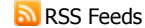




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OSHA Regional News Release

U.S. Department of Labor
Office of Public Affairs**Region 7**

Oct. 28, 2014

**BNSF Railway ordered to pay \$12K to
worker disciplined for taking doctor-ordered leave**

KANSAS CITY, Mo. – BNSF Railway Co. has been found in violation of the Federal Railroad Safety Act* by the U.S. Department of Labor's Occupational Safety and Health Administration. OSHA's investigation upheld allegations that the company disciplined an employee assigned to its station in Ottumwa, Iowa, for following a physician's treatment plan. The company has been ordered to pay the conductor \$12,000 in damages, remove disciplinary information from the employee's personnel record and provide whistleblower rights information to all its employees.

"Workers should never be forced to choose between staying healthy or facing disciplinary action," said Marcia P. Drumm, OSHA's acting regional administrator in Kansas City. "Whistleblower protections play an important role in keeping workplaces safe. It is not only illegal to discipline an employee for following doctor's orders, it puts everyone at risk."

OSHA's investigation upheld the allegation that the railroad company disciplined the conductor in retaliation for taking leave in line with a treatment plan ordered by a doctor. The employee was ill and saw a doctor on Dec. 16, 2013. Following the appointment, the conductor immediately notified a supervisor that the doctor had ordered him to stay out of work for the remainder of the day. The note also covered illness suffered during the weekend, which was part of the employee's scheduled time off. The employee was subsequently disciplined for violating the company's attendance policy.

BNSF Railway has been ordered to pay \$2,000 in compensatory and \$10,000 in punitive damages, as well as reasonable attorney's fees. Any of the parties in this case can file an appeal with the department's Office of Administrative Law Judges.

OSHA enforces the whistleblower provisions of the FRSA and 21 other statutes protecting employees who report violations of various airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health care reform, nuclear, pipeline, worker safety, public transportation agency, railroad, maritime and securities laws.

Employers are prohibited from retaliating against employees who raise various protected concerns or provide protected information to the employer or to the government. Employees who believe that they have been retaliated against for engaging in protected conduct may file a complaint with the secretary of labor to request an investigation by OSHA's Whistleblower Protection Program. Detailed information on employee whistleblower rights, including fact sheets, is available at <http://www.whistleblowers.gov>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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Editor's note: The U.S. Department of Labor does not release the names of employees involved in whistleblower complaints.

Media Contacts:Scott Allen, 312-353-6976, allen.scott@dol.govRhonda Burke, 312-353-6976, burke.rhonda@dol.gov

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U.S. Department of Labor | Occupational Safety & Health Administration | 200 Constitution Ave., NW, Washington, DC 20210

Telephone: 800-321-OSHA (6742) | TTY

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