



UNION PACIFIC RAILROAD

TE&Y CRITICAL SAFETY RULES POLICY

Effective January 1, 2024
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INTRODUCTION

Union Pacific Railroad has identified Critical Safety Rules within its General Code of Operating Rules that have a greater potential for serious injury or fatality or incident. Employees make choices every day that impact their own safety, the safety of other employees, and the communities in which we serve. All railroad professionals are expected to make the choice to work safely. Compliance with workplace rules and policies is necessary to meet the commitments of Union Pacific and to fulfill certain regulatory requirements.

Section 1: GENERAL GUIDELINES:

Union Pacific's MAPS Policy, Attendance Policy and COMMIT Program are separate from this Policy. The management of those policies, or other Company policies not listed here, will be governed under the terms and conditions of those separate policies.

This Policy applies to all TE&Y craft professionals.

Section 2: REPRESENTATION; COMPENSATION:

2.1 This Policy does not alter the terms and conditions of the controlling collective bargaining agreement provisions pertaining to an employee's right to a formal hearing.

2.2 An employee charged with a first-time violation of this Policy, or a subsequent violation outside of any applicable retention periods, may elect to waive formal hearing and accept proposed Critical Safety Rule (CSR) Status 1. An employee must be allowed the opportunity to discuss whether to waive or proceed with a formal hearing with their designated Union Representative.

2.3 Employees will be compensated under the terms of the controlling collective bargaining agreement provisions for actual time spent participating in training required under this Policy.

Section 3: CRITICAL SAFETY RULES:

Critical Safety Rule violations either observed or resulting in an incident will be reviewed for discipline. Critical Safety Rules will be listed in ITEM 10 of the System Special Instructions, and may be updated, changed, added to, or subtracted from through the issuance of a General Order.

Critical Safety Rules	
Rule	Description
8.2*	Position of Switches
8.20*	Derail Location and Position
81.2.2	Sufficient Distance
81.5.4	Understanding Between Crew Members Before Crossing Through or Fouling Equipment
81.13.1	Working Between Equipment
81.7	Riding Equipment (Parts B, C, D, E, F and G)
6.5*	Shoving Movements
6.5.1*	Remote Control Movements
81.8.1*	Avoiding Fouling Hazards
32.1.1, 32.1.4, 32.2.1	Securing Cars, Engines, Trains, Etc. (Failure to properly apply handbrakes or air brakes)

*A Critical Safety Rule violation resulting in an incident wherein damage to equipment exceeds the FRA threshold and/or the incident caused a reportable injury to an employee will be handled as a Decertification Event in accordance with 49 CFR Parts 240/242.

Section 4: CRITICAL SAFETY RULE VIOLATIONS:

4.1 Federal Law: Regulations (i.e. decertification rules) that mandate removal from duty or require suspension from service for certain rule violations apply and are controlling for all crew members working in a position requiring an FRA license (See 49 CFR §240.117, 119; 49 CFR §242.405).

4.2 Discipline Assessed: Critical Safety Rule discipline will be assessed per the below table:

Critical Safety Rule Discipline		
Critical Safety Rule	Signed Waiver	Hearing (Charges Upheld)
First Violation – No Decertification Event	<ul style="list-style-type: none"> • Critical Safety Rule Training • Critical Safety Rule Conference • Assessed CSR Status 1 	<ul style="list-style-type: none"> • Critical Safety Rule Training • Critical Safety Rule Conference • Assessed CSR Status 1 • 30-day Suspension • Follow-up Critical Safety Rule Conference before Return to Work
First Violation – Decertification Event	<ul style="list-style-type: none"> • Critical Safety Rule Training • Critical Safety Rule Conference • Decertification Suspension per regulations (if applicable) • Assessed CSR Status 1 	<ul style="list-style-type: none"> • Critical Safety Rule Training • Critical Safety Rule Conference • Greater of 30-day/Decertification Suspension • Assessed CSR Status 1 • Follow-up Critical Safety Rule Conference before Return to Work
Second Violation	Dismissal Charge if awaiting hearing or within retention period of First Violation	

4.3 Retention Period: Critical Safety Rule retention period is per the below table:

Critical Safety Rule Retention Period		
Critical Safety Rule	Signed Waiver	Hearing (Charges Upheld)
First Violation	12 months*	24 months*

*Retention period begins on the date of incident/test.

4.4 Reasonable Cause Drug Testing: If an employee violates a Critical Safety Rule, the employee will be administered a reasonable cause drug test in compliance with Drug & Alcohol Policy Section 13.3. A Critical Safety Rule violation resulting in an incident, which also results in a Rule 1.5 Drug and Alcohol Policy violation, will be charged with Rule 1.5 Violation (Dismissal) and will not be eligible for a waiver to attend the Employee Assistance Program in lieu of a formal hearing.

4.5 Multiple Rule Violations: If an event involves multiple rules violations under the Critical Safety Rule Policy and the MAPS Policy, the Critical Safety Rule Policy takes precedence for discipline and retention periods. If the violation is so egregious or has such serious consequences, the Company reserves the right to also progress under Rule 1.6 Conduct under the MAPS policy.

4.6 Arbitration Decisions: If a dismissed employee is returned to service after being dismissed for a violation of this Policy as the result of a court decision or an arbitration decision or award, the conditions of the decision or award will be controlling for the purposes of adjusting the employee’s record. If a decision or award is silent with regard to the employee’s record, the employee’s record will revert to CSR Status 1 with a twenty-four (24) month retention period from the date of the decision or the award. The time spent in dismissed status will not apply to the retention period of a prior violation.

FREQUENTLY ASKED QUESTIONS FOR THE TE&Y CRITICAL SAFETY RULES POLICY

General

- 1. Why is there a separate policy for these rules?** After analyzing the factors that contributed the greatest impact to employee personal safety and derailments, we are changing the disciplinary handling of existing critical safety rules (See SSI 10) to address the behavior and causal factors that, if complied with, would have prevented approximately 50% of the serious injuries on our Railroad.
- 2. Does this policy constitute a labor agreement?** No, this is a Company policy.
- 3. What are the Critical Safety Rules?** The Critical Safety Rules will be listed in ITEM 10 of the System Special Instructions.
- 4. How will an employee know if there is a change to the Critical Safety Rules?** If there is a change to the Critical Safety Rules, a General Order will be issued notifying employees of the change.

Transition

- 5. How will alleged Critical Safety Rule violations that occurred before the effective date of this policy be handled?** Critical Safety Rule violations occurring prior to the effective date of this Policy will be handled under the discipline policy (i.e. charged under MAPS) in effect at the time of the incident, regardless of the date of the hearing and decision.
- 6. What Critical Safety Rule Policy status will an employee be in if they violated one of the identified Critical Safety Rules prior to the effective date of the Critical Safety Rule Policy?**
All employees will be at Critical Safety Rule (CSR) Status NONE on January 1, 2024. MAPS status and retention periods will remain the same on January 1, 2024.

Critical Safety Rule Training and Conference

- 7. Who conducts the required training and conference?** Critical Safety Rule Training will be a computer-based training (CBT) module developed by the safety department and will be assigned to the employee's learning plan after a Critical Safety Rule violation. The Critical Safety Rule Conference will be conducted by a manager.
- 8. How is the training and conference documented?** Successful completion of training will be recorded electronically in the Learning Management System (LMS) upon completion of the course and made a permanent part of the employee's training record. Completion of the conference will be documented within the APDS system.
- 9. If an employee signs the Critical Safety Rule Conference form and/or completes CBT training prior to the formal hearing, will that be considered an admission of a Critical Safety Rule Policy violation?** No. However, employees will be required to complete their CBT Critical Safety Rules Training and meet with a manager to complete the Critical Safety Rules Conference prior to returning to work to ensure full understanding of the Critical Safety Rules.

Rule and Policy Violation Handling

10. What are the retention periods for a Critical Safety Rule violation? Twenty-four (24) month retention on the employee's work record if a hearing is conducted and charges upheld or twelve (12) months if the employee elects to waive a formal hearing. Waivers will only be offered up to the point of the hearing.

11. When does the retention period for a Critical Safety Rule violation begin? Retention period begins on the incident date; e.g., a rule violation took place on March 1, 2024; for employees signing the waiver, the 12-month anniversary date is March 1, 2025, and the 24-month anniversary date is March 1, 2026, for employees who are assessed discipline after a formal hearing.

12. Does this policy change any time limits for initiating a charge or the right to an investigative hearing? No. Time limits and rights to hearings are controlled by applicable collective bargaining agreements and federal regulations.

13. If a Rule 1.5: Drugs and Alcohol violation coincides with a Critical Safety Rule violation, are the two violations handled together or separately? They are handled separately.

14. Will an employee who tests positive for drugs or alcohol as the result of an incident involving a Critical Safety Rule violation be eligible to participate in the Employee Assistance Program? No. The employee will be charged with violation of Rule 1.5 and, if proven, will be dismissed from service.

15. Will an employee who tests positive for drugs or alcohol as the result of an observed Critical Safety Rule violation (no incident) be eligible to participate in the Employee Assistance Program? Yes, per the provisions of the Drug & Alcohol Policy.

16. If an employee breaks two Critical Safety Rules during the same test and/or incident (example: 81.2.2 and 81.13.1/81.5.4), how is this to be handled? If more than one Critical Safety Rule violation is identified during the same test and/or incident, it should be treated as one event.

Decertification Events

17. When does a Critical Safety Rule violation become a decertification event? There must be an "incident" wherein damage to equipment resulting from a Critical Safety Rule violation exceeds the FRA threshold, and/or the incident caused a reportable injury to an employee.

18. What if the FRA changes the threshold for a decertification event? The Critical Safety Rules Policy will follow the FRA standard for the date of the incident.

19. How should a Critical Safety Rule violation involving decertification be treated?

If a Critical Safety Rule violation meets the FRA threshold, the regulation governing decertification applies and will be handled in accordance with 49 CFR Parts 240/242.

Dismissal and Reinstatement

20. Can an employee be dismissed for a single rule violation? Yes. If the violation is so egregious or has such serious consequences, the Company reserves the right to also progress under Rule 1.6 Conduct under the MAPS policy.

21. What happens if a dismissal is overturned by the labor board? The employee's return and CSR Status is dependent on whether the employee is exonerated or returned without pay. See Section 4.6.

22. What happens if an employee is charged for an alleged Critical Safety Rule first offense but has not had a hearing yet and has another alleged Critical Safety Rule violation? Another charge may be issued. If charges are sustained, an employee may be assessed a First Violation or Dismissal pending the outcome of the preceding charge.