

START Policy

Supervisor's Quick Reference Guide

Applicable to T&E employees and Yardmasters



PHASE I - Employee Development MINOR OFFENSES (12 MONTHS)

Focus on education/counsel employee

NON-REPETITIVE RECORD

How to handle a non-repetitive progression when an employee violates a series of different rules:

1st Minor	Counseling
2nd Minor within 1 year	Counseling
3rd Minor within 1 year	Counseling
4th Minor within 1 year	Formal Counseling/Mini Rules Class/Training Session
5th Minor within 1 year	GO TO PHASE II HANDLING *1st Serious

REPETITIVE RECORD

How to handle a repetitive progression when an employee violates the same rule multiple times:

1st Minor	Counseling
2nd repetitive Minor within 1 year	Formal Counseling/Mini Rules Class/Training Session
3rd repetitive Minor within 1 year	GO TO PHASE II HANDLING *1st Serious

The employee and/or the local chairman must be notified within 3 days of the occurrence that a counseling session will be held or the offense may not be handled formally.

There is a one-year rolling period for determining the appropriate handling for minor offenses.

PHASE II SERIOUS OFFENSES (24 MONTHS)

Alternative handling may be used if supervisor deems appropriate.

Follow progressive discipline standards assessing:

1st Serious:	NO MORE THAN 30 Days Deferred Suspension
2nd Serious:	NO MORE THAN 30 Days Actual Suspension
3rd Serious:	MAY WARRANT DISMISSAL

Apply the Collective Bargaining Agreement provisions for scheduling and holding disciplinary investigations or offering waivers.

There is a two-year rolling period for determining the appropriate handling for serious offenses.

MAJOR

Major offenses are those that warrant removal from service pending a formal hearing and possible dismissal from service for a single such occurrence if proven guilty.

Discipline up to and including dismissal may be assessed for a single occurrence. Waivers may be used for other than dismissal.

Apply the Collective Bargaining Agreement provisions for scheduling and holding disciplinary investigations or offering waivers.

START Policy

Supervisor's Quick Reference Guide — Question & Answers

Applicable to T&E employees and Yardmasters

What happens if an employee does not accept responsibility?

The employee has the right to a formal investigation in accordance with the collective bargaining agreement, including minor offenses.

Will a minor offense activate deferred time?

Alternative handling for a minor offense will not activate deferred time, but deferred time issued as a result of a formal investigation will.

What are the probationary periods for deferred suspensions?

Deferred Suspension	Probation Period
5 days	3 months
10 days	6 months
15 to 29 days	9 months
30 days	1 year

What happens if Counseling/Alternative Handling is not offered within 3 days?

Minor offenses will not be handled, and serious offenses may still be handled within the time limits of the appropriate Collective Bargaining Agreement.

Will employees receive pay for Alternative Handling training and education time?

Minor Offenses Employees will not receive pay for counseling/training.
Serious Offenses Employees will be paid for one-half of the time they are engaged in activities such as training and education required by alternative handling.

Can an employee who has entered Phase II handling due to an excessive number of minor offenses in one year return to Phase I handling for minor offenses?

Yes, if the employee does not commit a minor or serious offense during a subsequent two-year period, the employee will revert to having minor offenses handled with counseling.

How are multiple violations detected during a rules check handled?

They should be treated as a single violation.

Definition of repetitive offense:

Violation of the same rule multiple times during a one-year period. If the rule violated contains multiple sections, a repetitive violation would involve only the same section. For example, a violation of GR-13 (c) followed by a violation of GR-13 (g) would not be considered repetitive.

What are the guidelines for assessing discipline for absenteeism?

1. Counseling Session confirmed by a Letter of Warning
2. Letter of Reprimand*
3. 15 Days Deferred Suspension*
4. 30 Days Deferred Suspension*
5. Dismissal*

*Steps 2-5 must be handled in accordance with collective bargaining agreement discipline procedures.

Please direct any questions to the Labor Relations Officer that handles your territory.



START

Program Guidelines
Presentation Printout

Meeting Purpose

- ◆ **More than two years since last sessions**
- ◆ **Review the policy/Discuss enhancements to the policy**
- ◆ **Address problems**

Review Goals of Policy

- ◆ **Make discipline system less confrontational**
- ◆ **Foster trust & cooperation**
- ◆ **Focus on education & training, not punishment**
- ◆ **Make railroad safer & improve customer service**

Policy Review

- ◆ **Policy not agreement**
- ◆ **Employees still have CBA rights
(including right to investigation)**
- ◆ **Rule G, Drug & Alcohol Policy,
Absenteeism not covered**



**It is Vital that Local
Supervision Involve Local
Chairmen and.....**



**...That Local Chairmen
Fully Participate**



**The Policy Is Only as Good
as Relationships at the
Local Level**



**The Goals Have Not
Changed But The
Procedures Have Been
Modified.**

Formal vs. Informal Handling

- ◆ **If handled informally pre-START still should be handled that way**
- ◆ **Not trying to build record**
- ◆ **We are trying to focus attention on improving the performance of repeat offenders**
- ◆ **Perception that all rule violations are handled formally**

START Policy Amendment

- ◆ **The modifications do not affect the use of:**
 - ◆ **informal handling**
 - ◆ **the categorizing of offense**
 - ◆ **the right of an employee to request a formal hearing.**

START Policy Amendment

**There will be a two-year
rolling period for serious
offenses.**

START Policy Amendment

Minor offenses occurring within the one-year period and serious offenses occurring within the two-year period prior to this policy amendment will be counted in determining the appropriate level of the offense.

START Policy Amendment

Offenses occurring outside these time periods will not be counted in determining the appropriate level.

Phase I: Employee Development (12 months)

**The first four minor offenses
that occur within the rolling
one-year period will be
handled with counseling.**

Phase I: Employee Development (12 months)

- ◆ **This will provide the supervisor an opportunity to:**
 - ◆ **foster leadership skills**
 - ◆ **build and improve the relationship with the employee.**
- ◆ **The focus should be positive and educational, not punitive or accusatory.**

Phase I: Employee Development (12 months)

- ◆ **If an employee commits four minor offenses within a rolling one-year period:**
 - ◆ **A conference will be held with the employee, the local chairman, and the supervisor to discuss his/her performance.**
 - ◆ **The employee will also be required (without pay) to attend a formal training session.**

START Policy Amendment

**The fifth minor offense within
a one-year period is
considered a serious
offense.**

Phase I: Employee Development (12 months)

If the employee does not commit a minor or serious offense during a subsequent two-year period, the employee will revert to having minor offenses handled with counseling.

Phase I: Employee Development (12 months)

- ◆ **If an employee commits the same minor offense twice within a rolling one-year period:**
 - ◆ **A conference will be held with the employee, the local chairman, and the supervisor to discuss his/her performance.**
 - ◆ **The employee will also be required (without pay) to attend a formal training session.**

Phase I: Employee Development (12 months)

**A third repetitive minor
offense within a rolling one-
year period will be considered
a serious offense.**

Phase I: Employee Development (12 months)

Q. What Constitutes a Repetitive Violation?

A. Committing the same offense more than once within a year

Phase II: Serious Violations (24 months)

Serious offenses will continue to be handled with formal discipline unless the supervisor in consultation with the local chairman deems alternative handling to be appropriate.

Phase II: Serious Violations (24 months)

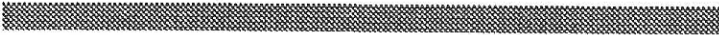
- ◆ **In the event that formal discipline is assessed, the progression has not been changed and is as follows:**
 - ◆ **1st serious MAXIMUM 30 days deferred**
 - ◆ **2nd serious MAXIMUM 30 days actual**
 - ◆ **3rd serious MAXIMUM dismissal**

Phase II: Serious Violations (24 months)

Employees will be paid for one-half of the time they are engaged in activities such as training and education required by alternative handling for serious offenses.

START Policy Amendment

**The Policy Amendments
will be effective
immediately after this
meeting.**



**Employees may only be
removed from service for
major offenses**

3 Day Time Period

- ◆ 3 days is to schedule not hold conference
- ◆ Involve local chairman
- ◆ Effect on time limits

START Non-repetitive Offenses

Example:

Date of Incident:

- | | |
|-------------------|-----------------------------------|
| 1. minor offense: | 01/01/03 (1 st minor) |
| 2. minor offense: | 03/01/03 (2 nd minor) |
| 3. minor offense: | 05/01/03 (3 rd minor) |
| 4. minor offense: | 09/01/03 (4 th minor) |
| 5. minor offense: | 02/01/04 (4 th minor)* |

* because 01/01/03 minor offense is not counted after 01/01/04.

START Non-repetitive Offenses

Example:

Date of Incident:

- | | |
|-------------------|-------------------------------------|
| 1. minor offense: | 01/01/03 (1 st minor) |
| 2. minor offense: | 03/01/03 (2 nd minor) |
| 3. minor offense: | 05/01/03 (3 rd minor) |
| 4. minor offense: | 07/01/03 (4 th minor) |
| 5. minor offense: | 09/01/03 (1 st serious)* |

* Triggers 2 year period for counting this offense. Minor offenses during this period are considered serious offenses.

START Non-repetitive Offenses

Example:

Date of Incident:

- | | |
|---------------------|-------------------------------------|
| 1. serious offense: | 01/01/03 (1 st serious) |
| 2. minor offense: | 06/01/03 (1 st minor) |
| 3. serious offense: | 01/01/04 (2 nd serious) |
| 4. minor offense: | 06/01/04 (2 nd minor) |
| 5. serious offense: | 02/01/05 (2 nd serious)* |

* because 01/01/03 serious offense is not counted after 01/01/05.

START Repetitive Offenses

Example:

1. minor offense:

- GR-13(a)

2. minor offense:

- GR-13(a)

3. minor offense:

- GR-13(j)

4. minor offense:

- GR-13(a)

5. Minor offense:

- GR-14

Date of Incident:

01/01/03 (1st minor)

05/01/03 (2nd repetitive minor)

07/01/03 (3rd minor)*

09/01/03 (1st serious)

10/01/04 (2nd serious)

* Note: The GR-13(j) offense was not a repetitive offense. The 3rd GR-13(a) offense triggered the 2 year counting period.



Q & A Review

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Q. What if Alternative Handling is not initiated within 3 days?

A. Minor offenses will not be handled, and serious offenses may still be handled within the time limits of the appropriate Collective Bargaining Agreement.

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Q. Would a minor offense activate deferred time?

A. Alternative handling for a minor offense would not activate deferred time.

START

Q. How does START effect absenteeism guidelines?

A. The guidelines are as follows:

- 1. Counseling Session confirmed by a Letter of Warning**
- 2. Letter of Reprimand**
- 3. 15 days deferred**
- 4. 30 days deferred**
- 5. Dismissal**

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Q. How are missed calls to be handled?

A. Missed calls will be handled as a minor offense.

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Q. Is falsification of a personal injury a serious or major offense?

A. Major

- providing false and/or conflicting statements must be judged on the materiality of the false and/or misleading information**

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Q. Who should Supervisors and Local Chairmen call if there is a question on where the charged offense fits into the policy?

A. They should make every effort to reach agreement. If they are unable to do so, they should pass the matter to the General Chairman and General Manager

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- Q. How are multiple violations detected during a rules check handled?**
- A. They should be treated as a single violation**



General Chairmen Comments