**RULE 74-**

**DISCIPLINE AND INVESTIGATION**

**(a)** Sufficient Cause. A trainman or yardman will not be dismissed, suspended or discipline assessed against his record without just and sufficient cause.

**(b)** Charges and Time Limit: A trainman or yardman will not be dismissed without a thorough investigation and a fair and impartial hearing. When a trainman or yardman is charged with an alleged fault that in the judgment of the Company might warrant his dismissal, he will be advised of such fact in writing, stating cause therefore, and hearing will be held within seven days from date charges are made. If held out of service pending hearing, such hearing will be held within five days from date held out of service. Decision in writing will be rendered as soon as possible after hearing is held but shall not exceed fifteen days thereafter.

**(c)** Discipline Without Investigation ‑ Employee's Option: When in the judgment of the Company, discipline is to be assessed against the record of a trainman or yardman, he will be notified in writing with cause therefor. If such trainman or yardman feels that the discipline to be assessed is not justified, he will, upon written request to Superintendent, be given a fair and impartial hearing, which will ordinarily be held within five days from date request for hearing is made and decision in writing will be rendered as soon as possible after hearing is held but shall not exceed fifteen days thereafter. If request for hearing is not made within thirty days, discipline may be assessed.

**(d)** Transcripts: If discipline is assessed when a hearing is held, a copy of the evidence taken at the hearing will be transcribed, and the committee will be furnished a copy upon request.

**(e)** Employee Representative: The trainman or yardman accused may have a committeeman or a trainman, yardman or conductor of his choice present at a hearing to assist him in presenting his case. The accused and his representative my remain throughout the entire hearing, hear the testimony of all witnesses and interrogate them, if desired. In cases of conflicting testimony, witnesses giving it will be brought together.

**(f)** Papers Made Available: All papers pertaining to the investigation and hearing shall be open to those concerned at all times and in all cases for the purpose of investigation.

**(g)** Right of Appeal: If It be decided by the trainman or yardman that he is unjustly disciplined or dismissed, he can individually or through his chairman or his representative meet with the proper officials and they will Investigate the case and give a prompt decision.

**(h)** Reinstatement and Time Lost When Justified: If it is found that the trainman or yardman accused has been unjustly dismissed or suspended, he will be reinstated and paid for time lost. In cases where discipline assessed against the record of a trainman or yardman is found to be unwarranted, such discipline will be removed and expunged from his personal record, and he will be paid for time lost and necessary ex­penses away from home terminal on such account.

**(i)** Notices: Trainmen or yardmen called for Investigation or hearing will be notified of the matter to be investigated a reasonable time in advance of the time set for the investigation or hearing

**(j)** Fixing Time for Investigation: When fixing the hours in which investigation or hearing shall be held, due consideration for rest of trainmen or yardmen will be given. In cases of yardmen, investigation or hearing will ordinarily be held immediately prior to going on duty or immediately after going off duty with a view of giving the men the maximum time possible off duty.

**(k)** Where Held: Trainmen or yardmen will not be required to leave home terminal to make written statements unless they fall to make prompt and adequate written statements in compliance with rules and instructions or when requested to do so. Except for hearings covered by paragraphs (b) and (c), they will not be required to leave home terminal on layover days for oral statement or Investigation, if necessary information can conveniently be secured by division officers while on line.

**(l)** Service Record Made Available: When appeal is taken in any case of discipline or dismissal, a copy of discipline and service record of the employee involved will, upon request, be furnished committee.

**(m)** Service Record Considered: Before a trainman or yardman is dismissed from the service, consideration will be given to his record and the length and character of his service.

**(n)** Limitation of Time for Reinstatement: A trainman or yardman who has been out of service for more than one year, for any cause other than physical disability, will not be reinstated to his former rights. This will not apply to cases under consideration for reinstatement at time of expiration of year's period, correspondence files of Company and Committee to be evidence of such consideration.