

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

PARTIES TO DISPUTE: ( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Missouri Pacific Railroad Company

DISPUTE: CLAIM OF EMPLOYES:

1. That the Missouri Pacific Railroad Company arbitrarily instituted a new rule on the property governing only employes of the Mechanical Department, thereby, violating the Mechanical Department Employes' rights granted under Rule 32 of the controlling Agreement and the Railway Labor Act.
2. That the Missouri Pacific Railroad Company be ordered to return the signed letter that was placed in each Carman's personal record or enforce the safety rule covering all employes on the Missouri Pacific property.

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.

On or about March 31, 1980, the Carrier promulgated the following rule:

"MECHANICAL DEPARTMENT SAFETY RULE GOVERNING

HAIR LENGTH AND BEARDS

Hair, beards and mustaches must be clean, neat and trimmed. Hair may not extend below the shirt collar, nor cover the ears or obstruct vision by falling below the eyebrows. Hair must be cut and combed so that it stays close to the sides and back of the head. Beards, mustaches and sideburns shall be kept neatly trimmed and close to the face and may not exceed one (1) inch in length. Ponytails or pigtails are not permitted. Restraints, such as hair nets, are not permitted as a means of meeting or in lieu of meeting this rule."

After attempting to have shop craft employes voluntarily sign a receipt acknowledging that they had received a copy of the rule, the Carrier directed all shop workers at its Settegast facility to sign the receipt (or to sign it under protest). If any employe refused to sign the rule receipt, a disciplinary investigation would be convened. While the record is not entirely clear, it appears that all carmen at Settegast complied with the Carrier's instruction.

The Organization charges the Carrier with violating Section Six of the Railway Labor Act, 45 U.S.C. §151, et seq., because it unilaterally instituted a rule which constituted a "... change in agreements, affecting rates of pay, rules, or working conditions..." Alternatively, the Organization argues that the rule, if valid, cannot be enforced since it arbitrarily discriminates against mechanical department employes. The Carrier urges this Board to characterize the March 31, 1980 grooming standards as a safety rule. Also, the Carrier contends that it has been a well established past practice on this property to compel workers to sign acknowledgements demonstrating that they have received keys, equipment and rule books.

The first issue presented to us is whether the Carrier's grooming regulations could be implemented without notice and negotiations under Section Six of the Railway Labor Act. The Carrier may establish dress, appearance and grooming standards which are reasonably related to job safety and the overall health and welfare of its workers. Second Division Award No. 8363 (Wildman). In this case, the Organization has not challenged the substance of the March 31, 1980 rule. There is not any evidence demonstrating that the rule is overly broad or unrelated to employe safety. Second Division Award No. 7034 (Norris). This Board expects the Carrier to establish reasonable rules which provide employes with a safe working environment and such safety rules may be implemented without serving a Section Six notice.

The second contention raised by the Organization is that the grooming regulations were discriminatory since the rule was applied only to mechanical department employes. We disagree. In shop areas, employes having unusually long hair could pose a hazard to themselves and their fellow workers. Second Division Award No. 7030 (Twomey). Thus, the Carrier had sufficient justification to formulate a grooming safety standard specifically applicable to shop workers.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 14th day of December, 1983