



NORFOLK SOUTHERN CORPORATION
GOOD FAITH CHALLENGE POLICY

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ALL CONCERNED:

Effective immediately, the following Good Faith Challenge Policy is placed in effect.

A. Right to Challenge

An employee has the right to challenge a directive which, based upon the employee's good faith determination, would violate a railroad operating rule relating to:

- Shoving movements
- Leaving equipment in the clear
- Handling hand operated switches or fixed derails

B. Good Faith Challenge Procedure

1. Employee Challenge:

The employee may inform the supervisor issuing a directive that he/she has made a good faith determination the directive would violate an operating rule relating to:

- Shoving or pushing movements
- Leaving equipment in the clear
- Handling hand operated switches or fixed derails

2. Supervisor Response:

The supervisor will not require the challenging employee to comply with the directive until the good faith challenge is resolved. The supervisor may:

- Require the challenging employee to perform tasks not related to the challenge until the challenge is resolved. These duties will be within the employee's scope of responsibilities and not limited to the employee's current assignment duties.
- Direct an employee, other than the challenging employee, to perform the challenged task prior to the challenge being resolved. The employee so directed must be informed of the challenge and determine the challenged task does not violate the rules associated with the jobs bulleted in item 1.

C. Good Faith Challenge Resolution Procedure

1. A good faith challenge may be resolved by one of the following methods:
 - The supervisor's acceptance of the employee's request
 - The challenging employee's acceptance of the directive
 - The challenging employee's agreement to a compromise solution acceptable to the person issuing the directive
2. If the challenge cannot be resolved because the person issuing the directive determines the employee's challenge has not been made in good faith or there is no alternative to the direct order, there will be:
 - An immediate review by at least one manager, which must not be the supervisor issuing the challenged directive or that supervisor's subordinate
 - A resolution to the challenge using the same options available to the initial supervisor issuing the challenged directive
3. If the manager making the final decision concludes the challenged directive would not cause the employee to violate any requirement of the involved rules, the reviewing manager's decision will be final and not be subject to further immediate review.

In addition:

- The manager will inform the employee that federal law may protect the employee making the challenge from retaliation if the refusal to do the work is based on a lawful good faith challenge.
- The employee making the challenge will be afforded an opportunity to document, in writing or electronically, any protest to the final decision before his/her duty tour is complete. The employee has the right to retain a copy of the protest.
- Repetitive, arbitrary and capricious challenges will not be tolerated.

D. Review and Verification Request

Upon written request, the challenging employee has the right for further review by a "Designated Review Manager" within 30 days after the end of the month during which the challenge occurred. The "Designated Review Manager" will verify the application of the rule or rules in question and provide a written response on his/her decision to the challenging employee.

E. Employee Rights and Remedies

Norfolk Southern's Good Faith Challenge Policy is not intended to abridge any rights or remedies available to the employee under a collective bargaining agreement or any federal law.

