

Surface Transportation Board
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Chairman Oberman and other STB members:

As the spouse of an engineer, who has worked as a road and yard engineer for one of the class one railways for almost 20 years, I am writing in response to the Surface Transportation Board's inquiry into Class 1 railroads.

I made the decision to write this letter, as I cannot stand idly by, as the class 1 railway carrier my husband works for, puts profits ahead of employee safety. I am still very concerned that writing this letter to you will result in retaliation against my husband by the class 1 railroad he works for.

There are many items I would like to address in my letter including issues of recruiting and retaining employees and the current life of a rail employee and family and behind the scenes of how the employees are treated. My hope is that you will read my words and my letter in its entirety.

My husband does not have scheduled days off, as a road engineer. As a yard engineer, he would be able to have scheduled days off, but because of the job cuts the class 1 railway has made, he no longer has the seniority or opportunity to hold those jobs which remain. My husband was hired out 20 years ago and until February 2022, he was afforded a percentage of time off which typically amounted to five (5) weekdays and two (2) weekend days off per month. He also was afforded a rolling 3-month period; if an emergent type situation occurred, he could take off more days in one month period and less in the next, as an example. My husband, nor any other railroad employee, were required to take these days off. If they did not need them, they simply did not take them.

The unusual lifestyle we live because of his career is not for most; however, we were determined we could make it work. An alternative lifestyle is not a novel life for us; we have a child that has complex disabilities, as well as autism. We know what it is to live differently. Planning for time off was a little more challenging, but we still could plan for appointments, plan ahead for holidays and birthdays. We decided it wasn't the actual day that mattered, it was the time we got to spend with each other that mattered. Then, the class 1 railway came out with their "High Impact Day" policy. We still were able to plan, albeit it was much more difficult. Please know the class 1 railway can determine that any day is a "High Impact Day". Our planning of days now included scheduling and hoping my husband would hit Rsia, as well as praying that a vacation or personal leave allocation day would be available. To thank their employees for working through the pandemic, the class 1 railway decided to thank their employees by implementing the "Hi-Viz" attendance policy.

According to the class 1 railway, the "Hi-Viz" attendance policy is "designed to provide employees with real-time information and greater flexibility, so they can make informed

decisions about their work schedules” and also “provides more certainty and better quality of life.”

There are so many flat out lies to this statement. There is not greater flexibility and though there was little quality of life previously, now there is no quality of life. Let me explain.

Previously, the class 1 railway afforded a TY&E employee an approximate total of 7 days off per month and every month the “5 & 2” reset. Simple math shows the old attendance policy ensured more than 75%; the old attendance policy allowed: 5 weekdays + 2 weekend days = 7 days off per month. There are a couple of ways you can calculate the availability percentage using the old attendance policy, the simplest being: 7 (days) / 31 (days) = 77.4% availability, 7 (days) / 30 (days) = 76.67% availability, 7 (days) / 28 (days) = 75% availability.

Again, my husband, nor any other railroad employee, were required to take these days off. If they did not need them, they simply did not take them. If they did not take the days afforded to them off, they had a higher attendance availability.

Now, I will attempt to explain the “Hi-Viz” policy implemented as of February 1, 2022. Please remember, according to the class 1 railway carrier, the “Hi-Viz” policy was designed to provide employees with greater flexibility, the ability to make informed decisions about their “work schedules” (quotes added), and provide more certainty and better quality of life for their employees.

The “Hi-Viz” policy: deepens the class 1 railway carrier’s employees grueling, demanding exhausting and unpredictable erratic schedules and make it almost impossible for workers to get rest they need, make and keep appointments or spend time with their families.

Instead of being allowed a certain number of days off in a given month, as with the previous attendance policy, employees are now given 30 points for **THEIR ENTIRE CAREER**. Many of these employees would work for at least 30 years.

If an employee needs a day off, the employee would have a few options:

- Apply for a personal leave day and hope there are allocations for them.
- Apply for vacation day and hope there are allocations for them.
- Use points to “pay” for the day off.

The current allocations are approximately 10 “spots” (some days have different allocations allotted); this means that only 10 engineer employees could use their earned paid days off. There are over 200 engineers at my husband’s terminal.

In my husband’s terminal and current craft as a road engineer, points are calculated such that:

- Weekdays: (Monday - Thursday) **will cost the employee 2 points** for each day off.
- Weekends: (Friday and Saturday) **will cost the employee 4 points**.
- Sunday: **will cost the employee 3 points**.
- Holidays, which are high impact days and any other high impact day – that the railway carrier **decides or deems** a high impact day: **will cost the employee 7 points**. (Sometimes this includes the day after the holiday - like Friday after Thanksgiving for example - and

each costs 7 points plus the in-conjunction points). Holidays are not the exception to the high impact day; for example: even Superbowl Sunday is considered a high impact day.

- In-conjunction points: Taking more than one (1) day off in less than a 48-hour period will result in the days off point deduction, see above, as well as an **additional 2-point deduction** for in-conjunction day off.
 - Example: Employee lays off sick Monday, back to the board Tuesday but still feels ill Wednesday and lays off again. Not accounting for a high impact day possibility, the employee would be assessed **6 points**.
 - In-conjunction points are also assessed if an employee lays off prior to or after a vacation.
 - For example: employee is going on vacation. Employee has plane tickets to leave on Monday of the start of their vacation. However, the employee is scheduled to go out of town for work on Sunday. If they lay off, **they are assessed** the Sunday layoff of **3 points** and **assessed** in-conjunction points of **2 points**...just to make sure they don't miss their flight for vacation.
 - These point deductions will take the employee 1 month **straight** of staying marked up to earn those points back.
- Not accepting notification from the company, even while on the employee is off, will also result in points deduction.
 - Imagine: your enjoyment is camping, hunting, fishing, etc. You're without cell service ON YOUR DAY OFF. The automated robot caller calls and the you don't answer...now you will get docked points for not accepting a call that you should not have had to.
- No show points: **25 points** deduction.

I ask you; do you answer work calls on your day off? Do you answer work calls on your "weekend" off? Do you answer calls while you are away from work? Does the class 1 railway corporate management answer calls on their day off, on their "weekend" off, while they are away from work? I am positive I already know that answer.

- Earning points/resetting points:
 - An employee will earn: **4 points** for working 14 days, straight, in a row.

The only way to get points back is if an employee works/is on call for fourteen days (14 days) straight. Also, an employee CANNOT accrue more than those 30 points, even if the employee stays marked up / working with no days off. The points are capped at 30. There is no incentive for an employee to stay marked up (available for work). They are working for no incentive at the point they have all of their points.

However, if an employee uses any day off: vacation (paid), personal leave day (paid), or FMLA (if an employee has it), the 14 days is reset and they cannot earn the time off points back during that 14 day earn back period. The company is literally punishing their employees for using their **earned paid time** and even FMLA time (if an employee has it); FMLA is federally protected time.

Examples:

- 2 weekdays off in a month, assuming Monday – Thursday days weekdays and none are deemed a high impact day: $2 \text{ (days)} / 30 \text{ (days)} = 93.33\%$ availability. **The employee would be able to earn those 2 days / 4 points back working 2 weeks straight and not taking another day off during the 2 week period.**
- 1 weekend day off in a month, assuming Friday – Saturday weekend days and none are deemed a high impact day: $1 \text{ (day)} / 30 \text{ (days)} = 96.67\%$ availability. **The employee would be able to earn that 1 day / 4 points back by working 2 weeks straight and not taking another day off during the 2 week period.**
- 1 holiday/high impact day off, assuming no in-conjunction days etc: $1 \text{ (day)} / 30 \text{ (days)} = 96.67\%$ availability. **The employee would be able to earn that 1 day / 7 points back working 4 weeks or 1 month straight and not taking another day off in during the month-long repayment period.**

Are you confused yet? Or does all of the new attendance policy make more sense? The attendance policy change isn't to help employees understand time off, clearly.

I ask you to explain to me, the employees, the spouses, the children and other family members, as well as prospective employees, how does this new attendance policy provide employees with greater flexibility, provide more certainty and better quality of life?

I ask you to explain to me, the employees, the spouses, the children and other family members, prospective employees and the general public, how is this new draconian attendance policy less confusing?

On top of that, the class 1 railway carrier calls this incentivizing consistent and reliable attendance. Incentivizing what exactly? Incentivizing their employees to quit! Reliable attendance? How about calling a spade a spade – this is servitude.

This is a huge reason the railway carrier is unable to retain and unable to hire employees. The railway carrier has cut jobs, furloughed workers at the beginning of the pandemic and has been slow to bring them back, has not bargained with unions in good faith, has increased the burdens the employees have to carry, hasn't hired in a long time and now, with this new attendance policy, has ensured people are not standing in line waiting for the railroad to hire.

Imagine this:

You are on call 24/7/365. You don't have scheduled days off EVER. There is no such thing as "the weekend" or a "holiday" off. Being on call means that your phone could ring at any minute and you only have 120 minutes to report to work. You NEVER know when the phone will ring and you NEVER know what job you're going to work...it's just a SURPRISE! The robot crew caller says you will be working "xyz job". But sometimes, once you get to work it, it can be changed. The railway carrier doesn't even know where you're headed, until they do. You can be gone from home for 30 - 60+ hours. The railway carrier can leave you in a hotel away from home for as long as they want and some railroaders don't get paid for all of the time they're at the hotel. The time sitting at the hotel waiting to get called to work doesn't count as time worked, even though you are required to be there. You cannot lay off out of town, or you'll get in

trouble. Once you are off your shift, you can be called to do it all over again 10 hours later any time day or night.

Bottom line: employees are tired of these big business treating like them slaves.

Newsflash: everyone is hiring. Many employers are hiring at the same pay rate as the railways.

So, can you tell me, the employees, the spouses, the children and other family members, as well as prospective employees, why would someone want to work in these types of conditions anymore, or for those companies anymore? The pay isn't better, the hours are definitely not better, the workplace is toxic, the railway carriers don't care about employee's physical or mental health, or families.

The railway carrier has refused to negotiate contracts with the unions in good faith for over 3 years. The current employees have not had a pay raise for 3 years and will not until a contract is reached, regardless of the inflation. Employees in my husband's union / bargaining agreement have been without a contract for over 3 years and are working the expired one until the class 1 railway carrier decides to negotiate.

Conductors in my husband's seniority district work on a 4 and 2, work four starts and can take 2 days off. Recently, the class 1 railway carrier offered a pilot program of 6 and 3, work six starts days and can take 3 days off, to the engineers. Employees are not required to take those days off. However, once it was voted on by the union membership, the railway carrier then decided to pull their pilot program offer off the table, citing not enough manpower. I bring this up solely because the layoff points then would be a 7-point deduction to their points, as the employees would then be on "assigned service".

Employees are moving freight and trains for 12 hours and then have a mandatory 10 hours off and then 12 hours on 10 hours off, repeat. The employees have no scheduled days off but according to the class 1 railway carrier, there's no evidence the employees are overworked.

The Rail Safety Improvement Act of 2008 (RSIA) was supposed to lead to changed work schedules, increased rest time, and reduced risk of fatigue for covered T&E employees.

However, I have observed the railway carrier seemingly purposely skirt employees required time off by not calling an employee within 24 hours, so their time would restart and they would not be able to hit Rsia, only to be called less than an hour later.

I've observed my husband and other rail workers lined up to hit Rsia, only to have the railway carrier put a deadhead, when none were clearly needed, in the lineup so his time worked is reset. He still goes to work; the deadhead just doesn't count as "time worked" toward being able to hit Rsia and mandatory time/days off.

I've seen more trains tied down (parked) since the class 1 railway carrier started their aggressive measures.

I have watched the lineups with my husband and the railway carrier putting off calling trains due to lack of crew availability; “crew not available” while there were more than plenty of crews available. In fact, this happened just yesterday, where there were plenty of both engineers and conductors, yet trains were not called due to: “crew not available”.

I’ve watched lineups that change in moments. I’ve seen lineups that say my husband will not go to work within the next 24 hours, only for him to be called less than an hour later. I have watched lineups where trains aren’t anywhere on the lineup to being called for that train.

I have experienced my husband being out of town in a hotel longer than he was at home.

I’ve seen my husband go in day after day with no days off. I’ve seen other railroaders go in to work tired, sick, angry, frustrated and sad.

I’m aware of railroaders that had gotten Covid, had a doctor’s note and still have gotten in trouble with this new attendance system for taking the required quarantine and isolation time off.

I’m aware of railroaders that have been fired for accurate use of their FMLA.

I know of many current employees of class 1 railway carriers that are actively implementing steps to quitting because of, well all of it. The attendance policy was just the final straw.

I’ve also known railroaders that have gotten divorced and even some that have committed suicide because they just couldn’t handle it any longer.

I’ve heard of employees with *many years of service* quitting, saying it just isn't worth it anymore. Yet, consistently the class 1 railway carriers say “everything is going to be fine” like nothing is amiss. What you don’t hear is the railway carrier and representatives telling their employees “You know what you signed up for.”

I guarantee the employees did not sign up to be slaves and had they known the measures that would be implemented, they would not have taken the job.

The class I railroads have created this labor shortage themselves. They boast record profits, while continuing to squeeze more out of their remaining employees. It’s pretty obvious what’s going on here. This is just the class 1 railway carriers’ way to push one-man crews. The class 1 railway carrier is making the current employees as miserable as possible to get them to quit. The current employees earned vacations, earned personal leave days, healthcare for the older generation cost the company too much. The railway carrier is failing to hire new employees due to their currently implemented policies, which make manpower the key issue. The railway carrier will run to the government with their hand out begging for help, while playing the victim. They are manipulating the government into giving the railroads millions while still making “record profits”. The railway carriers will then solicit the FRA and government to allow one-man crews on trains until manpower improves, which it never will. Bad management practices by the class 1 railways are the reason for the railcar issue that's adding to the nation’s supply-chain challenges. The railroad has a problem and it starts from the top. The railroads did this to themselves and can't be trusted to fix a problem they willingly created and are still supporting.

What happened to a happy and healthy workforce is a productive workforce? The class 1 railway carrier management has forgotten what that means and has moved to draconian measures. This is not a way to recruit and retain employees.

The fatigue this job brings is enormous. The employees getting enough rest should be a priority concern. The railroad employee's mental health and safety of the crews running thousands of tons of metal and freight need to be a priority, not just to the employees and the families they leave, but to the railway carrier and general public as well.

At what point is enough is enough? At what point can we, the families and the employees agree with the class 1 railway, "You can be proud of your railroad."

Regards,

Erin Bledsoe
Wife of a locomotive engineer