

SB 5267 & HB 1548: Safe UNPAID Leave for Washington Railroad Workers:

- Provides workplace **JOB PROTECTION** for certain types of **UNPAID** time off!
- Protects employees' occupational **HEALTH**, as well as transportation industry safety!
- Grants rail workers safe **UNPAID** sick leave mirroring our state's paid sick leave!

ALL OTHER EMPLOYEES IN WASHINGTON ENJOY EMPLOYER PROVIDED PAID SICK LEAVE BENEFITS!
RAIL WORKERS ARE ONLY ASKING NOT TO BE FIRED OR DISCIPLINED FOR UNPAID ILLNESS & ABSENCES!

This Legislation Does NOT:

- Impose **ANY** paid leave requirements or provide **ANY** monetary benefits whatsoever!
- Change or alter railroad worker compensation in **ANY** way whatsoever.
- Alter **ANY** aspect of or eligibility for Washington State's paid family leave insurance coverage program.
- Impact **ANY** imposed or collectively bargained railroad labor agreements.

Reality: Our Lives as Railroaders:

- **Railroad work is unlike any other:** operating craft employees are responsible for the safe movement of trains; we're expected to live a completely unpredictable life so any regular, reliable work or life schedule is completely absent from our daily existence. Maintaining our commitments, whether to family, for personal, medical, or other reasons is an enormous, constant challenge, nearly always taking a backseat to the constant demands of our railroad employers. Many railroaders work 30-40 years with no consistent regular sleep cycle, life, meal, or work schedules. We're required & expected to be completely devoted to the needs of the railroad carrier & accept calls for duty 24/7/365, all weekends & holidays. We're must report to work within 1½ to 2 hours whenever called; **missing a call or laying off duty when called, even if we are fatigued and we know we're not fit to safely work WILL RESULT IN DISCIPLINE!**
- **PTSD is extremely common among rail industry workers,** as rail carriers aggressively recruit former military service members, whether from live combat action or due to traumatic life events.
- **Because of occupational demands,** including the lack of any regular work, sleep, and living schedule, rail workers are prone to depression, suicide, failed marriages, severed relationships, frequent illness, alcohol abuse, and obstructive sleep apnea, all at rates significantly higher than the general population, as well as a shortened life expectancy!
- **Over the last 20 years, this situation has significantly worsened.** With greater pressure for higher profits and corporate officer bonuses, carriers have drastically cut staff, they've imposed ever-worsening draconian attendance policies to cut operating ratios/costs. The remaining rail workers are required to work more frequently with much longer hours!
- **Railroad workers were once able to take off work UNPAID for up to 15 days or longer at any time,** there were no penalties for taking **UNPAID** time off work for sicknesses or injuries of ourselves and our families. We individually managed our health and our fatigue; we were better able to maintain our personal and family relationships.
- **Today, constant fear of ever-worsening draconian carrier discipline and termination policies for taking UNPAID time off duty to attend to basic personal needs has robbed rail workers of our ability to effectively maintain our personal health, deprived us of our ability to limit the physical consequences of chronic fatigue, and negatively impacts the health, stability, and well-being of ourselves and our families.**

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SB 5267 & HB 1548- Safe UNPAID Leave for Washington Rail Workers

Senate Prime Sponsor – Sen. Patty Kuderer & Co-Prime Sponsor Sen. Derek Stanford

House Prime Sponsor – Rep. Timm Ormsby & Co-Prime Sponsor – Rep. Jim Walsh

Problematic Issues:

- **IN 2020 - 955 WASHINGTON RAIL WORKERS WERE SUBJECTED TO DISCIPLINE FOR UNPAID ABSENCES DUE TO SICKNESS! MANY HAVE BEEN DISCIPLINED FOR COVID-19 RELATED UNPAID ABSENCES!** Railroad workers who take **UNPAID absences from duty when illness or injuries strike themselves and their families are frequently disciplined**, even when medical documentation is provided, under increasingly draconian unilateral carrier attendance policies. We live and work in fear of losing our careers, so we frequently go to work even when we're sick, reluctantly spreading our illnesses and infecting our co-workers with our viruses! **Minuscule federal railroad retirement board sickness benefits provide NO job protection whatsoever!**
- Railroad employees are **NOT** covered or protected by state or local paid sick leave laws. **We're the ONLY employees in Washington State without any employer-provided sick leave benefits.**
- **Railroad workers often live their entire working lives with no regular sleep and wake cycles or obtaining anchor sleep;** so obstructive sleep apnea is epidemic among train crew members making us much more susceptible to illness.
- Like airline workers, train crews travel out of town on work assignments that may keep us away from home for numerous consecutive days; time spent in hotels, even **when being paid while awaiting a call to duty** is not credited towards FMLA qualification by the carriers. Due to this disproportionate effect on transportation workers, the US Dept. of Labor (DOL) amended FMLA regulations for airline employees in 2013 to more easily enable airline crews to qualify for FMLA job protections. **Railroad companies successfully fought against the Federal government's inclusion of rail workers.**
- **To limit their employee's ability to utilize FMLA, railroad companies accelerate the depletion of employees' annual FMLA time allotment, excessively higher than its actual utilization.** When an employee takes one day (24 hours) of FMLA leave, the carrier identifies the work assignment the employee missed, and deducts ALL the time the crew on the missed assignment is away from the home terminal (working, non-work rest time at hotels & time waiting for calls to duty) from the employees annual FMLA leave time bank. A rail worker who takes one FMLA day off is often already back on duty & working 24 hours later, yet simultaneously their FMLA time bank is being depleted as a penalty for missing an earlier work assignment using FMLA. **This obscene & reprehensible practice rapidly depletes the FMLA time banks of rail workers, to circumvent and intentionally deprive us of FMLA absence protections. States have the authority to put a stop to it!**
- **Railroads provide an employee a maximum of three days of paid (only on days if we would have been called for duty) bereavement leave, ONLY for the passing of one's parents, siblings, children, spouse, and spouse's parents. Only unused annual vacation time (if any time remains) can be taken for the death of ANY OTHER relatives.** There is no authorized or protected **UNPAID** time off for the death of other family members. **ALL UNPAID** time off duty, even if allowed/used for bereavement is classified as an unexcused absence per carrier attendance policies subjecting the employee to discipline.

Effect of this Legislation:

- **Prohibits disciplining or taking adverse action against a rail worker for taking UNPAID time off due to the illness or injury of themselves or a family member**, consistent with our state's paid sick leave regulations. A carrier can request an employee provide documentation of the absence; if provided, the employee is protected from discipline.
- **Amends our state law to extend identical FMLA qualification thresholds airline employees obtained from US DOL in 2013, to railroad employees in our state.** FMLA qualification threshold requires six months of employment, & 504 hours worked over the preceding 365 days; additionally, if working on a guaranteed compensation board, the transportation employee must also have earnings of at least 60% of the guaranteed earnings during the preceding 365 days.
- **Bans excessive accelerated depletion of a worker's FMLA time bank.** Rail carriers will be prohibited from deducting any more one day from a railroad employee's FMLA annual bank of time for each day the employee utilizes FMLA leave.
- **Directs the agency to investigate concerns regarding unreasonable denials of FMLA** applications due to purported omissions and frequent recertification demands during an already approved FMLA utilization year.
- **Provides protected UNPAID leave for up to seven days in the event of the death of family members**, in addition to any compensated bereavement leave.
- **UNPAID bereavement protection covers grandparents, grandchildren, stepparents, step & foster siblings and children, aunts/uncles, nieces/nephews, cousins,** and persons who were acting parents to the employee when they were a child.