

Alternative Handling: When Are Employees Eligible?

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Under our Safety Summit agreements with the BLET and UTU, employees who are subject to discipline for rules violations may opt for alternative handling under certain conditions. Alternative handling can be an effective option in lieu of traditional discipline. In many cases an employee can participate in discussion of contributing factors in the incident and create a safety action plan with measures that may help prevent similar incidents. See [BLET Safety Summit Agreement](#) or [UTU Safety Summit Agreement](#).

But alternative handling is not appropriate in every case. Three key requirements must be met for an employee to qualify for alternative handling.

First, the rules violation must qualify for alternative handling. The alternative handling agreements list the violations that do not qualify for alternative handling. They include:

- late reporting of a personal injury
- a willful violation
- rule violations resulting in life-threatening or career-ending personal injury to anyone
- rule violations resulting in property damage of \$250,000 or more.

Violations of some personal conduct rules also do not qualify for alternative handling. They include but are not limited to:

- dishonesty
- felony conviction
- physical altercation
- serious EEO violations
- job abandonment as specified in applicable agreements.

Examples of other intentional acts of misconduct that do not qualify for alternative handling include:

- covering up an hours of service violation
- an engineer's failing to report a loss of driver's license
- conflict of interest.

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The second requirement for alternative handling is that the employee must request alternative handling and accept responsibility for the incident. In general, it is BNSF's expectation that an employee's request for alternative handling be timely, usually within 24 hours of receipt of the notice, though extenuating circumstances may exist. Last minute requests for alternative handling made at the investigation hearing are generally not considered timely. The employee must be willing to both admit personal fault in the incident and be completely honest in the development of the facts to determine root cause.

Third, the employee must not have exceeded the total number of violations allowed by the agreements. The BLET and UTU Safety Summit agreements outline the eligibility for

alternative handling for three different classes of offenses based on the employee's prior work history. Specifically, the agreement outlines the total number of discipline events or alternative handling events, or combination of the two, that an employee may have in a specified period of time. These Safety Summit agreements have been posted on the Labor Relations Web site, but in some cases determining eligibility can be complicated.

If the employee objects to being denied alternative handling, the agreements allow the general chairman to appeal to the line AVP, who may overturn the local decision to deny alternative handling.

Alternative handling allows supervisors to address performance issues without bringing the discipline policy into play. It can be an important demonstration of BNSF's commitment to treating employees with dignity and respect, and reflecting their individual differences.