

BMWED/BRS-Represented Rail Employee Time Off

To meet customer demands and deliver for the national economy, railroads must work 24/7, 365 days a year. However, the vast majority of BMWED and BRS-represented employees have schedules that are fixed and predictable. Many involve a normal 40-hour work week, while others involve different (but still fixed) rotations, such as eight days on followed by six days off. As such, concerns raised by other crafts regarding unpredictable schedules do not apply here.

Although specific rules vary across carriers, BMWED- and BRS-represented employees have access to paid time off. At one of the largest railroads, for instance, BMWED-represented employees in traveling positions work an average of 179 days and have 29 paid days off each year. Those not in traveling positions work about 230 days and have 28 days of paid time off. And data demonstrates that the average number of hours worked per week by BMWED- and BRS-represented employees has steadily declined since 2010 (currently about 40 hours per week, including overtime, for both groups).

Railroads provide multiple ways for employees to take time to care for themselves and their families.

Vacations, Holidays, and Personal Leave

Under the national collective bargaining agreements, BMWED- and BRS-represented employees receive:

- ✓ **Paid Vacation:** On average, three weeks of paid vacation. More senior employees receive up to five weeks.
- ✓ **Paid Holidays:** 11 paid holidays.
- ✓ **Personal Leave:** Up to two personal leave days. The recent tentative agreements include an additional day.

Time Off and Benefits for Sickness

BMWED- and BRS-represented employees can and do take time off when sick and have access to comprehensive sickness benefits that are the function of decades of collective bargaining. The unions, including BMWED and BRS, have repeatedly agreed that short-term illness-related absences would be unpaid in favor of higher compensation for days worked and more generous sickness benefits for longer absences. The system includes the following:

- ✓ **Mark Off:** BMWED- and BRS-represented employees can “mark off” (call-in sick) at any time, as long as they maintain a reasonable level of overall availability under carrier attendance policies. Absences covered by the Family and Medical Leave Act (FMLA) or associated with another form of approved time off such as a medical leave are generally excluded from consideration under attendance policies.
- ✓ **26 Week Statutory Sickness Benefit:** Unlike employees in other industries, BMWED- and BRS-represented employees who are unable to work due to sickness receive, after a short waiting period, up to 26 weeks of partial income replacement under a federal law known as the Railroad Unemployment Insurance Act (RUIA). RUIA sickness benefits are financed by the railroads.
- ✓ **Supplemental Sickness Benefit:** In addition to RUIA benefits, BMWED- and BRS-represented employees receive, at the railroads' expense, a supplemental sickness benefit (SSB) starting after four days of illness-related absence. SSB increases the income replacement rate above the RUIA rate and extends the period of payment to a maximum of 52 weeks. In prior bargaining rounds, the unions “traded” paid sick days in then-existing labor agreements for these enhanced, longer-term benefits.

Presidential Emergency Board

After carefully reviewing the issue, the neutral arbitrators appointed by President Biden to the recent Presidential Emergency Board (PEB) rejected a proposal from all unions, including BMWED and BRS, to add additional paid sick time on top of the current system of sickness benefits:

"We understand the concerns voiced by the Organizations as to the circumstances that led to this proposal (and several others made in this proceeding). We are simply not in agreement that this sick leave proposal is otherwise warranted or is the appropriate way to address the concerns."