

HB 1843: Safe Leave Act for Railroad Workers

UNPAID SICK LEAVE JOB PROTECTIONS:

- Railroad employees have NO paid sick leave, they are among the ONLY workers in Washington State who are not covered by our Paid Sick Leave laws; now rail employees are frequently disciplined for absences due to illnesses or injuries of themselves and immediate family members.
- This legislation simply provides job security protections for absences due to illnesses and injuries of railroad workers and their immediate family.
- Protection from adverse employer action is granted upon presentation of medical documentation to railroad employers, upon their request.

FATIGUE LAYOFF JOB PROTECTION PROGRAMS:

- Requires railroads with round the clock operations to establish fatigue layoff programs, to permit employees working in safety sensitive positions to absent themselves from work under specific conditions, when they are experiencing fatigue, without being subject to discipline.
- This is to address chronic fatigue, impacting the alertness of train crews, counter the higher rates of depression, suicide, and others long term consequences of working the irregular, non-scheduled, on-call conditions existing in the US railroad industry.
- In rulemaking, the Washington Utilities and Transportation Commission will examine and consider reputable scientific data pertaining to human sleep, fatigue and rest cycles, circadian rhythms, alertness, as well as associated topics.
- Other systemic factors UTC will be required to consider and address include:
 1. Impacts of lengthy anticipatory time periods that rail workers are regularly subjected to while awaiting carrier calls to duty.
 2. Operational factors relating to unpredictability of reporting times, including crew notification systems, inaccurate rail carrier train line-up reporting and monitoring systems; including provisions to ensure fatigue layoffs are reasonable, necessary, and legitimate.
- Statistical information regarding use of fatigue layoffs will be compiled by the UTC for research and programmatic evaluation and improvement purposes.

FMLA JOB PROTECTION PROVISIONS:

- Identical Federal FMLA standards granted to Airline Industry workers will be granted to Railroad Employees in Washington State. Qualifying eligibility for FMLA Job Protection will be reduced from 1250 to 504 hours along with the 60% guarantee earnings eligibility for those working on extra call boards.
- The carrier will be limited to deducting only one day from the banked hours of an employee for each day the employee actually uses FMLA. It will ban the carrier's insidious practice of accelerating the depletion of an employee's annual FMLA time bank. Currently, carriers will subtract the total amount of time a substitute covering the employees missed assignment is away from home on the missed run, by deducting that time from the employees annual FMLA time bank, including continued time deductions, even after the employee is back on duty after the conclusion of the FMLA absence.
- This legislation does NOT in any way affect or impact our State's Paid Family Medical Leave Insurance program nor the qualification standards of the program; this bill only addresses FMLA job protections.

LIFE OF A RAILROADER - SUMMARY

- **Railroad Work is unlike any other, holding employees to a very high level of responsibility for the movement of trains, as well as a completely unpredictable life schedule devoted to the needs of the railroad carrier. Many railroaders work 30+ years with no consistent regular sleep cycle or schedule.**
- **Rail carriers actively recruit former military service members, so PTSD is extremely common among rail industry workers, whether from live combat action or due to traumatic life events.**
- **Because of occupational demands including the lack of any regular work schedule, depression, suicide, lost marriages, severed relationships and alcohol abuse rates are all at higher levels than the general population.**
- **Over the last 12 years, this situation has become increasingly worse, with the increasing pressure for greater financial gains for shareholders and corporate officer bonuses.**
- **Railroad workers used to be able to take off work unpaid for up to 15 days at any time, this allowed us to individually manage our fatigue, as well as to meet the demands of and maintain our personal and family relationships.**
- **Today, rail workers no longer have the direct ability to take effective measures when managing our health due to sickness, fatigue, and stress without fear of carrier discipline and termination.**

In the Memory of our fallen Brethren, may God continue to bless their souls, may they rest in Peace. For those we have lost because of these issues, we honor their memories:

MANNER OF DEATH - SUICIDE:

Kevin Flockhart: BLET - Division 104, Spokane, WA. - US Veteran

Chris Groves: BLET - Division 104, Spokane, WA. - Veteran

Thomas Bassuer: BLET - Division 104, Spokane, WA.

John J. Render: BLET - Division 104, Spokane, WA.

Blane Weber: BLET - Division 104, Spokane, WA.

Doug Jarvis: BLET - Division 104, Spokane, WA.

MEDICAL CAUSE OF DEATH:

Xavier Valenzuela: BLET - Division 238, Tacoma, WA. PTSD, Depression / vital function shutdown / Alcoholism

Steve Johnson: BLET - Division 238, Tacoma, WA. PTSD, Depression / vital functions shutdown / Alcoholism

DISMISSAL BASED ON ATTENDANCE:

Garrett Wheeler: BLET Division 104, Spokane, WA. Veteran suffering from undiagnosed PTSD, dismissed account attendance, though he was seeking help the carrier fired him anyway.