

The Second Division consisted of the regular members and in addition Referee Clarence H. Herrington when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers
{ Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rule 32 (a) of the June 1, 1960 controlling agreement at DeSoto, Missouri when they removed Crane Operator Jane M. Daugherty from service Thursday, May 17, 1979 without the procedural provisions of said rule.
2. That, accordingly, the Missouri Pacific Railroad Company be ordered to compensate Crane Operator Jane M. Daugherty eight hours (8') at the straight time rate in effect for Thursday, May 17, 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 employe 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.

Claimant was employed as a Crane Operator on January 5, 1978. At the time of her employment Claimant was advised that it would be necessary that she keep her hair groomed off the collar and above the ears to meet Carrier's standards. Claimant advised Carrier, at the time of her employment, that she would have no difficulty complying with the instructions.

On May 17, 1979, Claimant's supervisor observed her wearing a wig while at work. She was requested to remove her wig, which she did. At that time Claimant was advised that the length of her hair did not meet the Carrier's standards and that she would not be permitted to work until such time as she had it cut to meet the required standards. Claimant reported to work on May 18, 1979 with her hair at an acceptable length and was permitted to resume work.

It is the position of the Claimant that holding her out of service was in fact discipline without the procedural provisions of Rule 32(a) reading:

"An employee covered by this agreement who has been in service more than 30 days, or whose application has been formally approved, shall not be disciplined or dismissed

without first being given a fair and impartial investigation by an officer of the railroad. He may, however, in proper cases, be held out of service pending such investigation which shall be promptly held."

It is the Carrier's position that the refusal to permit Claimant to work until she complied with the prescribed standards did not constitute discipline.

The validity of the Carrier's grooming standards is not an issue before the Board.

The Organization cites Second Division Award No. 7030 as precedent for its position in the instant case. The Board has carefully reviewed the facts as set out in Award No. 7030 and finds considerable variance with the facts now before us. Therefore, the Board holds that Second Division Award No. 7030 lends no credence to the Organization's position.

The question before the Board is whether or not the Carrier's refusal to permit employees to work because they do not meet standards established for service is of itself discipline. There is a long line of precedent that it is not. See Third Division Award No. 21647 and awards referred to therein.

The Claimant was well aware of the requirement to keep her hair groomed to Carrier's standards; this she failed to do. The record does not reveal any time limit to which she had to comply, nor was there any inference of any discipline for her failure to comply. Claimant was not suspended from service as contemplated by Rule 32(a), but was held out of service for violation of a regulation pertaining to her work requirement.

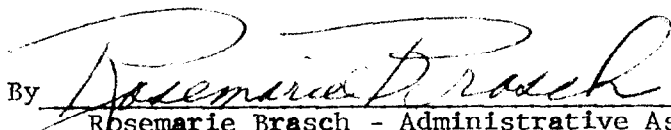
The Board, based on the entire record and the above Findings, holds that Carrier did not violate Rule 32(a).

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 3rd day of March, 1982.