

SUBJECT	CLASSIFICATION	DATE APPROVED	P/I NUMBER
Agreement Employee Discipline Policy	Labor Relations		6.1.0

## 1.0 RESPONSIBILITY

The Vice President Labor Relations is responsible for the interpretation and administration of this policy. While exceptions are discouraged, in the event a manager believes an employee's exception request warrants consideration, a request should be forwarded to [LaborRelations@amtrak.com](mailto:LaborRelations@amtrak.com) for possible consideration by the Vice President Labor Relations.

## 2.0 PURPOSE

Safety is Amtrak's top priority in fulfilling its mission of providing efficient and effective intercity passenger rail mobility consisting of high-quality service that is trip-time competitive with other intercity travel options. This commitment encompasses the safety of our employees, our customers and the public. Company rules and procedures are critical tools for our success, as well as for regulatory compliance.

This Policy is to provide expectations for management handling situations when employees fail to adhere to Amtrak rules or policies, to promote fairness in employee accountability and transparency in the process. It is intended to serve as a foundation for building trust in order to create a culture where unintentional mistakes and at-risk behaviors are viewed as opportunities for learning and growth.

## 3.0 SCOPE

This Policy applies to all Agreement-covered employees and replaces all previous Company policies pertaining to discipline<sup>1</sup> and Amtrak reserves its right to modify this Policy at any time.<sup>2</sup>

## 4.0 POLICY

In order to foster a culture with open dialogue and transparency regarding rule infractions, incidents and accidents, employees need some assurance that their participation in sharing their concerns or knowledge will not categorically result in discipline. Additionally, there should not be a default of citing employees for disciplinary investigation when the facts surrounding the incident, accident or infraction are not developed. These principles are the source for the discipline process guidelines below.

<sup>1</sup> Except for employees represented by the Amtrak Police Labor Committee.

<sup>2</sup> Discipline assessed under the previous Discipline Policy will remain in effect and subject to the provisions of Section 6.0 herein.

Discipline Prior to New Policy	Retention Under Section 6.1
Letter of reprimand	12 Months
Less than 10 days suspension	24 Months
10 days or more suspension	36 Months

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## 5.0 DISCIPLINE PROCESS

- 5.1 Counseling, coaching and teaching are the preferred methods for correcting an employee's failure to observe a work rule or procedure especially when the violation is one of human error or an at-risk behavior.
- 5.2 Employees may be counseled and coached more than once before progressing to formal Discipline. Employees may receive a Disciplinary Action commensurate with their current active level of Discipline in lieu of progression for a new infraction, at the discretion of management. Movement to formal Discipline should be done as warranted due to repeated counseling and coaching.
- 5.3 The process of progressive discipline will not include any elements of unpaid time off (suspensions) unless the employee is not qualified to return to service in their current positions (for example, loss of certification or revocation of rights to operate on a host railroad), or unless the offense is so serious, willful and/or reckless as to potentially warrant termination.
- 5.4 If an employee is held out of service pending the Notice of Intent or Investigation (NoI) and/or Hearing and not dismissed, they will be compensated for the lost straight time wages.
- 5.5 In general, the steps of progressive discipline will be:
- 5.5.1 First Disciplinary Action
  - 5.5.2 Second Disciplinary Action
  - 5.5.3 Final Disciplinary Action (with up to one day of paid decision-making leave)
  - 5.5.4 Termination of employment
- 5.6 Employees assessed a Final Disciplinary Action should recognize that Termination will be the likely outcome of any subsequent misconduct (absent the rehabilitative conditions detailed in 6.1 below).
- 5.7 It is expected that all Discipline will include coaching and counseling.
- 5.8 Any step prior to Termination may also require that the employee participate in paid training.
- 5.9 Amtrak's decision not to use unpaid time off (suspensions) as a progressive disciplinary measure does not dilute the seriousness of a Second Disciplinary Action or Final Disciplinary Action.
- 5.10 Incidents of operating rule violations and at-risk behaviors that may endanger the employee, co-workers, customers or the public may warrant escalation to discipline without initial counseling.

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- 5.11 Incidents of operating rule violations that may endanger the employee, co-workers, customers or the public and are done intentionally, willfully or recklessly may warrant escalation to termination of employment upon a first offense.
- 5.12 Incidents of Company Rule or Policy violations may be deemed so serious as to warrant termination of employment upon a first offense. Examples include, but are not limited to, acts of fraud, theft, dishonesty, violence or threats of violence, harassment and/or discrimination.
- 5.13 Amtrak reserves the right in the situations described in 5.11 and 5.12 above to assess a lengthy actual suspension, not to exceed 30 days in lieu of dismissal.

6.0 APPLICATION OF DISCIPLINE<sup>3</sup>

- 6.1 Disciplinary actions will not be used to progress discipline in accordance with the following schedule, with the exceptions listed in 6.2, below:
  - 6.1.1 A First Disciplinary Action will not be used after 12 months of active service without further discipline.
  - 6.1.2 A Second Disciplinary Action will not be used after 24 months of active service without further discipline.
  - 6.1.3 A Final Disciplinary Action will not be used after 36 months of active service without further discipline.
- 6.2 The following violations are not subject to expungement nor are they precluded from consideration in future disciplinary actions:
  - 6.2.1 Workplace violence violations; or
  - 6.2.2 EEO, harassment or retaliation; or
  - 6.2.3 Theft or fraud (including falsification of Company records); or
  - 6.2.4 Drug & Alcohol Policy violations; or
  - 6.2.5 Insubordination; or
  - 6.2.6 Violation of FRA Safety Regulations governing maintenance of track, signals, rolling stock, and locomotives; or
  - 6.2.7 Serious safety violation which could result in harm to co-workers, the public or our customers.
- 6.3 An employee who waives his or her right to a disciplinary hearing under the applicable CBA and accepts responsibility and discipline for an event will have the schedule of time under 6.1, above, reduced by six months.

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<sup>3</sup> This does not supersede collectively bargained agreements on the subject of expungement.

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