



August 26, 2026

Kelli Coughlin
Senior Deputy Chief, Labor Relations – Railroad Operations
MTA Long Island Rail Road
Jamaica Station
Jamaica, NY 11435

Re: August 10, 2026 - Notification on Updated Absence Control Policy (“ACP”)

Dear Ms. Coughlin:

This correspondence is submitted on behalf of the Long Island Rail Road Bargaining Coalition (“LIRRBC”), consisting of the Brotherhood of Locomotive Engineers and Trainmen (“BLET”), Brotherhood of Railroad Signalmen (“BRS”), International Association of Machinists and Aerospace Workers (“IAMAW”), International Brotherhood of Electrical Workers (“IBEW”), and Transportation Communications Union (“TCU”), in response to the separate notifications provided to each Organization regarding the Carrier’s revised Absence Control Policy, LEAVE-006.

After reviewing the revised policy against the existing ACP, the LIRRBC, on behalf of its constituent Organizations, must advise the Carrier that we strongly object to and do not accept these substantive changes. We further disagree with the Carrier’s position that these changes may simply be implemented pursuant to its “inherent management rights.”

Our primary concern is the reestablishment of five (5) points for every Disabled/Sick (“D/S”) occurrence, even when an employee is legitimately ill, under a physician’s care, and timely submits the required medical certification. For more than a decade, employees who properly documented their illness have not been assessed points under the interim policy the Carrier now seeks to withdraw.

Penalizing an employee for a legitimate, medically documented illness is unreasonable and does not distinguish between attendance abuse and bona fide sickness. We also fail to see how this change will improve employee availability. Instead, it may encourage employees to report for duty while ill simply to avoid accumulating points; ultimately becoming problematic for a safety sensitive employee.

We also strongly object to the new Sick – Declared Emergency (“SDE”) provision, which assesses nine (9) points when an employee becomes sick during a declared emergency, even when the employee properly documents the illness through an SLA-28 or other required medical certification. An employee cannot control when they become ill. Assessing a greater penalty solely because a legitimate illness happens to occur during a declared emergency appears arbitrary, punitive, and unreasonable.

The new Leave Assignment Without Permission (“LAWP”) provision is also troubling. Conduct previously addressed, at least in part, under the existing Absence Without Leave (“AWOL”) provisions has now been separated into a new major infraction carrying substantially harsher discipline. The new schedule begins with a ten-working-day suspension and rapidly progresses toward a Last Chance Agreement and dismissal. The Carrier has provided no justification for such a significant increase in discipline or a reasonable way to implement this amongst crafts.

The revised policy also changes the circumstances under which an absence may be treated as Absence Known (“AK”). Under the existing ACP, an employee may be considered AK when they notify the appropriate supervisor of the need to take an unpaid day off because of an unforeseen circumstance. The revised ACP appears to narrow that provision by conditioning AK status on the employee having insufficient accrued leave available to cover the absence, while also allowing the Carrier to require supporting documentation.

The LIRRBC questions the basis for imposing these additional conditions and requests that the Carrier identify the contractual authority, established agreement, or other basis that permits these changes to the existing AK provisions.

The LIRRBC also objects to the acceleration of discipline throughout the revised policy. The changes to excessive absenteeism and AWOL move employees toward actual suspensions, Last Chance Agreements, and dismissal more quickly than under the existing policy. We likewise object to allowing unrelated prior discipline to accelerate an employee to the next level of absence-control discipline. Attendance violations should be evaluated based upon the employee’s attendance record and the circumstances of the alleged violation, not unrelated disciplinary matters.

We further question the removal of the existing expungement language. The Carrier must explain why this provision was removed and confirm that nothing in the revised policy is intended to diminish or interfere with any contractual expungement rights applicable to LIRRBC-represented employees.

The LIRRBC also has significant concerns with the revisions to the AWOL provisions. The existing ACP recognizes notification requirements that vary by craft and department. The revised policy instead establishes a general requirement that employees notify the appropriate supervisor or designee at least one hour before their scheduled reporting time, with a failure to do so potentially resulting in an AWOL designation.

This change may conflict with notification procedures already established under the applicable Collective Bargaining Agreements or recognized departmental practices. Where negotiated call-off requirements exist, those provisions must continue to govern. A corporate policy should not be

used to impose a different reporting requirement or subject an employee to discipline for conduct that complies with the applicable Agreement.

This is particularly concerning because an AWOL occurrence may result in a separate disciplinary charge rather than simply the assessment of attendance points. Accordingly, the LIRRBC requests confirmation that existing contractual notification requirements and established practices will remain in effect and that employees who comply with those requirements will not be subject to an AWOL charge.

Additional concerns including the revised treatment of sick leave documentation, the addition of another disciplinary level for Run Failure/Article 17 violations, and language permitting points or discipline for procedural violations associated with otherwise protected Family Leave (“FMLA”) absences.

Taken together, these are not simply updates to terminology or an effort to modernize an outdated policy. They are substantive and, in most instances, significantly more punitive changes that increase the circumstances under which employees may receive points or discipline and accelerate the progression toward suspension and dismissal. Even if the organization(s) did acknowledge that updates are appropriate, we would never agree to terms without the Carrier setting all current employee ACP points back to zero prior to implementation.

The LIRRBC recognizes the Carrier’s legitimate interest in addressing actual attendance abuse. However, there must be a reasonable distinction between an employee who abuses attendance privileges and an employee who is legitimately sick, complies with applicable requirements, and provides the required medical documentation.

Accordingly, the LIRRBC hereby places the Carrier on notice that we do not accept and strongly oppose the proposed changes to the ACP. We request that the Carrier withdraw these substantive changes and meet with the Organization before implementing a policy that materially alters the treatment and discipline of LIRRBC-represented employees.

The LIRRBC’s response is limited to the issues identified in this correspondence and should not be interpreted as acceptance of any other aspect of the revised ACP. The Coalition retains the right to address additional concerns as they arise, including challenges to the application of the revised policy and will pursue any claims or grievances that may result from its implementation.

We remain willing to meet with the Carrier in an effort to resolve these issues and develop an approach that is consistent with the applicable Collective Bargaining Agreements and governing law. Until those issues are resolved, however, the LIRRBC cannot support changes that expand disciplinary consequences, remove existing safeguards, or significantly alter established practices affecting represented employees.

For these reasons, the LIRRBC opposes implementation of the revised ACP in its present form and requests that the Carrier address these concerns before moving forward.

Respectfully,



Gilman J. Lang, General Chairman
Brotherhood of Locomotive Engineers and Trainmen



Jeff Klein, General Chairman
International Brotherhood of Electrical Workers



Michael Sullivan, General Chairman
Brotherhood of Railroad Signalmen



Nick Peluso, National Vice President
Transportation Communications Union



Shaun O'Connor, General Chairman
International Association of Machinists and Aerospace Workers