work when scheduled and be a productive, safe member of the CSXT team while on duty. These questions and answers are not to be construed as a collective bargaining agreement and are subject to unilateral change by the Company. If any of these Q&A's are in conflict with the governing labor agreement the particular Q&A in conflict will be set aside in favor of the applicable agreement provision

Q. 1 - What factors are considered when evaluating employees for handling when employees fail to comply with the attendance standards during a 28 day review period?

A. 1 - The employee's complete attendance and work history is considered as well as any extraordinary issues that may relate to the particular instance of absenteeism that caused the employee to be subject to review under the Standards.

Q. 2 – Will an employee be handled under the Availability Standards if he/she has an emergency medical condition which results in a failure to meet the standards during a 28 day review period?

A. 2 – Employees subject to documented hospitalization and/or emergency room/urgent care facility treatment will be excused from any attendance handling.

Q. 3 – Will the revised standards violate schedule agreement displacement rules?

A. 3 – No. Contractual displacement rules will be respected.

Q. 4 - How will the rolling 28 day review period be calculated?

A. 4 - On every Monday CMC will look back 28 days to evaluate employee attendance [subject to change resulting from technological advancements]. When an employee is identified as having violated the Standards during a 28-day review period, however, the absences during that 28-day review period will not be counted again in determining whether the employee is subject to review for compliance with the Standards during any subsequent 28-day review period.

Q. 5 – Is the time pending displacement notification considered as “unavailable time”?

A. 5 – No. However, consistent with existing practice since January 20, 2003, employees failing to promptly respond to notification attempts will be considered “notified” when:

- 1) Employees without a scheduled on duty time - twelve (12) hours has elapsed after the conclusion of RSIA mandated rest, scheduled rest days or scheduled days off; or,
- 2) Employees with a scheduled on duty time - at the starting time of their regular assignment prior to being displaced.

Q. 6 - What is the minimum amount of time an employee may be off (non-compensated) before that calendar day will be considered as an unavailable day under the Standards?

A. 6 – Twelve (12) hours and one (1) minute or lost work during the period the employee was unavailable for a non-compensated reason. However, if you begin work within the same calendar day you will not be considered unavailable for that day.

Q. 7 - Will a note from an employee's physician excuse an uncompensated unavailable date from consideration under the Standards?

A. 7 – A physician's note does not automatically excuse an absence from consideration under the Standards. However, physician's notes will be considered by the Company along with the other factors listed in Q&A 1 when determining whether an employee violated the Standards.

Q. 8 - Are conductors allowed to mark off Personal Business? If so, will authorized Personal Business layoffs be considered as unavailable time under the revised Availability Standards?

A. 8 - Yes, conductors are allowed to mark off Personal Business, based on manpower availability and subject to the limitations of the CBA, and such mark offs will not count as unavailable time under the Standards. All pre-authorized mark offs will be considered Personal Business mark offs, regardless of whether or not they are compensated.

Q. 9 - Does the Company consider Union Business mark offs as days of unavailability under the revised Availability Standards?

A. 9 - No.

Q. 10 - Does the Division have the authority to excuse mark offs from consideration under the Standards?

A. 10 - Yes, but only if the circumstances warrant and are approved by the Division Manager or Assistant Division Manager.

Q. 11 - Does the Division have the authority to excuse coaching letters?

A. 11 – Yes, but only if the circumstances warrant and are approved by the Division Manager or Assistant Division Manager. However, coaching letters are not considered as discipline by the Company. Coaching letters are intended to remind an employee of his or her obligations under the Standards.

Q. 12 - Are Red Block mark offs considered a day of unavailability under the revised Availability Standards?

A. 12 - No, consistent with the Red Block Policy.

## **SITUATIONAL QUESTIONS:**

Q. 13 - I have been notified of being displaced, but there are no assignments at the supply point available to me for lack of seniority. Will this time in displaced status be counted towards calculating a day of unavailability?

A. 13 - No.

Q. 14 - The Company has indicated the Standards are applied to trigger a day of unavailability for mark-offs of greater than 12 hours, or one that causes an employee to miss work. If I am on an assignment wherein the 12 noon mark-off is applied for rest days and compensated leave, will I be considered unavailable for the calendar day if I am marked off for even one minute the remainder of the start or finish date even though my assignment/turn does not work without me?

A. 14 - If an employee is marked off the entire twelve (12) hours prior to or after his/her rest and/or personal day, where the 12 noon mark-off is applied, the day will be counted as unavailable under the Standards. Additionally, should the employee miss work during a shorter period of time, prior to or after his/her rest and/or personal day, where the 12 noon mark-off is applied, the day will be counted as unavailable under the policy.

Q. 15 - If an employee after marking off marks back up before his turn or assignment next performs service, will the day be considered as "unavailable"?

A. 15 - No, unless the employee is off for more than twelve (12) hours and does not work in that calendar day.

Q. 16 - I am an extra board employee that marked off at 1800 hours and marked back up at 0900 hours the following day, will I be charged with a day of unavailability if I have not lost work during this period of time?

A. 16 - No, since the employee was not marked off in excess of twelve (12) hours in either calendar day and did not lose work.

Q. 17 - I am a pool or regular assigned employee that marked off at 1800 hours and marked back up at 0900 hours the following day, will I be charged with a day of unavailability if my regular assignment did not work or my pool turn was not called to protect service?

A. 17 - No, since the employee was not marked off in excess of twelve (12) hours in either calendar day and did not lose work.

Q. 18 - I marked off at 0700 hours on Monday and my pool turn goes out. I marked back up at 0559 hours the following day, Tuesday. My pool turn was called for 0400 hours at the Away-From-Home Terminal on Tuesday. Will I be charged with being unavailable on Tuesday despite the fact I would not have worked this turn even if I had marked back up before the call time on Tuesday?

A. 18 - No, the employee will only be charged with Monday as an unavailable day unless the employee was off in excess of twelve (12) hours on Tuesday.

Q. 19 - I had two unavailable calendar days for non-compensated reasons, but I still averaged more than 40 hours per week during the 28 day period. Will I be subject to review under the revised Availability Standards?

A. 19 – Yes. Employee attendance under the Standards is based on employee availability for the particular job assigned and the related work schedule. The number of hours worked during the review period is not the determining factor when evaluating attendance performance, although it will be taken into consideration as part of the employee’s availability record as described in Q&A 1.

Q. 20 - I am a pool employee that had two unavailable calendar days for non-compensated reasons, but I still averaged more than the mileage regulating factor for my pool during the 28 day period. Will I be subject to review under the revised Availability Standards?

A. 20 – Yes. Employee attendance under the Standards is based on employee availability for the particular job assigned and the related work schedule. The mileage worked during the review period is not the determining factor when evaluating attendance performance, although it will be taken into consideration as part of the employee’s availability record as described in Q&A 1.

Q. 21 - I have an upcoming planned event (wedding, important personal event, out of town important engagement, etc.) and I have no paid personal leave days or vacation days available, or the caps have been reached. What must I do to keep from being considered afoul of the revised Availability Standards?

A. 21 - The employee can ask to mark off for personal reasons and the mark off may be allowed if permitted by the needs of the service, in which case the time off will not count as unavailable time. However, if such a mark-off is not requested, or is denied, the employee must be available to work or risk being found in violation of the Standards.

Q. 22 - I have the flu, and it will require me to be off for at least 3 days before I feel strong enough to return to work. The flu will run its course and normally does not require medical treatment. Therefore I did not intend to even see a doctor, let alone go to an emergency facility for treatment (which generates a much higher co-pay responsibility). What must I do to prevent this legitimate illness from affecting me under the revised Availability Policy?

A. 22 – The employee may contact their designated division supervisor(s) or CMC manager for pre-authorization to mark off, which would then be considered personal business and not subject to the availability standards. Should the supervisor decline to pre-authorize the mark off for any reason, or should the employee be unable to contact said supervisor(s) before his required mark off, the employee may submit a physician’s statement of treatment for consideration after the fact under Q&A 1.