

Overview of Freight Rail Employee Time Off Policies

To meet customer demands and deliver for the national economy, railroads must work 24/7, 365 days a year. This commitment to service means railroad employees are often required to work highly variable schedules. While the exact terms vary from one railroad to another, all railroads have policies designed to balance employees' need to take time off with the need to maintain safe, ongoing operations.

Not only do railroads provide multiple ways for employees to take time to care for themselves and their families, but there are also protections in place — such as the federal Hours of Service Act — which limits the number of hours that employees can work and guarantees a certain amount of rest time.

Current PEB Status

After carefully reviewing the parties' arguments, the neutral arbitrators appointed to President Bidens' Presidential Emergency Board (PEB) rejected the labor organizations' proposals regarding carrier attendance policies and additional sick time.

Proposals to increase the predictability of schedules for operating craft employees (e.g., through fixed work schedules) were referred to a local bargaining process that culminates in final and binding arbitration (if necessary).

- ✓ **3 Weeks Paid Vacation:** Under the national collective bargaining agreements, rail employees receive, on average, three weeks of paid vacation. More senior employees receive up to five weeks of vacation. All rail employees also receive a combination of holidays and personal leave days (up to 14 days for each employee, depending on craft and seniority). In the current round of negotiations, the carriers proposed that an additional paid leave day be added for all rail employees, and the PEB recommended adopting the carriers' proposal.
- ✓ **26 Weeks Partial Income Replacement:** Unlike employees in other industries, rail employees who are unable to work due to sickness, after a waiting period, receive up to 26 weeks of partial income replacement — approximately 60% of daily pay — under a federal law known as the Railroad Unemployment Insurance Act (RUIA). Railroad employers solely finance RUIA sickness benefits.
- ✓ **Supplemental Sickness Benefit:** In addition to RUIA benefits, some rail employees receive, at the railroads' expense, a supplemental sickness benefit that increases the income replacement rate above the RUIA rate (to approximately 70% of daily pay) and extends the period of payment to a maximum of 52 weeks. Other rail employees receive paid sick days. In prior bargaining rounds, several rail labor organizations actually "traded" paid sick days provided for in their collective bargaining agreements for supplemental sickness benefits.
- ✓ **FMLA Leave:** Rail employees also are eligible for leave under the Family and Medical Leave Act (FMLA). Employees who do not receive pay under the RUIA or supplemental sickness policies can utilize other paid leave time to maintain their income during an FMLA leave.
- ✓ **"Mark Off":** Operating craft employees, including conductors and engineers, do not receive paid sick days on top of RUIA benefits. However, those employees can "mark off" — or temporarily remove themselves from the list of available employees — at any time and for any reason, including sickness or personal reasons, as long as they maintain a reasonable level of overall availability under carrier attendance policies. Mark offs covered by the FMLA, associated with another form of approved time off such as personal leave or vacation day, or otherwise excused by the carrier are generally excluded from consideration under attendance policies.