

INDIANA HARBOR BELT RAILROAD

DEVELOPMENT AND PERFORMANCE ACCOUNTABILITY POLICY FOR TRANSPORTATION EMPLOYEES

This policy, effective **October 1, 2023**, supersedes all prior policies and practices relating to the handling of missed calls, availability, minor, serious, and, major rules violations for transportation employees, including dispatchers, yardmasters, clerical, and train and engine employees.

The purpose of this policy is to provide a uniform structure in which to address rule and policy violations in a consistent and fair manner. Compliance with company rules, policies, and federal regulations is required in order to avoid injuries, deaths, and substantial property damage. Our goal is to use the policy as a tool to modify behavior to ensure the safe and efficient operation of the IHB for our employees, customers, vendors, and the communities we serve. All dispatchers, yardmasters, clerical, train, and engine employees are valued members of the IHB team. This policy assures that all employees are treated with respect and fairness and in accordance with applicable labor agreements. IHB expects all employees to be safe, conscientious, and dependable; to comply with all applicable rules; and to display a positive attitude toward teamwork and company objectives.

No provision of this policy shall be applied or interpreted in a manner inconsistent with federal, state, and local law. If this policy conflicts with an employee's applicable collective bargaining agreement (CBA), the CBA will take precedence over this policy.

FRA REVOCATION EVENTS

If an incident is covered by FRA certification regulations, in addition to the terms and conditions of this policy, the involved employee is also subject to the applicable FRA regulations and any federally mandated revocation period.

GENERAL GUIDELINES

Procedures for a missed call are addressed in Part I of this policy and incidents considered minor offenses are addressed in Part II. Incidents of a more serious nature are addressed in Parts III and IV. The examples listed in Parts III & IV are illustrative only and not intended to limit appropriate handling for other significant offenses that may warrant corrective or disciplinary action, up to and, including dismissal.

HELD OUT OF SERVICE PENDING HEARING

Unless otherwise required in the employee's CBA, an employee will not be compensated for the time held out of service if any discipline is issued either on a waiver or after a finding of substantial evidence at a formal hearing. In addition, unless otherwise stated in the applicable agreement, the IHB is not required to credit the employee for the time held out of service upon the issuance of a suspension.

PART I – MISSED CALLS

Employees assigned to the extra board shall provide at least one (1) telephone number in which they are available for calls. An employee may provide an additional phone number for this purpose but the crew caller is not required to call more than two (2) phone numbers per employee. When an employee is assigned to the extra board and available to work (in accordance with federal law and applicable collective bargaining agreements), the employee shall answer the call from the IHB. If the employee does not answer the call, he/she shall call the IHB at the appropriate telephone number within five (5) minutes of the missed call. If the employee does not answer the call or call back within five (5) minutes, said call shall be deemed a missed call.

Missed Calls shall be handled in the following progression:

1 st Missed Call	Employee will receive a letter of training and education.
2nd Missed Call	Employee will attend a coaching session with his/her supervisor.
3rd or Subsequent Missed Call	Employee will be subject to the discipline as prescribed in Part III.

Time Frame: For each 180 calendar days that an employee does not have a missed call, they shall be considered one missed call less in the progressive discipline issued. Calendar days are calculated from the date discipline is issued. Any break in service, including but not limited to furlough, discipline, or leave of absence (except for military leave), will be excluded when calculating the period referenced.

PART II – COACHING FOR MINOR OFFENSES

Minor offenses are defined generally as rule violations, poor performance, or violation of IHB policies, practices, or procedures that do not result in derailment, personal injury, or damage to equipment and that are not otherwise identified individually as serious or major in Part III or IV of this policy. A coaching session is a teaching and supportive improvement tool to alert employees to their behavior and actions and help them understand how these inhibit safety, performance, and productivity. The Coaching Session shall be utilized to assist employees in achieving acceptable performance levels.

For illustrative purposes only, examples of minor offenses include but are not limited to:

- Failure to wear personal protective equipment or wearing inappropriate clothing and jewelry.
- Tardiness
- Proper use of seat belts when equipped
- Failure to complete a proper job briefing (Not resulting in an incident as outlined in the Serious Offenses)
- Failure to notify the Carrier at least two hours before the start of the employee’s shift of a layoff as outlined in the Carrier’s Requesting Time Off Policy

- Violations of the general safety rules for the following:
 - o Mounting and dismounting equipment except moving equipment
 - o Operating switches and derails
 - o Operating hand brakes

An event is defined as an incident that may result in one or more minor offenses at a given period.

Example: When an employee is cited with 3 minor offenses during the same incident, those offenses shall only count as 1 event for the purpose of Part II of this discipline policy.

Violations of Minor Offenses shall be handled in the following progression:

1 st Event	Coaching Session
2 nd Event	Coaching Session
3 rd Event	Performance Review
4 th Event	Employee will be subject to the discipline as prescribed in Part III of this policy.
5 th Event	If an employee is assessed discipline under Part III of this policy based on progression to a 4 th event, the employee resets to a 1 st Event Coaching Session, and the progression restarts.

Time Frame: 180 calendar days from the date of the event. Any break in service, including but not limited to furlough, discipline, or leave of absence (except for military leave), will be excluded when calculating the period referenced.

PART III – SERIOUS OFFENSES

Serious Offenses include rule violations resulting in derailment or damage to equipment, poor performance, or violation of the company’s policies, practices, or procedures that are not otherwise identified as minor or major offenses in Parts II or IV. The 3rd missed call and 4th minor event an employee incurs, as defined in Parts I & II of this policy, within the time period as prescribed in that section, will be considered a serious offense.

An event is defined as an incident that may result in one or more serious offenses at a given period.

A serious offense also includes a violation of the employee’s availability requirement as outlined in the Agreement between the IHB and Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Agreement between the IHB and the United Transportation Union (now known as SMART – TD).

For illustrative purposes only, examples of Serious Offenses include but are not limited to:

- Failure to properly coordinate between crews working in the same or adjacent tracks resulting in an incident
- Violation of radio rules when shoving or backing
- Electronic devices when not involved with safety-sensitive duties
- Unauthorized use of company resources
- Placing equipment in the foul
- Riding equipment into a coupling
- Riding equipment through crossing at grade
- Getting on/off moving equipment
- Failure to have a job briefing resulting in an incident
- Failure to properly secure equipment
- Driving 80 MPH or more in a company vehicle
- Locomotives speeding more than 5 MPH and less than 10 MPH of prescribed speed
- Failure to protect shoving movement
- Failure to comply with certification requirements
- Failure to properly line switches for intended movement (trailing or crossovers)
- Failure to report for duty, unexcused absences, failure to comply with the Requesting Time Off Policy (except as outlined in the Minor section), and failure to comply with the FMLA & Company Medical Leave Policy.
- Violation of the train and engine service employees' availability agreement
- Riding through gates
- Sleeping
- Failure to restore derail

Violations of Serious Offenses shall be handled in the following progression:

1 st Event	Option A - Waiver Training day Option B: Formal Hearing* Training day and three (3) days of actual suspension.
2 nd Event	Waiver or Formal Hearing* Suspension of not less than five (5) actual days and not more than thirty (30) actual days.
3 rd and Subsequent Events	Waiver or Formal Hearing* Suspension of not less than thirty (30) actual days and up to and including dismissal.

*Formal Hearing in compliance with the appropriate CBA and if found responsible for the rule violation.

Time Frame: For each 180 calendar days that an employee does not have a Serious Offense, they shall be considered one serious event less in the progressive discipline issued. Calendar days are

calculated from the date discipline is issued. Any break in service, including but not limited to furlough, discipline, or leave of absence (except for military leave), will be excluded when calculating the period referenced.

PART V – MAJOR OFFENSES

Major Offenses are those that warrant removal from service pending a formal hearing and possible dismissal from service for a single occurrence if proven responsible. An event is defined as an incident that may result in one or more major offenses at a given period.

As indicated hereinabove, unless otherwise required in the employee's CBA, an employee will not be compensated for the time held out of service if any discipline is issued either on a waiver or after a finding of substantial evidence at a formal hearing. In addition, unless otherwise stated in the applicable agreement, the IHB is not required to credit the employee for the time held out of service upon the issuance of a suspension.

For illustrative purposes only, examples of Major Offenses include but are not limited to:

- Rules resulting in a major operating incident or accident
- Locomotive speeding 10 MPH or greater over the prescribed speed
- Electronic devices when involved with safety-sensitive duties
- Place of safety
- Theft
- Violence in the workplace
- Drugs & Alcohol (consistent with IHB drug & alcohol policies)
- Rule violations that exceed FRA Threshold/Reportable
- Decertification offenses
- Crossing through equipment not equipped with appropriate safety appliance
- Improper positions on moving equipment
- 3-Step Protection
- Blue Flag Violations
- Making false statements or concealing material facts concerning matters under investigation
- Violations of the Information Technology Policies
- Conduct including but not limited to:
 - o Insubordination
 - o Dishonesty
 - o Negligence
 - o Careless of the safety of themselves or others
 - o Other acts of blatant disregard for the rights of employees or the company and acts that cause harm to other persons or recklessly endanger the safety of yourself, employees, or the public.

Violations of Major Offenses shall be handled in the following progression:

1 st and Subsequent Events	Waiver or Formal Hearing* Suspension of not less than thirty (30) actual days and up to and including dismissal.
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*Formal Hearing in compliance with the appropriate bargaining agreement and if found responsible for the rule violation.

Time Frame: For each 365 calendar days that an employee does not have a Major Offense, they shall be considered one major event less in the progressive discipline issued. Calendar days are calculated from the date discipline is issued. Any break in service, including but not limited to furlough, discipline, or leave of absence (except for military leave), will be excluded when calculating the period referenced.