

Corporate Policy
Employee Performance Accountability**I. Scope**

This Policy applies to all employees of BNSF Railway and provides standards for addressing rules violations by scheduled employees.

II. Purpose

Our vision is to realize the tremendous potential of BNSF Railway by providing transportation services that consistently meet our customers' needs. As a part of this vision, it is important that our employees work in a safe environment free from incidents and injuries, focus on continuous improvement in safety initiatives, share the opportunity for personal and professional growth that is available to all members of our diverse workforce, and take pride in their association with BNSF.

Working safely and treating others with honesty and respect are core values at BNSF. Employees across BNSF demonstrate this daily, through their efforts to identify and control risk of exposure during peer-to-peer communications and problem solving discussions to complete each task safely. Rules, procedures and policies outline expectations, set standards, provide a basis for training, and help us identify and control risk. Written rules alone cannot protect us from accident or injury; they are merely words. Understanding and appropriately applying rules, procedures and policies is a part of BNSF Railway's proactive safety efforts.

In some situations discipline is necessary to deter unsafe behavior. This policy outlines the handling of violations in a consistent manner, reinforcing our mutual commitment to a safe workplace and our individual commitment so that every one of us returns home safely at the end of the workday.

Claims consistency, but allows significant discretion of BNSF management.

III. Definitions

Actual Suspension: A suspension that results in actual time away from work and loss of pay.

BNSF Railway: BNSF Railway Company.

Record Suspension: A suspension recorded in an employee's personnel file, but that does not result in actual time away from work or loss of pay.

Risk-Reduction Education: An alternative to the formal discipline process.

IV. Policy Requirements**A. General**

1. Violations of BNSF safety and operating rules and policies, including BNSF Railway's safety management system programs and procedures, by scheduled employees, will be addressed as provided in this Policy.
2. In the event a collective bargaining agreement provides for discipline or alternative handling that is inconsistent with the provisions in this Policy, the provisions of the collective bargaining agreement will take precedence.
3. As used in this Policy, a Review Period is a period of time that begins on the date discipline for a violation is assessed and lasts for the duration provided in this Policy.
 - a. If an employee commits an additional violation during a Review Period, he or she may be subject to escalating/progressive discipline as provided in this Policy.
 - b. Only time in service is credited toward a Review Period. If an employee is on leave, furlough or otherwise not in active status during the Review Period, such time does not count toward the Review Period. The Review Period will resume when the employee returns to active status.
4. Where this Policy provides for the imposition of a Record Suspension, a supervisor has the discretion to impose an Actual Suspension, if warranted.
 - a. For example, an employee withheld from service pending a formal discipline investigation can be issued an Actual Suspension to account for the time served while withheld.
5. A supervisor must consult with a Director of Employee Performance prior to issuing a dismissal, an Actual Suspension greater than 30 days, or discipline that deviates from this Policy.
6. Except as otherwise provided in Section IV.C.1.d. and Section IV.D.1.h., craft-specific attendance requirements are governed by departmental requirements and are not governed by this Policy.

B. Standard Violations

1. A Standard Violation is a violation of a rule or procedure that:
 - a. Does not subject an employee or others to potentially serious injury or fatality; and
 - b. Does not otherwise meet the criteria for a Serious Violation or a Stand-Alone Dismissible Violation.
2. An employee who commits an initial Standard Violation will receive a formal reprimand with a Review Period of 12 months.
3. If an employee commits additional Standard Violations within a Review Period, he or she will receive discipline as provided below:
 - a. A second Standard Violation will result in a Record Suspension of 10 days.
 - b. A third Standard Violation will result in a Record Suspension of 20 days.
 - c. A fourth Standard Violation will result in a Record Suspension of 30 days.
 - d. A fifth Standard Violation (or five violations of any kind, including violations of departmental attendance guidelines) committed in the 12-month Review Period may result in dismissal.

C. Serious Violations (Level S)

1. Serious Violations include, but are not limited to:
 - a. A violation of any work rule or procedure that is intended to protect employees, the public and others from a potentially serious injury or fatality. Many of these rules and procedures are identified in departmental publications, including but not limited to, Telecom's Safety Essentials, Engineering's Critical Decisions, Mechanical's Safety Absolutes, Intermodal's Safety Fundamentals, and TY&E's Deadly Decisions.
 - b. A violation for which FRA decertification is mandated by Federal Regulation. If applicable, the violation is also considered a Serious Violation for the ground crew.
 - c. A violation of the Use of Alcohol and Drugs Policy, except as provided in Section IV.D.1.d. of this Policy.
 - d. An unauthorized absence (AWOL).
 - e. Tampering with safety devices.
 - f. A violation of the Equal Employment Opportunity, Anti-Discrimination and Harassment Policy.
 - g. A failure to timely report a DWI conviction when required to do so by rule or company policy.
 - h. Late reporting of an accident or injury. However, an employee will not be disciplined for reporting a muscular-skeletal injury after the prescribed time period, provided (i) the injury is reported within 72 hours of the probable triggering event, (ii) the employee notifies the supervisor before seeking medical attention, and (iii) the medical attention verified that the injury was most likely linked to the event specified.
2. An employee who commits an initial Serious Violation will receive a 30-day Record Suspension with a Review Period of 36 months.
 - a. An employee may qualify for a reduced Review Period of 12 months for a Serious Violation if he or she:
 - i. Has at least three years of service and;
 - ii. Has no record of discipline in the three-year period immediately preceding the Serious Violation.
 - b. If an employee commits an additional Serious Violation within the Review Period, he or she may be subject to dismissal.

D. Stand-Alone Dismissible Violation

1. Stand-Alone Dismissible Violations include, but are not limited to:
 - a. Theft or any other fraudulent act that may be evidenced by the intent to defraud BNSF Railway or by taking of BNSF Railway monies or property not due.
 - b. Dishonesty about any job-related subject including, but not limited to, falsification or misrepresentation of an injury, abuse of FMLA leave or other leave privileges.

- c. Conduct leading to a felony conviction. This includes a plea of guilty, deferred adjudication or any plea that results in a felony conviction where sentencing is delayed or suspended or the felony conviction is subsequently modified or reduced.
- d. Refusal to submit at any time to required testing for drug or alcohol use, adulterations of sample, second violation of the Use of Alcohol and Drugs Policy within 10 years, or failure to comply with instructions of the Medical Director.
- e. Violence in the workplace or instigation of a serious altercation. This includes possession of weapons and the threat of using weapons.
- f. ~~Conscious or reckless indifference to personal safety or safety of others or the public;~~ **indifference to duty**; intentional destruction of BNSF Railway property; malicious rule violations; **insubordination**.
- g. A rule violation that could or does result in a serious collision or derailment, serious injury to another employee or the general public, fatality, or extensive damage to BNSF Railway or public property.
- h. Unauthorized absence (AWOL) of five or more consecutive days.
- i. An aggravated violation of the Equal Employment Opportunity, Anti-Discrimination and Harassment Policy.
- j. Failure to report an accident or injury.
- k. Multiple Serious Violations committed during the same tour of duty.

E. Risk-Reduction Education (RRE)

1. Risk identification and reduction are at the foundation of BNSF Railway's proactive safety efforts. By identifying and controlling risk of exposure, BNSF Railway and its employees can help ensure a safe workplace, where everyone returns home safe at the end of each workday. RRE allows employees, their representatives, and their supervisors to **enhance their understanding of risk**, increase education and awareness of the best ways to control risk of exposure, and **voluntarily solve problems rather than escalate to a formal discipline process**.
2. General Eligibility Requirements
 - a. **RRE eligibility is discretionary** and will depend on the circumstances surrounding an incident, and any other relevant facts. **To avoid formal discipline, an eligible employee must accept responsibility for the incident in writing**, and actively participate in the RRE process.
 - b. RRE will generally not be available for missed call violations and layoff on call violations.
 - c. Employees are generally not eligible for RRE if they have:
 - i. One prior RRE event in the previous 12 months
 - ii. A violation (formal discipline or RRE) of a similar nature in the previous 24 months
 - iii. Two formal discipline events in the previous 24 months
 - iv. Been approved for a RRE plan in the previous 36 months, but failed to successfully complete the plan, or
 - v. An active Level S violation
3. Process
 - a. **The employee must request RRE and complete a Risk-Reduction Education acknowledgement no later than 48 hours prior to the initial scheduled date and time of the investigation. In this acknowledgement, the employee must waive his or her right to a formal investigation, accept responsibility for the rule violation, and agree to fully participate in RRE.**
 - b. The employee must obtain a RRE packet from a supervisor within 7 days of completing the Risk-Reduction Education acknowledgement.
 - c. The employee must complete the packet, and meet with his or her supervisor within 21 days of completing the Risk-Reduction Education acknowledgement. During this meeting, a supervisor (or his or her designee) will facilitate a discussion on risk identification and steps to control risk of exposure to safety hazards.

Vague terms
allow BNSF to
interpret policy
to its benefit,
and to the
detriment of the
employee!

- d. Unless a violation qualifies for expedited handling, RRE should be tailored specifically for each employee and event.
- e. Some violations may qualify for expedited handling. Under expedited handling, the RRE process is complete when the employee accepts responsibility and signs the Risk-Reduction Education acknowledgement.
- f. The review period for RRE begins on the date the employee meets with a supervisor to discuss the RRE packet as described in Section IV.E.3.c above.
- g. The employee's meeting with the supervisor will be considered training, and the employee will be compensated for the meeting pursuant to the existing rules under the applicable collective bargaining agreement. Employees must schedule meetings to minimize service, availability and cost impacts to BNSF Railway.

V. Enforcement

Failure to comply with this Policy could result in disciplinary action, up to and including termination of employment.

VI. Questions/Reports

If you have any questions about this Policy or would like to report a possible violation of this Policy, please contact the Policy Sponsor or the Vice President Compliance & Audit. Reports regarding violations of this Policy may also be submitted anonymously by using the BNSF Hotline at 1-800-533-BNSF.

VII. Policy Sponsor

Rob Karov
Vice President Labor Relations

VIII. Related Policies and Corporate Rules

[Equal Employment Opportunity, Anti-Discrimination & Harassment Policy](#)
[Use of Drugs and Alcohol Policy](#)

IX. Policy History

Effective Date: February 1, 2017
Last Revised: February 1, 2017

This Policy supersedes the Policy for Employee Performance Accountability, effective February 1, 2013.

Approved:

/s/ Carl R. Ice
Carl R. Ice
President and Chief Executive Officer

APPENDIX I: Violation Handling Matrix

	Risk – Reduction Education	Formal Reprimand and Suspension	Dismissal
Standard Violation <i>Outlined in Section IV. B.</i>	<ul style="list-style-type: none"> • May be available as defined in Section IV.E. • Requests must be made in writing and approved by the supervisor (or his/her designee) • Not available for missed call and layoff on call violations 	<ul style="list-style-type: none"> • First Standard Violation: Formal Reprimand with a 12-month review period • Additional Standard Violation: <ul style="list-style-type: none"> - Second: 10-day Record Suspension with a 12-month review period - Third: 20-day Record Suspension with a 12-month review period - Fourth: 30-day Record Suspension with a 12-month review period 	<ul style="list-style-type: none"> • Fifth Standard Violation within the review period may result in dismissal • Fifth violation of any kind within the review period may result in dismissal
Serious Violation <i>Outlined in Section IV. C.</i>	<ul style="list-style-type: none"> • May be available as defined in Section IV.E. 	<ul style="list-style-type: none"> • First Serious Violation: 30-day Record Suspension with a 36-month review period (Employees may qualify for a 12-month review period as described in Section IV. C.) 	<ul style="list-style-type: none"> • Additional Serious Violations within the review period • Or, multiple Serious Violations in the same tour of duty
Stand – Alone Dismissible Violation <i>Outlined in Section IV. D.</i>			<ul style="list-style-type: none"> • Stand-Alone Dismissible Violations may result in dismissal
Attendance Violation		<ul style="list-style-type: none"> • Departmental Guidelines will govern (Except as otherwise provided in this Policy regarding AWOL violations) 	<ul style="list-style-type: none"> • Departmental Guidelines will govern (Except as otherwise provided in this Policy regarding AWOL violations)