

MEDICAL DAYS

2022 National Agreement
Side Letter #3 (page 15-16)
Q&A (page 59-64)

November 21, 2022
#3

Mr. Dennis Pierce
National President
Brotherhood of Locomotive Engineers & Trainmen
7061 East Pleasant Valley Road
Independence, OH 44131

Dear Mr. Pierce:

This confirms our understanding with respect to the PEB 250 recommendation that the parties engage in local negotiations with respect to scheduling and job assignment issues including scheduled days off. This letter is without prejudice to either party's positions regarding attendance policies.

Employees in unassigned service, including employees who obtain days off under Article V of this agreement, will be allowed unpaid scheduled day(s) off that are necessary to attend up to three (3) routine and preventive medical care visits per calendar year without being assessed any form of disciplinary points, demerits or disciplinary citations under any Carrier's attendance related policies; provided such exams are scheduled on Tuesday, Wednesday, or Thursday, excluding holidays, and the carrier is provided with at least 30 days advance notice. Documentation verifying that the exam took place may be required by the carrier. The parties will promptly engage in local discussions to implement the terms of this paragraph, including procedures to accommodate employees who move from unassigned to assigned service subsequent to scheduling an exam (where a carrier attendance policy differentiates between such classes of service). If the parties are unable to reach agreement, those issues will be resolved through final and binding expedited interest arbitration.

It is intended that employee requests for routine and preventive medical care time off under the preceding paragraph normally will be granted without regard to usual staffing and operational contingencies. Where other time off requests on the same day would jeopardize operation of the train schedule, the local carrier official and union local chairman will consider appropriate accommodations of the conflicting requests.

This letter also will confirm that approved medical leaves of absence taken pursuant to and in compliance with carrier medical leave of absence policies will not result in any form of disciplinary points, demerits or disciplinary citations under any Carrier's attendance related policies. Absences relating to hospital admissions and surgeries will not result in any form of disciplinary points, demerits or disciplinary citations under any Carrier's attendance related policies.

The carriers will assess short-term serious illnesses or injuries on their individual merits taking into account the gravity of the medical issue.

Please acknowledge your agreement by signing your name in the space provided below.

Very truly yours,

Brendan Branon

Brendan M. Branon

I agree:

Dennis Pierce

Dennis Pierce

ROUTINE AND PREVENTIVE CARE – SIDE LETTER #3 (OPERATING CRAFTS)

- Q1. If an Employee schedules an appointment 30 or more days in advance and their provider reschedules the appointment to an earlier date, will they be allowed to attend the visit without being subject to any form of discipline under Carrier's attendance related policies?
- A1. Accommodations may be made between the Carrier and the Employee or their Union Representative.
- Q2. What is the definition of routine and preventive medical care?
- A2. Routine services are defined as services that are not urgent or emergent in nature. They include identifying or evaluating a new condition or illness, routinely monitoring an already known condition, or providing treatment for a condition or illness. Routine care commonly referred to as preventive services include regular checkups, physicals, screenings, and other services designed to prevent an illness or condition from developing, including but not limited to ACA Preventive Health Services.

Q3. Are routine and preventive dental, vision, and hearing appointments considered routine and preventive medical care, as described in Side Letter #3?

A3. Yes.

Q4. If a Carrier requires documentation verifying that an exam took place, what documentation would be required?

A4. Specific details regarding documentation requested by a Carrier will be developed in the on-property implementation discussions required by Side Letter #3.

Q5. If an Employee cancels an unpaid scheduled day off contemplated in Side Letter #3, will it be deducted from the Employee's remaining number of allowed routine and preventive visits?

A5. No, as long as the Employee protects their assignment.

Q6. May an Employee use unpaid scheduled days off contemplated in Side Letter #3 for family members who require assistance attending routine and preventive visits?

A6. No, unless otherwise agreed by the Carrier.

Q7. Are excluded holidays in Side Letter #3 referencing those recognized in the National Agreement(s)?

A7. Yes, except where amended by on-property agreements.

Q8. If a healthcare provider only offers certain routine and preventive services on a Monday or Friday, will an Employee be allowed an unpaid scheduled day off to attend if they provide documentation stating such services are only available on those days of the week?

A8. Side Letter #3 requires that visits occur on Tuesdays, Wednesdays, or Thursdays, excluding holidays. However, in unique circumstances, accommodations may be made between the Carrier and the Employee or their Union Representative.

Q9. With respect to medical necessity for attending routine and preventive visits (e.g., preparation and/or recovery) will those days also be allowed, and will the cumulative period of absence be counted as one of the three (3) visits contemplated in Side Letter #3?

A9. Yes, specific details will be developed in the on-property implementation discussions as required by Side Letter #3.

Q10. With respect to ensuring that Employees are available to attend their scheduled routine and preventive visits, will Employees be allowed to lay off in advance, and if so, what is the allowed duration of the advance lay off?

A10. Yes. The duration of the advance lay off will vary depending on the assignment, and should be handled between the Carrier and the Employee or their Union Representative.

Q11. Will Employees be allowed to lay off outside of Tuesday, Wednesday, or Thursday if they are required to do so either for medical necessity or availability purposes (e.g., medically necessary preparation on Monday, for a Tuesday visit)?

A11. Yes, with appropriate medical documentation.

Q12. If a holiday precedes or follows the date of a scheduled routine or preventive visit and the Employee is required to lay off (either for medical necessity or availability purposes), will the Employee be allowed unpaid scheduled leave on those days?

A12. Yes, as long as the date of the visit does not fall on a holiday.

Q13. Will approved absences to attend routine and preventive visits be used to reduce the available FMLA hours earned/granted for the year?

A13. No, approved absences under Side Letter #3 do not impact the number of hours available to FMLA-eligible Employees.

Q14. If an Employee must lay off to attend a follow-up routine or preventive visit directly resulting from a previously allowed routine or preventive visit, will that absence be considered part of the original visit, or will it count against their remaining number of allowed visits?

A14. If the follow-up visit immediately follows the date(s) of the approved absence (e.g., Tuesday visit results in necessary imaging or lab testing the following day), accommodations may be made between the Carrier and the Employee or their Union Representative to extend the original visit to include the additional absence. Otherwise, a follow-up visit will be considered as a separate visit.

Q15. If an Employee is held at his or her away-from-home terminal for an unanticipated and/or inordinate amount of time that may inhibit them from attending a scheduled and approved preventive or routine visit, will the Carrier deadhead the Employee home to facilitate the visit?

- A15. Accommodations may be made between the Carrier and the Employee or their Union Representative.
- Q16. Will consideration be given to allowing Employees fewer than 30 days advance notice for scheduling routine and preventive visits?
- A16. Accommodations may be made between the Carrier and the Employee or their Union Representative.
- Q17. If an Employee is transported to a medical facility via emergency transportation services, will that be considered a hospital admission not resulting in any form of disciplinary points, demerits or disciplinary citations under the Carrier's attendance related policies?
- A17. If the Employee is admitted to the hospital, then it will not result in any form of disciplinary points, demerits or disciplinary citations under the Carrier's attendance policy or guidelines.
- Q18. Regarding the issue of absences relating to surgeries not resulting in any form of disciplinary points, demerits or disciplinary citations under the Carrier's attendance related policies, does this include non-emergency and/or outpatient surgeries?
- A18. Yes.
- Q19. What is the definition of the term "unassigned" noted in Paragraph 2 of Side Letter #3?
- A19. Regardless of Carrier terminology, all Employees working in rotating pool and extra board service (including combination road/yard extra boards), whether or not they have voluntary or mandatory rest days or assigned days off, are considered "unassigned" for purposes of Side Letter #3.
- Q20. If a routine or preventive visit is initially scheduled and approved as described in Side Letter #3, does the Carrier have discretion to withdraw their approval at a later date?
- A20. No.
- Q21. If a routine or preventive visit is cancelled and/or rescheduled by the Employee's provider after the Employee marks off to attend the visit, will the Employee be subject to any form of disciplinary points, demerits or disciplinary citations under the Carrier's attendance related policies?
- A21. No. However, the Carrier may require documentation verifying that the visit was scheduled as reported by the Employee and then cancelled by the provider after the Employee had marked off.

- Q22. Are holidays referenced in Side Letter #3 referring to the actual day of the holiday, or the day the holiday is observed (if different from the day of the holiday)?
- A22. Side Letter #3 refers to the day of the holiday (regardless of the day on which it is observed).
- Q23. With respect to hospital admissions and surgeries, will Employees also be allowed unpaid time off for follow-up visits connected with the hospital admission or surgery (e.g., exams, physical therapy, lab testing, etc.) without being subjected to any form of disciplinary points, demerits or disciplinary citations under the Carrier's attendance related policies?
- A23. For a follow-up visit, Employees may request to use one of the three (3) visits for routine and preventive medical care, as outlined in Side Letter #3.
- Q24. Are Employees required to mark up after a routine or preventive visit as contemplated by Side Letter #3, or will they be automatically marked up at a specific time?
- A24. This will be determined by the provisions of the on-property agreement governing mark up and mark off rules.
- Q25. Is there a "cap" on the number of "hospital admissions and surgeries" covered by the 4th paragraph of Side Letter #3?
- A25. No.
- Q26. Will the routine and preventive visits described in Side Letter #3 be available to Employees in assigned service if their off days don't provide the opportunity to schedule appointments, on either assigned off days, for routine and preventive medical care visits?
- A26. Routine and preventive visits described in Side Letter #3 do not apply to Employees in assigned service, unless otherwise agreed upon by the Carrier and the Union representative.
- Q27. Will emergency dental or vision procedures qualify as absences relating to hospital admissions and surgeries?
- A27. Yes. Emergency dental or vision procedures would qualify under Side Letter #3 if they require a hospital admission and/or surgery.
- Q28. Do routine and preventive medical care occurrences as outlined in Side Letter #3 affect eligibility for Professional Performance Incentives (PPI) or any other attendance or performance based bonus?

A28. Unpaid absences related to routine and preventive care visits under Side Letter #3 will be handled in the same manner as other non-compensated absences, pursuant to the applicable on-property agreement, unless otherwise mutually agreed upon by the parties.

Q29. Are Employees in rotating pool and extra board service (see Q&A 20) who already have assigned rest days and those who already work under earned rest agreements (such as but not limited to the 4&2 work/rest cycle) entitled to the unpaid scheduled days off for routine and preventive visits as described in Side Letter #3?

A29. Yes.

Q30. If an Employee marks off sick, and then is admitted to the hospital or has surgery during the mark off, will the provisions of Side Letter #3 relating to hospital admissions and surgeries apply?

A30. Yes.

Q31. Can previous marks off be removed from an Employee's record? In other words, can the mark-offs identified in Side Letter #3 be removed retroactively?

A31. Side Letter #3 will become effective on the date the National Agreement is ratified, and will only apply to mark offs occurring on or after that date.

Q32. Once requested (at least 30 days prior), how long will the Carrier have to approve or decline requests for routine and preventive visits?

A32. Specific details regarding the timeline to approve or deny requests will be developed in the on-property implementation discussions required by Side Letter #3.

Q33. Are all train and engine service Employees covered under the provisions of Side Letter #3 relating to approved medical leaves of absence, and absences relating to hospital admissions and surgeries?

A33. Yes.

