

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 10877
Docket No. 10898
2-CRC-MA-'86

The Second Division consisted of the regular members and in addition Referee Leonard K. Hall when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to remove the formal letter of Reprimand assessed Machinist J. E. Goot, from his service record in accordance with the provisions of Rule 7-A-1 (e) of the prevailing Agreement effective May 1, 1979.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

In this dispute the Claimant received a formal letter of reprimand following a trial accorded him on February 2, 1983 in connection with his failure to properly perform his duties on December 11, 1982.

The Transcript of the Trial discloses that the Claimant did not, after inspecting the speed recorder tape and related components on Unit 6395, sign and date the tape or replace it as stated in the provision cited against him at the Trial. He testified that he did not replace the tape for he was of the opinion that replacement was not required.

On December 15, 1982 the General Foreman inspected the speed recorder and found that the tape had not been signed and dated. He signed, dated and removed the tape; it was presented at the Trial as an Exhibit. All concerned were given opportunity to examine the tape.

Unit 6395 did not leave the terminal between the time the Claimant made his inspection on December 11 and the time the General Foreman removed it. It was estimated that between 700 and 800 miles remained on the tape unused. It was also estimated that a full tape will run for approximately 3000 miles.

The Transcript indicates that if the tape is below 50-50 it should be replaced. Still another indication was if one-third remains, it should be replaced. The miles the locomotive unit would have traveled to its next inspection terminal was not disclosed.

It appears that a standard has not been set for the guidance of the personnel charged with responsibility for replacing the tape. Inherent in the employer-employee relationship is the Carrier's right to set reasonable standards and discipline those who do not meet those standards. However, the employer has the responsibility to state its standards in specific terms which may, of course, be changed to meet changed conditions, so the employees know clearly the standards they must meet.

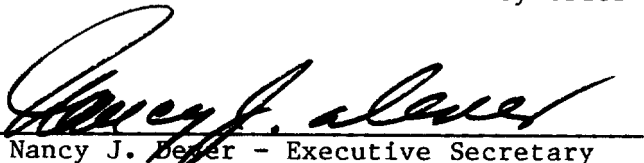
We believe the discipline to be excessive. The letter of reprimand is to be removed from the Claimant's personal record.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 4th day of June 1986.