

KANSAS CITY SOUTHERN CRITICAL INCIDENT STRESS PLAN (CISP)

I. Purpose

The CISP is intended to advance safety of railroad operations, and to promote the health and safety of employees of Kansas City Southern's U.S. Subsidiaries ("KCS," collectively), by offering and providing appropriate relief and support services to employees directly involved in a critical incident.

II. Definitions

Critical Incident: Either—(1) An accident/incident reportable to FRA under 49 CFR part 225 that results in a fatality, loss of limb, or a similarly serious bodily injury; or (2) A catastrophic accident/incident reportable to FRA under 49 CFR part 225 that could be reasonably expected to impair a directly-involved employee's ability to perform his or her job duties safely.

Directly Involved Employee: An employee—(1) Whose actions are closely connected to a Critical Incident; (2) Who witnesses a Critical Incident in person as it occurs or who witnesses the immediate effects of a Critical Incident in person; or (3) Who is charged to directly intervene in, or respond to, a Critical Incident.¹

Covered Employee(s): KCS employees² who are "Directly Involved Employees" and who are:

- a) "Hours of service" employees working in train service, signal service, or dispatching service as further described at 49 U.S.C. §§ 21103, 21104, and 21105, respectively; or
- b) Employees who inspect, install, repair, or maintain railroad right-of-way or structures; or
- c) Employees who inspect, repair, or maintain locomotives, passenger cars, or freight cars.

III. Support and Relief

Each Covered Employee shall be informed by a Company manager or supervisor, as soon as practicable after a Critical Incident and—if reasonably possible—at the site of the Critical Incident, of the following relief and support options.

- a) Timely relief from the balance of the duty tour, after the employee has performed any actions necessary for the safety of persons and contemporaneous documentation of the incident, which relief shall be provided if requested by the Covered Employee;

¹ Except that railroad police officers and other investigators who routinely respond to such incidents and are specially trained to handle emergencies are not considered "Directly Involved Employees."

² The Plan applies to Covered Employees regardless of whether they are working on track owned by, or operated over, another railroad.

- b) Timely transportation to each directly-involved employee's home terminal which transportation shall be provided if requested by the Covered Employee and if necessary because the Covered Employee is away from his or her home terminal;
- c) KCS-provided counseling, guidance, and other appropriate support services through the KCS Employee Assistance Program (EAP) which services (including contact information) will be made known to the Covered Employee via EAP brochure;
- d) Upon request by a Covered Employee, relief from the duty tour(s) subsequent to the Critical Incident as may be necessary and reasonable, for up to three days and without requiring a diagnosis.³ The employee will further be informed that any such request for relief should be directed to the employee's supervisor; and
- e) Such additional leave from normal duty as may be necessary and reasonable to receive preventive services and/or treatment related to the incident, provided the employee's clinical diagnosis supports the need for additional time off or the employee is in consultation with a health care professional related to the incident and such health care professional supports the need for additional time off in order for the employee to receive preventive services and/or treatment related to the incident. In determining whether additional leave is necessary and reasonable, the Company will not restrict the employee's choice of health care practitioner, but may require that the diagnosis be rendered by a professional in an appropriate field of study for the condition at issue.⁴

IV. Administration

The CISP is administered by the Safety Training & Standards Department. Any questions should be directed to Assistant Vice President Safety and Standardization, Eddie Jameson, who has overall responsibility for CISP implementation and compliance. Supervisors of potentially Covered Employees will continue to receive training from the Safety Training & Standards Department regarding the Company's CISP. Newly hired supervisors will be trained regarding the CISP as a part of their orientation.

³ While a diagnosis is not required, the employee may be required to provide documentation that s/he is in consultation with a health care practitioner regarding the Critical Incident.

⁴ Provided, however, the Company will at all times comply with the Family and Medical Leave Act (FMLA). This Plan shall not be implemented or construed in any way that would violate the FMLA.