


Memorandum

TO: All Rail Operations Employees

FROM: J. A. Sincaglia 
Sr. VP/GM Rail Operations

DATE: June 1, 2022

SUBJECT: Personal Electronic Devices

As you know, the use of personal electronic devices is regulated by NORAC Rule 716(a), TRO-5 (Rule 4), and NJTRO policy.

After careful deliberation and discussion with rank-and-file employees, supervision, and union officials, NJTRO has decided to revise the policy and the enforcement of these rules in some situations.

The revised policy seeks to maintain our shared goal of operating a safe railroad, while acknowledging the ubiquitous nature of personal electronic devices in our daily lives. As we know, the use of a cell phone while performing certain duties as a railroad employee poses a significant and imminent threat to safety; cell phone use under those circumstances is of the utmost seriousness and will not be tolerated. The use of a cell phone in a different environment, however, may not pose the same threat, and for that reason we have reevaluated the quantum of discipline that will be affected for those violations.

Effective immediately, NJTRO will evaluate unauthorized use of personal electronic devices through the following standards, in order of severity:

Category 1 – Direct Threat to Safety of Self and/or Others

Category 2 – Threat to Safety

Category 3 – “Inappropriate Use of Company Time”

Provided below is a more in-depth review of the above categories, and general guidelines of discipline which could be imposed for proven violations.

This change is being made in management’s discretion and can be modified at any time. If there is an increase of electronic device violations, this policy may be revisited and modified in the future.

I thank you for your anticipated cooperation in maintaining a safe working environment and a safe railroad for our riding public and fellow employees.

Use of an electronic device will be handled according to the specific circumstances of each individual case. The below categories are not dispositive and do not limit Management's prerogative to control the degree of discipline as required with respect to the circumstances of each individual case.

Category 1 – Direct Threat to the Safety of Self and/or Others

Category 1 offenses are the most egregious and pose a direct threat to the safety (life & limb) of the employee and others. This would include, but is not limited to, employees operating equipment and/or driving a vehicle, working around moving equipment, performing safety related functions such as pilot or flagman, and being on or about the tracks, be it the yard, right of way, shop, etc. This would also include employees physically removed from the field but performing duties related to operations in the field, such as train dispatching, power dispatching, and bridge operation.

Category 2 – Threat to Safety

Category 2 offenses are serious in nature but do not pose the same threat to safety as above (Category 1), as the employee does not have any intervening operational issues requiring their attention. This would include, but is not limited to, employees using an electronic device while in a closed car of a train, whether in or out of view of passengers, in a shop / yard environment where the equipment the employee is on or about / walking around is blue flagged, or where an employee is in a car that is not being worked on.

Category 3 – "Inappropriate use of company time"

Category 3 offenses are those that are better categorized as "inappropriate use of company time" as opposed to a "significant threat to safety." This would include, but is not limited to, using an electronic device when the employee is not in a safety-sensitive work environment, such as in an office environment or other environment in which the general use of a Personal Electronic Device is not a safety concern. Please note that this does NOT include Train Dispatchers, Power Supervisors, and Bridge Operators, when they are performing their required duties, as stated above.

Category 1 Cell Phone Violation Penalty

First offense – Waiver of Hearing & Investigation = 60 days actual suspension
Hearing & Investigation = 90 days actual suspension

Second offense – Dismissal from All Service

Category 2 Cell Phone Violation Penalty

First offense – Waiver of Hearing & Investigation = 20 days actual suspension
Hearing & Investigation = 30 days actual suspension

Second offense – Waiver of Hearing & Investigation = 45 days actual suspension
Hearing & Investigation = 60 days actual suspension

Third offense – Waiver of Hearing & Investigation = 60 days actual suspension
& “Last Chance” for similar offense
Hearing & Investigation = Dismissal from All Service

Category 3 Cell phone Violation Penalty

First offense – Waiver of Hearing & Investigation = Reprimand
Hearing & Investigation = 5 days deferred suspension

Second Offense – Waiver of Hearing & Investigation = 5 days actual suspension
Hearing & Investigation = 10 days actual suspension

Third offense – Waiver of Hearing & Investigation = 15 days actual suspension
Hearing & Investigation = 30 days actual suspension

Fourth offense – Waiver of Hearing & Investigation = 45 days actual suspension
Hearing & Investigation = 60 days actual suspension

Fifth offense – Dismissal from All Service