

## **FRA Revises Definition of a "Day"**

### **Examples**

Using today's definition of a "calendar day," (0001 to 2359) an employee can initiate multiple tours of duty on the same calendar day, yet only accumulate one "start." Under the current definition, any number of duty tours initiated within the same calendar day would be counted as only one "start" for purposes of accumulating starts on six or seven consecutive calendar days, at which time the TY&E employee is required to be off-duty for a mandated 48 or 72 consecutive hours.

**On Dec. 12, 2012**, BNSF will implement the FRA's new interpretation of "day." Under the new interpretation, a "day" is defined as the "24-hour period that ends when the employee is finally released from duty and begins his/her statutory minimum off-duty period." The only way to break the consecutive-day/start cycle under the new definition is for the employee to have 24 consecutive hours off, measured from the employee's time of final release.

Any tour of duty that commences within 24 hours of previous release from duty will count as a new "start" for purposes of determining whether the employee has accumulated 6/7 starts on 6/7 consecutive days. As a result, an employee may reach the mandated extended rest requirement in fewer than six (6) calendar days.

#### **Example using "day" in the new 24-hour period scenario**

A TY&E employee goes on duty at 1 a.m. on May 11, works eight (8) hours, and is released from duty at 9 a.m. on May 11, 2012.

This same employee returns to duty at 9 p.m. on May 11 and works four (4) hours, going off duty at 1 a.m. on May 12.

Under the new definition of a "24-hour day," effective Dec. 12, 2012, this employee has accumulated two (2) starts for the purposes of accumulating starts on six (6) consecutive days.

*Note: A return-to-duty following an interim release (e.g., the employee is at the away-from-home-terminal and is off duty for less 10 hours) does not count as another "start" because there has been no final release.*

*Example: Employee A goes on duty at 1 a.m. on May 11, works eight (8) hours, and is released from duty at the away-from-home terminal (AFHT) at 9 a.m. on May 11. That employee returns to duty at 4 p.m. (prior to obtaining mandatory rest) and works four (4) hours and is released from duty at the home terminal at 8 p.m. That employee has only accumulated one (1) start due to not having a "final release" at the AFHT.*