

1 SB335
2 97031-1
3 By Senator McClain
4 RFD: Business and Labor
5 First Read: 12-FEB-08

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8 SYNOPSIS: Existing law makes no provision for
9 counseling services and medical leave for crew
10 members of a railroad company involved in an
11 accident resulting in loss of life or serious
12 bodily injury.

13 This bill would make such provision.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 Relating to railroads; to provide counseling
20 services and medical leave for crew members of a railroad
21 company involved in an accident resulting in loss of life or
22 serious bodily injury.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Every railroad corporation and
25 railway company shall provide or make available to every
26 member of an operating crew involved in an accident on its
27 railway or right-of-way which results in loss of life or

1 serious bodily injury, counseling services, or other critical
2 incident stress debriefing services within 48 hours after the
3 accident. The engineer or other operating crew member involved
4 in the accident shall be immediately relieved from duty with
5 compensation and applicable benefits after the accident for a
6 minimum of three days. Leave may be without compensation and
7 benefit to the engineer or a member of the operating crew if
8 the railroad corporation makes an affirmative showing that the
9 accident was due to the personal negligence of the engineer or
10 the member of the operating crew.

11 (b) At the request of any engineer returning to duty
12 following leave pursuant to subsection (a), the engineer shall
13 be assigned an assistant engineer or other qualified person to
14 accompany him or her for a reasonable period of time to
15 guarantee the public safety. During the period of leave or
16 upon return to duty, at the discretion of the employer, any
17 engineer or crew member may be subject to an examination by a
18 qualified medical practitioner designated by the employer
19 relating to any mental or emotional impairment caused by the
20 accident.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.