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# United Electrical, Radio & Machine Workers of America – Local 506

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*The Union Representing Erie Wabtec Workers*



Union Proposal #14: Second Pass

## **Article XXIII. LEAVES OF ABSENCE**

Section 1. Personal Leave. In situations where other types of leave are not available, employees may be granted a leave of absence for personal matters if it is determined that an extended period of time away from the job will be in the best interests of the employee and the Company. Any full-time employee may request a personal leave of absence. Such personal leaves are unpaid and range from one (1) week to three (3) months.

(a) Requests for a personal leave should be submitted in writing to the Human Resources Department. The Company retains full discretion in determining whether or not to grant a request for a personal leave. The Company will consider business needs and the seriousness of the matter prompting the request. Personal Leaves will not be granted unless exceptional circumstances exist.

(b) A personal leave of absence must be approved in writing. An employee who is granted a personal leave is not assured his/her same job classification at the end of the leave and benefits may be affected. For more information on how benefits may be affected, employees should discuss this matter with the Human Resources Department. Any personal leave of absence will be terminated immediately if the employee performs any work for another employer or fails to return to work by the agreed upon return date or obtain an extension of the leave.

## Section 2. Medical Leave.

(a) Family and Medical Leave. Employees who have been employed with the Company for at least twelve (12) months and worked at least one thousand two hundred fifty (1,250) hours in the twelve (12) months prior to starting leave shall be eligible for up to twelve (12) weeks of unpaid leave for the birth or adoption of a child, or the serious health condition of the employee, the employee's child, spouse or parent, in accordance with the provisions of the Family and Medical Leave Act ("FMLA"). Periods of employment and hours of service with GET will be counted for purposes of determining employee eligibility for FMLA leave.

(i) FMLA leave shall ~~run concurrently with~~ be independent of any other leave to which the employee is entitled.

(ii) Employees who are on approved ~~FMLA~~ **Medical** leaves of absence for non-occupational illnesses or injuries ~~and are receiving short-term disability benefits from the Company~~ will not be required to utilize any accrued vacation or personal pay during their approved FMLA Medical leaves of absence ~~but will be required to use other paid leave benefits earned in the current calendar year (e.g., personal illness leave)~~ for any lost work days. ~~that are not covered by short-term disability benefits.~~ **At the employee's request they shall be allowed to utilize any available paid time off to cover unpaid absences.**

(iii) Employees who are on approved FMLA leaves of absence for any reason other than their own occupational or non-occupational illness or injury will be required to utilize any paid ~~illness~~ personal days earned in the calendar year the leave started during the period of their FMLA leaves of absence. **At the employee's request they shall be allowed to utilize any available paid time off to cover unpaid absences.**

(iv) Twenty-six (26) weeks of unpaid military family leave shall be provided to eligible employees to care for a covered service member.

(v) Employees who need to take FMLA leave should contact the Human Resources Department for instructions on how to apply.

(b) Medical Leaves of Absence (Not Covered By the FMLA). Employees who are unable to work due to physical or mental disability and who are not eligible for leave under the FMLA, or who have exhausted their annual FMLA leave allotment, will be entitled to an unpaid Medical Leave of Absence for up to twelve (12) months. Time spent on FMLA leave will be counted towards determining whether the twelve (12) month allotment has been exhausted, and under no circumstances will an employee's cumulative period of medical leave exceed twelve (12) months.

- (i) Medical Leaves of Absence will begin on the first day of absence.
- (ii) **Medical leaves of absence may be taken incrementally.**
- (iii) Employees taking medical leave will be entitled to reinstatement only to the extent required by law. If the employee is able to return to work prior to the exhaustion of the Medical Leave of Absence, he or she may be returned to his or her previous position if it is vacant, or may be placed in some other position of equal or lesser compensation for which he or she is qualified and in which there exists a vacancy.
- (iv) Any employee who is unable to perform the essential functions of his/her job classification due to physical or mental disability or who would pose a direct threat to himself/herself or others will be returned to work only if such disability can be reasonably accommodated in accordance with applicable law.
- (v) If the employee is not returned to active employment, he or she will be continued on Medical Leave of Absence status until he or she is returned to active-duty status or his or her leave of absence expires, whichever occurs sooner.
- (vi) **If an employee is not cleared to return to work by their medical provider after the twelve (12) month period or they are cleared to return by their medical provider but not cleared to return by the Company Medical Center after the Twelve-month period, the employee will be placed on layoff until they are cleared to return and a position becomes available or their five (5) year recall rights have expired.**
- (vii) An employee desiring to return to work from a Medical Leave of Absence should notify the Company in writing at least ten (10) days prior to his or her desired date of return. Unless prohibited by law, any employee who has not been reinstated within **twelve (12)** months following the commencement of a medical leave of absence shall be terminated **unless otherwise specified in (vi) of this Section.** Such a discharge will not affect the employee's eligibility to be considered for hire as a new employee at some future time.

Section 3. Bereavement Leave. An employee who is absent from work solely because of the death (including the settling of the estate or any other related legal matters) and funeral of his/her or her spouse, child, stepchild, stepbrother, stepsister, foster child (if living in the employee's home), grandchild, step grandchild, son-in-law, daughter-in-law, parent, stepparent, grandparent, step grandparent, grandparent-in-law, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, or legal guardian will be compensated, on the basis of his/her average straight-time earnings, for the time lost by him/her from his/her regular schedule by reason of such absence, for three (3) days for each such absence and up to eight (8) hours per day.

(a) In the event of death of the employee's spouse, child, parent or stepparent, stepchild, foster child, grandchild or legal guardian, an additional two (2) days paid absence (up to eight (8) hours per day) shall be allowed.

(b) The relatives covered by the terms, brother-in-law and sister-in law, shall be construed to include an employee's spouse's brother's or sister's spouse as well as the employee's brother's or sister's spouse. Employee's great grandparents, great grandparents-in-law, step parent-in-law, half-brother and half-sister are implied and should be covered as such.

(c) Upon request, employees may be required to provide proof of the death to the Human Resources Department in order to receive paid bereavement leave. Furthermore, if days are utilized for settling of the estate or any other related legal matters at a later time the employee may be required to provide proof of such activities.

(d) Bereavement days do not have to be utilized in consecutive order. Days may be saved for later use in a manner related to the death of the relative. Employees must notify the company in advance of utilizing any unused days.

(e) Upon request, unpaid time in addition to paid bereavement leave may be granted by the Human Resources Department.

Section 4. Jury Duty/Subpoena. Employees will be excused from work when summoned for jury duty or are subpoenaed to court subject to the following requirements:

(a) Upon receiving a summons, an employee summoned for jury duty must, on the next day the employee is working, show the summons to his/her supervisor.

(b) For each day that an employee is scheduled to work, the employee must provide proof of jury service by submitting documentation from the court showing the number of hours of service. This documentation should be submitted to the Human Resources Department.

(c) When not assigned to jury duty, an employee must inform his/her supervisor and return to work according to his/her work schedule. Employees are expected to report to work on any scheduled work days if the court is not in session or if the court recesses or excuses the employee early, unless the employee's jury duty exceeds three (3) hours for the day in question. Following the completion of jury duty, an employee is required to work on his/her first regularly scheduled work day.

(d) If an employee summoned for jury duty is working second or third shift during hours preceding those in which court is held, the employee will be excused from work for the shift immediately preceding the employee's first day of jury service. After the first day of jury service, when the employee's responsibility for jury duty exceeds three (3) hours during a day, then such person shall be excused from his/her next scheduled work shift occurring within twenty-four (24) hours of that day of jury service.

(e) Employees who serve time on jury duty that prevents them from working their regular work schedules will be paid the difference between their jury pay and their regular straight-time hourly rate for eight (8) hours, less their earnings for any hours they worked for the Company on such days.

(f) Employees who lose time from work because of their appearance in court pursuant to a proper subpoena, except when they are either a plaintiff or defendant, will be paid in accordance with (e) of this Section. If they are subpoenaed as either a plaintiff or defendant, they will be granted approved unpaid time off.

Section 5. Military Leave. Military leaves of absence will be granted to members of the uniformed services in accordance with applicable law. Appropriate notice is required to be provided to the Company prior to the necessary leave. An employee who completes a military leave of absence will be reinstated to his/her previous or similar job in accordance with state and federal law.

(a) An employee with thirty (30) days or more of service attending annual encampments of or training duty in the United States Armed Forces, State or National Guard or U.S. Armed Forces Reserves shall be granted a military pay differential, computed as set forth below, for a period of up to twenty-one (21) days of such annual military service, during each calendar year.

(b) An employee who does not exhaust the twenty-one (21) calendar day period during the calendar year for his annual encampment or training duty and who is required during the same calendar year to attend a weekend period of training shall be granted a military pay differential provided that the twenty-one (21) calendar day period of military service in the same calendar year is not exceeded.

(c) Military pay differential will be the amount by which the employee's normal straight-time wages or salary, calculated on the basis of a workweek up to a maximum of forty (40) hours, which the employee has lost by virtue of such absence, exceeds any pay received for such absence from the federal or state government, recalculated to exclude the Government pay applicable to Saturdays and Sundays. Saturdays and Sundays will be counted in computing the twenty-one (21) period, except in situations where the employee receives military pay differential for weekend training.

(d) Such items as subsistence, rental and travel allowance will not be included in determining pay received from the government.

(e) Employees will be permitted to take a vacation and attend a military encampment at separate times and be granted both a vacation pay allowance and a military pay differential. However, an employee may not receive a vacation pay allowance and a military pay differential for the same period. An employee may, however, receive a military pay differential for the period, if any, by which the time spent in such encampment exceeds such vacation, but not exceeding the maximums specified above.

(f) An employee who has less than thirty (30) days of service with the Company may be absent for the reasons and periods set forth in this Article but will not be eligible for the military pay differential.

(g) An employee who is called out by the National Guard or the U.S. Reserves to perform temporary emergency duty (other than duty under an order by the President or Congress activating members or units of the Reserves or National Guard) due to a fire, flood or domestic civil disturbance, or other such disaster will be paid a military pay differential calculated as described above, for the pay lost by reason of such emergency duty, for a period not to exceed eight (8) weeks in any calendar year.

Section 6. Voting Leave. If an employee is eligible to vote in an election, the employee may be excused from work, without loss of wages or benefits, on the day of the election for a reasonable period of time (not to exceed four (4) hours) necessary to vote during the time the polls are open in the county where the team member is a resident, subject to the following conditions:

(a) An employee must make an application for such absence to his/her supervisor before twelve o'clock (12:00) noon of the day before the election.

(b) The Company may specify the hours of the absence.

(c) If the employee's work period begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, the employee may not be permitted to take time off to vote.