



## **Belt Railway Company of Chicago Policies & Procedures**

**POLICY No:** 20

**POLICY:** Safely Teaching Others with Purpose (STOP)

**Effective:** October 1, 2023

### **Safely Teaching Others with Purpose (STOP)**

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#### Section 1: GENERAL GUIDELINES:

BRC is committed to be a railroad where our customers want to do business, our employees are proud to work, shareholder value is created, and the safety of the public and our employees is our top priority.

All railroad professionals are expected to work safely, honestly, and to treat others with respect. Compliance with workplace rules and policies is necessary to meet the commitments of BRC and to fulfill certain regulatory requirements.

The objective of this Policy is to provide a meaningful and effective process to address rule and policy violations in a consistent and fair manner. Certain rule or policy violations and/or patterns of behavior may be so serious that suspension or dismissal from service may result.

BRC's Attendance Policy, and other various BRC policies, are separate from this Policy. The management of those policies will be governed under the terms and conditions of those separate policies.

To the extent that BRC is a signatory to an IMOU under the FRA Confidential Close Call Reporting Program (C3RS) at any given time, such IMOU is separate from this Policy. If, at any time the BRC is not a signatory to an IMOU under the FRA C3RS Program, then this paragraph does not apply. The function of the C3RS IMOU is limited in its application to this Policy to determining whether an event is protected from handling under this Policy or not. Events that are afforded protection under the C3RS IMOU will not be treated as a rule or policy violation under this Policy, and events that are not afforded protection will be handled as applicable rule or policy violations under this Policy.

This Policy applies to all agreement professionals and replaces all previous Company policies pertaining to discipline.

## Section 2: REPRESENTATION; COMPENSATION:

2.1 This Policy does not alter the terms and conditions of any controlling collective bargaining agreement provisions pertaining to employees' right to a formal investigation.

2.2 An employee charged with a rule or policy violation may elect to waive formal hearing and accept the proposed STOP status. Employee must be allowed the opportunity to discuss whether to waive or proceed with a formal hearing with his/her designated Union Representative. An employee must make the decision to accept or decline the option to waive formal hearing and accept the proposed STOP status prior to the commencement of the formal investigation. The waiver must be signed and submitted to the BRC officer who has proposed said waiver 24 hours prior to original investigation date and time. In the event an employee wishes to exercise his or her right to a formal investigation, any request for postponement of the original scheduled date of investigation must be made no later than 24 hours prior to the scheduled date.

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. If an employee is suspended from service due to a regulatory requirement, the employee will receive the straight time rate of pay for participation in required training.

## Section 3: RULE AND POLICY VIOLATIONS:

3.1 Conduct: Employees may be removed from service and subject to potential dismissal from employment for a single violation of Rule 1.6: Conduct, or other serious policy or rule violations as listed in Appendix A.

3.1.1 Employees who are found to be insubordinate or careless of the safety of themselves or others through repeated failure to comply with rules or policy, will be charged with a violation of GCOR Rule 1.6, removed from service, and subject to dismissal pending an investigative hearing.

3.1.2 The Director Human Resources, Department Head or designee must be consulted prior to charging an employee with potential dismissal from service for a Rule 1.6 violation or other Company policies.

3.2 Federal Law: Regulations that mandate removal from duty or require suspensions from service for certain rule or policy violations apply and are controlling for all crew members working in a position requiring an FRA license including, but not limited to, 49 CFR §240.117, 119; 49 CFR §242.405

3.3 Retention Periods: Substantiated charges for rule violations will remain on the employee's record for forty-eight (48) months. If the employee elects to sign a hearing waiver, the retention period is reduced to twenty-four (24) months. The anniversary date of the violation will be used to determine record retention.

3.4 Progressive Handling for Multiple Violations: An incident involving a potential violation of a rule or policy will be managed as described in Appendix A. Rule or policy violations that trigger remedial training, regardless of rule category, will be taken into account for progression and can potentially lead to dismissal from service.

3.4.1 Training Event 1 or 2: When an employee is found to be in violation of a rule or policy that triggers a first training event and the employee commits a subsequent triggering rule or policy violation during the retention period, the new retention period starts with the date of the subsequent violation.

3.4.2 Dismissal: When an employee is found to be in violation of a rule or policy while in Training 2 status; the employee will be held from service pending a formal hearing. Following an investigation, a determination will be made by the responsible supervising manager whether to permanently dismiss the employee from service subject to the approval of the Director, Human Resources, Department Head or designee

3.5 Root Cause Analysis: Employees will be expected to provide the facts related to rule or policy violations for purposes of safety performance analysis and risk mitigation.

3.6 Arbitration Decisions: If a dismissed employee is returned to service 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 the status of a Training 2 with a forty-eight (48) 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.

3.7 Rule 1.5: Drugs and Alcohol: Violations will be handled in accordance with existing regulatory, policy and collective bargaining agreement requirements. Any time in dismissed status resulting from a Rule 1.5 violation is not taken into account for the purposes of computing the retention period for violations that were on the employee's record prior to returning to service from successful completion of the Employee Assistance Program (EAP) or other applicable treatment program as determined by a Substance Abuse Professional (SAP).

**An employee who is charged following an incident or policy violation which meets or exceeds the FRA reporting threshold as contained in 49 CFR 225 et. seq. which also results in a Rule 1.5 violation, will not be eligible for the Employee Support Program as contained in BRC's Alcohol & Drug Use Policy. Rather, such Rule 1.5 violation will be considered a termination offense.**

#### Section 4: TRAINING:

4.1 Requirements: Employees will be required to successfully complete any associated training at the direction of management. An employee also may be required to continue to participate in training prescribed by management after returning to service. An employee's failure to successfully complete the required training may result in dismissal from service.

4.2 Responsibilities Managers are responsible for ensuring that scheduling, delivery and documentation of the training is completed. The employee is responsible for compliance with the applicable Hours of Service reporting after participating in a training session.

#### Section 5: ADMINISTRATION:

5.1 Review: The designated General Chairmen or National Union Officer representing employees covered by this Policy or the managers administering this Policy may request periodic review of the actions taken under this Policy with the Director, Human Resources, Department Head or his/her designee.

APPENDIX A: STOP Process Matrix (Updated August 21, 2023) NOTE: Refer to the terms and conditions described within the Policy.

Rule Category	Action		
<b>Non-Critical Rule violations</b> <ul style="list-style-type: none"> <li>Non-critical rule violations not resulting in incident or injury.</li> </ul>	<b>Commitment</b>		
<b>Rule Violation/Incidents</b> <ul style="list-style-type: none"> <li>Critical rule violations outlined in Appendix D.</li> <li>Incident occurs involving rule violation that results in property damage.</li> </ul>	<b>Training 1</b> Waiver- 24 months Upheld- 48 months	<b>Training 2</b> Waiver- 24 months Upheld- 48 months	<b>Dismissal</b>
<b>Decertification Rules (conductors &amp; engineers)</b> <ul style="list-style-type: none"> <li>Suspended and comply with 49 CFR Part 240, 242 process</li> </ul>			
<b>Termination</b> <ul style="list-style-type: none"> <li>Rule violations                             <ul style="list-style-type: none"> <li>Rule 1.5 Drugs and Alcohol</li> <li>1.6 Conduct (see Section 3.1 footnote)</li> <li>1.7 Altercation</li> <li>1.12 weapons</li> </ul> </li> <li>Felony Conviction</li> <li>Other BRC policy violation (as defined therein)</li> <li>Overstaying leave of absence without authority</li> </ul>	<b>Dismissal</b>		

INCIDENTS: Non-compliance could potentially result in serious or life-threatening consequences for employees or the public or could compromise safe railroad operations. This includes repeated or deliberate failure to comply with instructions.

DECERTIFICATION RULES: Noncompliance requires suspension/revocation of a train and engine service employee’s FRA license. If the FRA thresholds for speed or FRA reporting threshold requirements under the controlling regulations are not satisfied, the rule violations will be treated as a “Triggering Event” under STOP.

\*See 49 CFR Part 240, 49 CFR Part 242, and Appendix E to Part 242 regarding regulatory requirements related to prohibited conduct for FRA certified engineers and conductors and suspension periods.

## APPENDIX B: STOP Frequently Asked Questions (August 21, 2023)

### General

- 1) Why was the discipline policy changed? The policy was changed to separate coaching feedback from the discipline process.
- 2) Does this policy constitute a labor agreement? No, this is a Company policy.

### Transition

- 3) Will all suspensions from service be eliminated or reduced? No. FRA certified professionals remain subject to the legal mandates and suspension requirements found in the regulations.
- 4) How will alleged rule or policy violations that occurred before the effective date of the new policy be handled at the time the policy is updated? Incidents occurring prior to the effective date of this Policy will be handled under the discipline policy in effect at the time of the incident. All active “Conference” statuses will be removed and the employee’s current status updated to “None.” The applicable collective bargaining agreement rules for disputing a rule or policy violation charge will not change under STOP.
- 5) Does proactive training count in the progression toward potential dismissal under the STOP policy? No. Proactive training is not the result of a triggering event violation or charge. An employee can attend proactive training multiple times and it will become part of the employee’s permanent record but is not considered remedial training under the STOP policy.

### STOP Training

- 6) Who conducts required training events? A qualified manager designated by the department or service unit general manager or equivalent department supervisor. Management also may have qualified agreement professional subject matter experts conduct portions of the training.
- 7) How is training documented? Successful completion of training will be recorded electronically in APDS and BeltApps for legacy records and made a permanent part of the employee’s training record.
- 8) Are employees paid for time spent during a training session? The sessions, including attendance at proactive STOP training, will be conducted while the employee is on duty and under pay. The controlling collective bargaining agreements apply. Employees who are suspended due to a regulatory requirement will be paid at the straight time rate for attending mandatory training while in suspended status.
- 9) What if the employee fails to attend, actively participate or complete the training? The employee may be charged with failure to comply with instructions or insubordination. Failure to

comply is a triggering event that will move the employee to the next step in the STOP Policy progression.

#### Rule and Policy Violation Handling

21) Does a violation of a Company policy result in a dismissal charge? Charges issued for violations of Company policies are governed under the terms and conditions of those policies. Depending on the circumstances surrounding a violation, the employee may be charged with dismissal or some lesser charge, such as failure to comply.

22) What are the retention periods for a rule or policy violation? Forty-eight (48) month retention on the employee's work record if a hearing is conducted and charges upheld or twenty-four (24) months if the employee elects to waive a formal hearing.

23) When does the retention period for a rule or policy violation begin? It begins on the incident date; e.g., an incident involving a rule or policy violation took place on March 1, 2019; the 24 month anniversary date is March 1, 2021. For Rule 1.5 violations, any time removed from service in dismissed status or on medical leave for drug or alcohol treatment will NOT be counted towards the retention period.

24) 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.

25) If a Rule 1.5: Drugs and Alcohol violation coincides with another alleged rule violation, are the two violations handled together or separately? They are handled separately.

26) Will an employee who tests positive for drugs or alcohol as the result of an incident involving a rule or policy violation that meets or exceeds applicable FRA reporting criteria be eligible to participate in the Employee Support Program? No. The employee will be charged with violation of Rule 1.5 and, if proven, will be dismissed from service.

27) Will violations of the attendance policy be included in the progressive handling of rule violations under STOP? No. Attendance policy violations will be managed separately.

28) Will violations of other BRC policies be included in the progressive handling of rule violations under STOP? No. Other policy violations will be managed separately, as governed by the controlling language in the applicable policy.

#### Decertification Events

29) How should a rules violation identified from a ride or an event recorder be treated? If a decertification rule is potentially violated, the regulation governing decertification applies and will be handled in accordance with the STOP progression.

30) May all train crew members be charged with responsibility for a decertification event, as defined by 49 CFR Parts 240/242, even if only one crew member's FRA certification is revoked? Yes. The rule violation will be handled as specified in Appendix A of the Policy.

31) If an employee is suspended due to FRA decertification, can the employee work in another TE&Y class of service? No. TE&Y employees are required to have a valid FRA license for all classes of service which they may be able to protect and are not permitted to work in another class of service while in suspended status.

#### Dismissal and Reinstatement

38) Can an employee be dismissed for a single rule or policy violation? Yes. An incident can be so egregious or have such serious consequences that the employee can be removed from service and charged with a safety, conduct rule and/or policy violation.

39) What happens if a dismissal is overturned by the labor board? The situation is dependent on whether the employee is exonerated or returned without pay. See Section 3.6

40) Can an employee still be terminated for being absent without authority or leave? Yes, pursuant to the BRC Standards for Employee Attendance.



## APPENDIX C: GLOSSARY

**TRIGGERING EVENT:** An incident involving a rule or policy violation resulting in dismissal or remedial training under the STOP progression. Employees who violate Rule 1.5, Drugs and Alcohol, in conjunction with a triggering event violation that meets or exceeds applicable FRA reporting criteria will not be eligible for a one time return to service opportunity through the Employee Support Program and will be terminated from service. The following definitions, while not all inclusive or absolute, are intended to guide the determination of whether various acts by employees meet necessary criteria to be considered a violation of applicable Dismissal Rules:

**ALTERCATION:** When an employee's actions cause or result in a quarrel characterized by physical activity such as pushing, shoving or fighting.

**CARELESS OF SAFETY:** When an employee's actions or failure to take action demonstrate an inability or an unwillingness to comply with safety rules as evidenced by repeated safety rules infractions or when an employee commits a specific rule(s) infraction that demonstrates a willful, flagrant, or reckless disregard for the safety of themselves, other employees or the public.

**DISHONEST:** When an employee's actions or statements constitute lying, cheating, theft or deception.

**FELONY CONVICTION:** The conduct of an employee leading to the conviction of a felony in state or federal court is prohibited. Guilty pleas, diversion programs, deferred decisions or adjudication, and other alternative sentencing or adjudication procedures, regardless of local nomenclature, are considered convictions under this policy.

**FRAUD:** When an employee's actions or statements are intentional misrepresentations of fact for the purpose of deceiving others so as to secure unfair or unlawful gain.

**IMMORAL:** When an employee's actions are contrary to commonly accepted moral principles.

**INSUBORDINATION:** When an employee's actions or statements indicate a refusal (as opposed to a failure for cause) to carry out the instructions of a supervisor which are work, safety or policy related and which conform to accepted Company and industry practice, or when an employee demonstrates gross disrespect toward a supervisor.

**NEGLIGENT:** An employee demonstrates negligence when his or her actions or failure to take action causes, or contributes to, the harm or risk of harm to the employee, other employees, the general public or company property.

**QUARRELSOME:** When an employee's continued behavior is inclined or disposed toward an angry verbal confrontation with others in the workplace.

**THEFT:** When an employee's action is intended to and/or results in the taking and/or removing of property or other items of value from the Company, its customers, the general public, or other employees without proper authority.

APPENDIX D: RULES MATRIX

**Critical Rules**

Rule #	Rule Description	Rule #	Rule Description
1.13	Failure to Comply with Instructions	7.13	Protection of Employee in Bowl
2.21	Electronic Devices	8.2	Position of Switches
5.13	Blue Signal Protection of Workmen	8.20	Derails
6.5	Shove Moves	16.8 SAF-1	Positioning (Crane)
6.5.1	Remote-Control Movements	17.10 SAF-1	Lockout Tagout
6.28	Other Than Main Track	20.2.2 SAF-1	Sufficient Distance
7.1	Switching Safely and Efficiently	20.2.3 SAF-1	Sufficient Distance (Classification Yard)
7.5	Testing Handbrakes	20.5.4 SAF-1	Three Step Protection
7.6	Securing Cars or Engines	RWPP 200.6	Inaccessible Track

**Dismissal Events**

Rule/Policy	Description
1.5	Drugs and Alcohol (rule G)
1.6	Conduct
1.12	Weapons
1.7	Altercation
1.6.2	Felony Conviction
BRC Policies and Procedures	Violation of company policies including the policy on ethics and business conduct which incorporates other policies by reference including, but not limited to the EEO policy.

## Decertification Rules

### Decertification Events (Certified Engineers and Conductors)

FRA Regulation	Description
240.117(e)(1) 242.403(e)(1)	Stop before passing signal
Rule Number	Rule Description
5.4.7	Display of Red Flag or Red Light
9.5	Where Stop Must be Made
9.1.1 BRC SSI	Stop Signal Indication

FRA Regulation	Description
240.117(e)(2) 242.403(e)(2)	Speed/Restricted Speed
Rule Number	Rule Description
5.4.1	Temporary Speed Restrictions (exceeds speed by 10 MPH)
6.27	Movement at Restricted Speed (When the Violation Results in a FRA Reportable Incident)
6.28	Movement on Other than Main Track (When the Violation Results in a FRA Reportable Incident)
6.31	Maximum Authorized Speed (exceeds speed by 10 MPH)
6.31.1	Permanent Speed Restrictions (exceeds speed by 10 MPH)

FRA Regulation	Description
240.117(e)(3) 242.403(e)(3)	Air Brake Test
Rule Number	Rule Description
OP 2.4	Class I- Air Brake Test
OP 2.5	Class II- Air Brake Test
OP 2.6	Class III- Air Brake Test
OP 2.7	Transfer Train- Air Brake Test

FRA Regulation	Description
240.117(e)(4) 240.403(e)(4)	Main Track Authority
Rule Number	Rule Description
6.3	Main Track Authorization
15.2	Protection by Track Bulletin Form B
6.32.2	Automatic Warning Devices

FRA Regulation	Description
240.117(e)(5) 242.403(e)(12)	Tampering
Rule Number	Rule Description
1.23.1	Locomotive Mounted Safety Devices

FRA Regulation	Description
240.117(e)(7) 242.403(e)(12)	Drug and Alcohol
Rule Number	Rule Description
1.5	Drug and Alcohol

Decertification Events (Certified Conductors)	
FRA Regulation	Description
242.403(e)(6) 218.99	Shoving or Pushing Movements
Rule Number	Rule Description
6.5	Shoving Movements (When violation results in an FRA reportable incident)
6.5.1	Remote-Control Movements (When violation results in an FRA reportable incident)

FRA Regulation	Description
242.403(e)(7) 218.101	Leaving Rolling and On-Track Maintenance-of-Way Equipment in the Clear
Rule Number	Rule Description
7.1	Switching Safely and Efficiently

FRA Regulation	Description
242.403(e)(8) 218.103	Hand-Operated Switches, Including Crossover Switches
Rule Number	Rule Description
8.2	Position of Derail Switches
8.8	Switches Equipped with Locks, Hooks, or Latches
8.11	Switches in Sidings
8.12	Hand-Operated Crossover Switches Attached to Main Track
8.19	Automatic Switches Other Than Main Track
8.19.1	Radio Controlled Switches
9.13	When Instructed to Operate Dual Control Switches by Hand Other than Main Track
9.13.1	Hand Operation of Dual Control Switches Other than Main Track

FRA Regulation	Description
242.403(e)(9) 218.105	Additional Operational Requirements for Hand-Operated Main Track Switches
Rule Number	Rule Description
8.3	Main Track Switches
8.12	Hand-Operated Crossover Switches Attached to Main Track
8.19	Automatic Switches Other than Main Track
9.13	When Instructed to Operate Dual Control Switches by Hand Other than Main Track
9.13.1	Hand Operation of Dual Control Switches Other than Main Track
9.17	Entering Main Track at Hand-Operated or Spring Switch
10.1	Authority to Enter CTC Limits

FRA Regulation	Description
242.403(e)(10) 218.107	Additional Operational Requirements for Hand-Operated Crossover Switches
Rule Number	Rule Description
8.12	Hand-Operated Crossover Switches Attached to Main Track

FRA Regulation	Description
242.403(e)(11) 218.109	Hand-Operated Fixed Derails
Rule Number	Rule Description
8.2	Position of Switches
8.20	Derail Location and Position

