

Surface Transportation Board
395 E. Street Southwest
Washington D.C. 20423

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RE: EP 770 Rail Service Hearing

Dear Chairman Oberman,

I am writing in response to the Surface Transportation Board's inquiry into Class I railroads. As a spouse of an engineer I would like to specifically speak to issues of recruiting and retaining employees.

My husband was hired 10 years ago. At that time and up until February 1st, 2022, he was afforded five (5) weekdays and two (2) weekend days per month. He did not have scheduled days off or a schedule to know when he was going to go to work. While this arrangement is unconventional for most, we were able to live a life where my husband could be an active participant. We would plan ahead for birthdays, parent/teacher conferences, appointments, or a mid-week outing with our children. When BNSF came out with the "High Impact Day" policy, we shifted our planning and hoped that maybe he would hit RISA, an allocation for a vacation or PL day may be available, and he avoided taking off most days identified as "High Impact". Again, this isn't conventional, but when my husband was hired, we knew that he would miss some events and we created our own traditions.

Since February 1st, the new attendance policy has become so restrictive and demoralizing that it feels like my husband is not part of our lives. During a town hall meeting, prior to implementation, employees were told to "save points for when you *really* need them." How is one to know when you will "*really*" need them? It takes 14 days of being available, without using FMLA, Union Business, personal leave, or vacation days, to earn back 4 points. If one "High Impact Day" were used, it would take an employee 8 weeks to make up for the loss of 15 points.

The week before this policy started, I tested positive for Covid-19. The day that I was to return to work, our 6 year old tested positive. Instead of being able to share in the care of our child, my husband continued working. If he had laid off to care for our child, while I went back to work M-F, he would have used **35 points**. 35 points for caring for his child. Based on that amount he would have been past his lifetime allotment of 30 points, had a 10 day unpaid suspension, been given 15 additional points, but 5 would be deducted from the time he laid off for our child. He did the calculation as soon as the school nurse informed us of the positive test. Instead of thinking of our child he thought about work. Could he lay off to help care for our child? How many points would it cost? What if there is an emergency and he doesn't have any points left?

You ask why Class I railroads are having difficulty hiring and retaining labor--this is why. TY&E employees are unable to care for their own children, spouses, other family members, or themselves. Accuracy of call predictions have not improved, resulting in increased fatigue and

concern of safety. Attendance policies have become so restrictive that employees have no work/life balance. This has always been an unconventional job, but when you are unable to be a spouse, parent, or take care of your own health needs, then at what point is this not worth it? Due to unpredictable schedules and lack of a predictable sleep schedule, railroad employees have increased risks of chronic fatigue, divorce, addiction, obesity, heart disease, and the list goes on and on.

New conductors get 3 Personal Leave days, 1 week of vacation, and are expected to be available at least 90% of their lives, as opposed to 75% prior to Feb 1. Being on call does not mean that you can plan to attend family events and it does not mean you can make an appointment to address chronic or acute health issues. In rural areas it also means you need to stay where you have reception and be at the terminal within 1.5 hours; this can be a very small radius. Being available means that unless you are lucky enough to have a PL day or vacation day **and** there is an allocation you will likely need to reschedule appointments multiple times due to the unpredictability and inaccuracy of line ups. This results in not addressing physical and/or mental health, incurring cancellation fees, and possibly having to move to different providers based on their office policies. Furthermore, the rate of pay has not increased to incentivize people to take this line of work; at this time there are jobs that pay similar hourly rates *and* have predictable schedules; two things that are important when attracting new employees and retaining current ones.

For decades, Class I railroads have cut their labor force in an effort to increase profits for shareholders. With the strain of a global pandemic, a more restrictive attendance policy was implemented. Since then, approximately 1,000 TY&E employees have resigned. Class I railroads have created this labor shortage themselves, which negatively impacts the supply chain. This is not a new issue; this is the direct result of years of implementing PSR and trying to cut every bit of fat from their companies and now they are cutting the muscle. Now, Class I railroads wonder why current employees, who had every intention of staying for 30 years, are leaving and there aren't people lining up to take their place. There is not a shortage of people willing to work; there is a shortage of people willing to work for companies that do not care for and about their employees. Mental health matters, fatigue and rest matter, customer service matters, the safety of crews and communities matter.

Sincerely,

Alex L. Kosanda