

CSXT T&E Crew Attendance Point System (CAPS) 2019

This policy, which is effective June 1, 2019, supersedes all prior policies and practices relating to the handling of T&E attendance and absenteeism occurrences, including those previously handled under the *CSXT T&E Crew Attendance Point System (CAPS) (effective March 1, 2015)*, as well as the individual notices related to the medical review process.

CSXT views this attendance point system as a reasonable and objective means to assist employees in understanding their attendance obligations and the potential consequences of the failure to meet these obligations. The policy provides employees with attendance issues an opportunity to improve their records through regular and steady attendance, as well as providing a reasonable and objective basis for the imposition of discipline for instances of non-attendance. *CAPS* is not intended as a punitive measure for those employees with chronic illness nor is it intended to significantly impact employees whose attendance is normally consistent but is temporarily affected by special circumstances.

1. Assessment of Points

- a) Subject to the Attendance Point Schedule below, employees will be assessed points for various incidents of non-attendance, including both full and/or partial day absences.
- b) Points will accumulate and will result in handling when the point total reaches twenty (20), forty (40), and sixty (60), respectively (See Part 4, below).
- c) Each employee will have electronic access to his/her attendance record via Crew Web. Any assessment or deduction in points will be reflected in this record.

ATTENDANCE POINT SCHEDULE		
Attendance Incident	Point Value (Per Day) Monday - Thursday	Point Value (Per Day) Friday - Sunday & Holidays
Failure to report or marking off after accepting call	20	20
MISS CALL (no answer or marking off on call before hanging up phone)	10	10
Unauthorized time absent	4	6
Sick - without valid medical documentation	4	6
Sick - with valid medical documentation*	2	2
Hospitalization or Emergency Treatment – with valid medical documentation	0	0
*Employees must submit the required documentation from a doctor supporting the entire period of absence as provided by the Medical Review Process in Section 3 below. Employees will not be assessed any points under this policy for absences due to an approved leave under the Family and Medical Leave Act and/or a work-related illness or injury supported by a valid doctor's note submitted to the Medical Department.		

2. Good Attendance Credit

- a) **Ten (10) points** will be deducted from an employee's accumulated point total for every six (6) calendar months in which the employee has no point assessments covered under the Attendance Point Schedule above and has not otherwise been absent during the period for any reason, with the exception of approved vacation, demand day off (DDO), personal leave, jury duty, work-related illness or injury with valid doctor's note and bereavement leave days.
- b) An employee's point total cannot be less than zero (0).

3. Medical Review Process

- a) Employees who are absent and choose to submit valid medical documentation to the Medical Department supporting the mark off must do so within three (3) calendar days from the last day of the medical absence. The CSX Medical Department will review the medical documentation and assess the circumstances on the individual merits. Following this review, the Medical Department will advise the Availability Department as to whether the absence was due to hospitalization or emergency medical treatment in which case no points will be assessed and the absence excused under existing standards. If not, the CSX Medical Department will advise the Availability Department as to the gravity of the illness so that the Availability Department may assess the appropriate points under this policy.
- b) Timely submission of information will not, in and of itself, excuse the absence. Except in extraordinary circumstances, information submitted outside the three (3) calendar-day period will not be reviewed by the CSX Medical Department for attendance handling purposes, and the absence will be subject to handling under this policy. The information may, however, be referred by the CSX Medical Department and/or to the CSX FMLA center as appropriate.
- c) Employees who choose to submit medical documentation to support their absence should, at a minimum, include the following information from the treating health care provider:
 - (i) Employee name (first, middle initial and last). If the absence is for a family member's hospitalization or emergency treatment, the family member's name (first, middle initial, last) and relationship to employee;
 - (ii) Date of onset of injury/illness;
 - (iii) Date(s) of examination/consultation/treatment for the particular illness/injury;
 - (iv) Non-Emergency/Non-Hospitalization Medical Issues (Employee): If the absence is for the employee's personal medical needs but is not a medical emergency or for hospitalization, sufficient information from the treating healthcare provider to support that the absence is related to a medical issue;
 - (v) Emergency/Hospitalization (Employee or Family Member): If the absence is for the employee's or a family member's medical emergency or hospitalization, sufficient medical information from the treating healthcare provider to help CSX determine whether such absence should be excused from any point assessment under this policy.** Sufficient medical information may include documentation from the healthcare provider that the employee was admitted to the hospital or information identifying the nature of the medical emergency. While the nature of the medical information disclosed is at the discretion of the employee and healthcare provider, CSXT must receive sufficient information for the Medical Department to determine whether the absence qualifies as a medical emergency/hospitalization.
 - (vi) Health care provider's name, address and telephone number (must be on official office letterhead or other printed form containing the same information); and

(vii) Health care provider's signature.

Employees who choose to submit medical documentation are responsible for ensuring that it contains the above information. Failure to provide complete documentation may result in the accumulation of additional points under this policy. All medical documentation can be sent to a secure CSX Medical Department fax at 904-516-6050 or via email to Absencemgt@csx.com.

- d) When submitting documentation to the CSX Medical Department for review, employees must also provide the following identifying information:
 - (i) Employee ID number;
 - (ii) Division/subdivision; and
 - (iii) Employee telephone number
- e) The CSX Medical Department reserves the right to seek additional and/or clarifying information from the employee or from the employee's health care provider with the employee's consent. If the employee either refuses to provide additional and/or clarifying information or does not provide consent for the CSX Medical Department to talk to the employee's health care provider, the information submitted will be deemed insufficient to excuse the absence(s) from attendance handling, and the absence may be subject to handling as an attendance infraction.

Medical emergencies/hospitalization/out-patient surgery/invasive procedures

Employees returning to work following treatment for a significant illness or injury requiring hospitalization or surgical intervention must submit an MD-3 completed by the health care provider to the CSX Medical Department and be cleared by the CSX Medical Department to return to service. Such employees may be required to submit additional treatment information at the discretion of the CSX Medical Department to determine fitness for duty.

Absences spanning seven or more consecutive work days

Employees returning to work after an absence spanning seven or more consecutive work days and employees returning to work after an absence due to any medical condition that may impact performance or safety on the job must submit an MD-3 completed by the health care provider to the CSX Medical Department. Such employees may be required to submit additional treatment information at the discretion of CSX Medical Department to determine fitness for duty.

4. Attendance Handling Schedule

- a) An employee who accumulates at least twenty (20) points will be subject to progressive handling and again at each twenty (20) point increment, in accordance with the following schedule:

ATTENDANCE HANDLING SCHEDULE		
Step	Accumulated Points	Handling
1	≥20	Option A: Waiver for a Formal Reprimand Option B: Formal hearing under appropriate collective bargaining agreement and, if found guilty of offense, one (1) day actual suspension
2	≥40	Option A: Waiver for a Formal Reprimand Option B: Formal hearing under collective bargaining agreement and, if found guilty of offense, three (3) days actual suspension
3*	≥60	Formal hearing under collective bargaining agreement and, if found guilty of the offense, five (5) days actual suspension or dismissal.**
*For purposes of dismissal, the sixty (60) point total will be increased two (2) points for each five (5) years of service. For instance, a twenty (20) year employee will be subject to dismissal upon accumulation of 68 points, following assessment of discipline at Step 2.		
**In cases where employee was out of service in excess of (5) days and discipline is less than dismissal, Time-served will be assessed		

- b) Consistent with Part 2 above, an employee will receive a ten (10) point reduction in points for every six (6) calendar months without any point assessments and has not otherwise been absent during the period for any reason. For example, where an employee has forty-five (45) points and is at Step 2, after six (6) months without a point assessment and has not otherwise been absent during the period for any reason, the employee would receive the ten (10) point credit. That would reduce the point total to thirty-five (35) points and the employee would then be at Step 1.
- c) The CAPS is not intended to preclude legally protected leaves such as FMLA or other excused absences which are properly certified and/or documented, including bereavement leaves, paid personal days or leaves of absence under any applicable collective bargaining agreements, absences caused by work-related illness or injury, jury duty, military leaves or union business. However this does not necessarily entitle an employee to the reduction in points referenced in Section 2(a) above.

Employees who are seeking to be absent as part of a request for a reasonable job accommodation should follow the CSX Job Accommodation Process, which includes making a request for a reasonable job accommodation prior to the absence (unless extraordinary circumstances exist) through CSX's Medical Department. CSXT reserves the right to assess points under this policy for any absences accumulated by an employee that were not approved as a job accommodation, unless otherwise prohibited by law. Following is a link to the Job Accommodation Process on the CSX Employee Gateway:

<https://csxgateway.csx.com/tlh/forms/Forms%20Documents/Medical%20Forms/Job%20Accommodation%20Request%20Form.pdf>

5. Initial Point Assessment/Placement in Attendance Handling Process

- a) Effective June 1, 2019, each employee subject to this policy will retain all existing points assessed after the most recent handling incident, and his/her employee record under the *CSXT T&E Crew Attendance Point System (CAPS)* (effective March 1, 2015) will be converted as indicated below:
- i. **Current Level: Step 1 – Counseling Letter 1** – Employee will begin with no step under CAPS 2019 and will be subject to handling at Step 1 whenever his/her point total reaches 20.
 - ii. **Current Level: Step 2 – Counseling Letter 2** – Employee will begin with no step under CAPS 2019 and will be subject to handling at Step 1 whenever his/her point total reaches 20.
 - iii. **Current Level: Discipline at Step 3 – Reprimand** – Employee's record will be set at Step 1 under CAPS 2019 (existing points plus 20 points) and will be subject to handling at Step 2 whenever his/her point total reaches 40.
 - iv. **Current Level: Discipline at Step 4 and beyond** – Employee's record will be set at Step 2 under CAPS 2019 (existing points plus 40 points) and will be subject to handling at Step 3 whenever his/her point total reaches 60.

***The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.*