

RULE 29 – UNION SHOP

- a. Subject to the terms and conditions below, all Passenger Engineers will, as a condition of their continued employment, hold or acquire union membership in any one of the labor organizations, national in scope, organized in accordance with the Railway Labor Act, and admitting Passenger Engineers to membership. Nothing herein will prevent any Passenger Engineer from changing union membership from one organization to another organization admitting Passenger Engineers to membership.
- b. Passenger Engineers will join any one of the labor organizations, described in paragraph “a” of this Rule, within 60 calendar days of the date on which they complete 30 days of compensated service as Passenger Engineers within 12 consecutive calendar months, and will retain such membership during the time they are employed as Passenger Engineers, except as otherwise provided herein.
- c. When Passenger Engineers are regularly assigned to official or subordinate official positions or are transferred to regular assignments in another craft, they will not be compelled to maintain membership as provided herein, but may do so at their own option.
- d. Nothing herein will require a Passenger Engineer to become or remain a member of the Brotherhood of Locomotive Engineers if membership is not available to him upon the same terms and conditions as apply to any other member, or if his membership is denied or terminated for any reason other than his failure to tender the periodic dues, initiation fees and assessments (not including fines and penalties) uniformly required as a condition of acquiring or retaining membership. The dues, initiation fees and assessments referred to herein mean indebtedness accruing for these items.
- e. The Brotherhood of Locomotive Engineers will keep account of Passenger Engineers and will independently ascertain whether they comply with union membership requirements.
- f. The General Chairman of the Brotherhood of Locomotive Engineers will notify the appropriate Labor Relations officer in writing of any Passenger Engineer whose employment he requests be terminated because of the Passenger Engineer’s failure to comply with union membership requirements. Upon receipt of such notice and request, the Corporation will, as promptly as possible but within 10 calendar days of such receipt, notify the Passenger Engineer concerned in writing by registered or certified mail, return receipt requested, sent to his last known address, or sent by receipted personal delivery, that he is charged with failure to comply with the union membership requirements. A copy of the notice will be given to the General Chairman. Any Passenger Engineer so notified who disputes the charge that he has failed to comply with union membership requirements will, within 10 calendar days from the date of such notice, request the Corporation in writing to accord him a formal hearing. Such a request will be honored by the Corporation and a date set for the formal hearing as soon as possible, but within 10 calendar days of the date of the receipt of the request. A copy of the notice of such formal hearing will be given to the General Chairman. The receipt by the Corporation of a request for a hearing will stay action on the request by the General Chairman for termination of the Passenger Engineer’s employment until the formal hearing is held and the final decision is rendered. If the Passenger Engineer concerned fails to request a formal hearing as provided for herein, the Corporation will proceed to terminate his

employment at the end of 30 calendar days from receipt of the request from the General Chairman, unless the Corporation and the Brotherhood of Locomotive Engineers agree otherwise in writing.

- g. The Corporation will determine on the basis of evidence produced at the formal hearing whether or not the Passenger Engineer has complied with the union membership requirements, and will render a decision accordingly. Such a decision will be rendered within 10 calendar days of the hearing date, and the Passenger Engineer and the General Chairman will be promptly notified. A transcript of the hearing will be furnished to the General Chairman. If the decision is that the Passenger Engineer has not complied with union membership requirements, his employment as a Passenger Engineer will be terminated within 10 calendar days of the date of the decision, unless the Corporation and the Brotherhood of Locomotive Engineers agree otherwise in writing. If the decision of the Corporation is not satisfactory to the Passenger Engineer or to the Brotherhood of Locomotive Engineers, it may be appealed in writing directly to the highest officer of the Corporation designated to handle appeals. Such appeal must be received within 10 calendar days of the date of decision appealed from, and the decision on such an appeal will be rendered within 20 calendar days of the date the appeal is received. The decision by the highest appeals officer of the Corporation designated to handle appeals will be final and binding unless, within 30 calendar days thereafter, the Corporation is notified in writing that the decision is unsatisfactory, and in such event, the dispute may be submitted to a tribunal having jurisdiction within six months of the date of such decision. A representative of the Brotherhood of Locomotive Engineers will have the right to be present at and participate in any hearing which involves the Brotherhood of Locomotive Engineers.
- h. The discipline rule will not apply to union membership requirement cases.
- i. Nothing herein will be used as a basis for time or money claims against the Corporation.