

Revised Discipline Policy

(Effective Date: 11/1/2006)

Questions and Answers

Q. Does this policy constitute a labor agreement?

A. No, this is a company policy

Q. What are the options to formal disciplinary action under the new policy?

A. The employee may be provided informal coaching, formal coaching, a formal conference or Training and Education. All conferencing will include a coaching and/or training component.

Q. What is the difference between an informal coaching session and a formal coaching session?

A. An informal coaching session is a discussion between manager and employee that is used to coach and train in lieu of formally charging an employee for an alleged rule violation. No record of the event is made.

A formal coaching session is used for a level 1 violation. The session is documented and entered into the employee's record. No discipline is charged for a level 1 violation unless it is the third level 1 violation within a six month period.

Q. When is a formal conference used?

A. A formal conference may be used for incidents involving level 2 rules. It is similar to a coaching session but is held away from the worksite in an office setting. The session is documented, entered into the employee's record, and may include the employee's union representative.

Q. If a formal conference is held for a level 2 rule incident, will the employee be assessed Level 2 discipline?

A. No, the employee's discipline level, after the formal conference, remains at the level that existed prior to the conference. The formal conference is not intended to find or fix fault, but to be used as an instructional tool at management's discretion. The conference is documented on a form signed by the employee.

Q. Who is present at a Formal Conference?

A. The employee, the manager conducting the conference and the employee's union representative, if requested.

Q. Who is responsible to arrange for the union's participation at the conference?

A. The employee

Q. How is a record kept of the Formal Conference?

A. A copy of the signed form is kept in the employee's personal file and the conference is recorded in the PEOPLESOFT as a Formal Conference.

Q. What level is recorded in PEOPLESOFT following training in lieu of discipline?

A. The level at the time of the infraction.

Q. What alternative to formal discipline is available for Level 3 and 4 rule violations?

A. At the Superintendent's (or equivalent) discretion, training may be offered in lieu of discipline.

Q. If formal training is offered in lieu of discipline, how is training documented?

A. A form is signed by the employee and is placed in the employee's personal file and the training is recorded in PEOPLESOFT.

Q. Will reimbursements be made for travel and living expenses if incurred in order to attend training in lieu of or in combination with discipline?

A. Yes, provided the training takes place in a location other than the employee's home terminal.

Q. Referring to the previous question, what if the employee fails to attend or complete the Training?

A. A hearing will be rescheduled and formal discipline process resumed

Q. How is Formal Disciplinary Action initiated?

A. By the issuance of a notice of investigation or hearing.

Q. Does this Policy impose any time limits for initiating formal disciplinary action?

A. No. Any such time limits are prescribed by applicable collective bargaining agreements.

Q. When do the retention periods for the discipline levels begin?

A. On the date of the incident prompting the disciplinary action.

Q. If an employee is reinstated after dismissal for a first time Rule 1.5 (Rule G) offense what would the employee's current discipline status be?

A. The level 1.5 dismissal has no effect on the current discipline status.

Q. If a Rule 1.5 violation is coincident with another alleged rule violation are the two violations handled together or separately?

A. The investigations are handled separately.

Q. In the event of multiple rules infractions, which rule shall be used to determine the maximum discipline level applicable?

A. The highest level rule or primary rule.

Q. In the event of multiple rules violations in a single incident, may they be combined and thus incur a higher level of discipline? For example, two Level 2 violations in single incident receive Level 3 discipline?

A. No, the highest level rules infraction involved in the incident determines the maximum level to be assessed. In this case, Level 2.

Q. Are non-agreement employees covered by this Discipline Policy?

A. No, the Discipline Policy covers agreement employees only.

Q. If an employee is returned by a labor board, at what Level does the employee return?

A. Level 3 or the level existing prior to the charge for which the employee was returned, whichever is greater. The retention period begins when the employee returns to active service.

Q. If an employee is currently in a level of Behavior Modification or Upgrade, what level will he/she be when this policy goes into effect?

A. The level the employee was at prior to implementation of the new policy. However, the new retention table would be in effect

Q. If an employee commits a L2 – L4 infraction, what are the possible outcomes?

A. 1) Informal coaching, 2) Formal Conference at management discretion for level 2, 3) Training and education at Superintendent's discretion for levels 3 and 4, 5) Hearing.

Q. What happens if an employee commits a level 1 infraction

A. A Level 1 violation will be handled through a formal coaching session. However, if the employee has had two coaching sessions in the last six months, the third level 1 violation in a six-month period would result in a charge for 'failure to comply with instructions'.

Q. Does the employee's current discipline level determine eligibility for a Formal Conference?

A. No, the determination for holding a formal conference, in lieu of discipline, is at management's discretion.

Q. How will disciplinary incidents that occurred before the effective date of the new policy be handled at the time the policy is implemented?

A. Incidents occurring prior to the effective date will be handled to completion under the Discipline Policy in effect at the time of the incident.

Q. One of the rules in the 4C category is Rule 1.47, Failure to Maintain Conductor's Log. What is meant by "failure to maintain"?

A. "Failure to maintain" means that there were multiple instances in which required information was not entered. Failing to enter critical information is an indication that the individual disregarded the requirement. This is different than information that is entered, but not entered exactly as prescribed.

Q. Will the issuance of 4-C infractions be reviewed for consistency? The 4C infractions will be reviewed periodically with all other aspects of the policy. In addition, during the implementation stage of the revised policy, regional personnel will review 4-C infractions before being issued.

Q. Does the revised discipline policy have any impact on the Management Accountability Policy?

A. No. The Management Accountability Policy has not been modified in any way. Employees continue to have the right to exercise their rights under this policy, regardless of changes made to the discipline policy. The two policies are separate and distinct.