

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12471
Docket No. 12431
92-2-91-2-242

The Second Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(Union Pacific Railroad Company
(former Texas & Pacific Railway Company

STATEMENT OF CLAIM:

1. That the Texas and Pacific Railway Company (UP), violated the controlling agreement, particularly Rule 24(a), when they arbitrarily assessed a permanent letter concerning injury reports of Claimant P. A. Buccieri, to his permanent personal file, this adding to twelve (12) letters, or forms which were unknown to exist in this file, which Electrician P. A. Buccieri considers was unjust treatment.

2. That the Texas and Pacific Railroad Company (UP) be ordered to cease and desist these actions and remove this letter, and twelve (12) other letters, or forms from the permanent personal file of Electrician P. A. Buccieri, as per the requirements of the Agreement and Rule 24(a).

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.

A Personal Safety Conference was held with Claimant on April 12, 1990, by Carrier's Manager of Operations. A Conference Letter summarizing the meeting was then sent to the Claimant, and a copy of the letter was placed in his permanent personal file.

The Organization contends that the letter constitutes discipline, and that Carrier is thus in violation of Rule 24 of the Agreement, which provides for an investigation prior to any disciplinary action. It also alleges certain procedural defects in Carrier's handling of this matter; however, the Board concludes that these procedural objections are not well-founded and we will proceed directly to the merits of the claim.

The text of the letter in question reads as follows:

"On April 12, 1990, you attended a Personal Safety Conference at Fort Worth Diesel Shop - Director's Office.

As you will recall, we discussed your personal injury record and how you can avoid being injured in the future. The purpose of the conference was to make you aware of your injury experience and to provide a review of the Safety Rules applicable to your craft and their importance to you, your family, and all Railroad employees. We appreciate your cooperation during the meeting and your commitment to follow safe work procedures.

We sincerely hope this meeting was beneficial to you and will assist you in your effort to be a safe, productive, and efficient employee.

If desired, additional safety training covering any facet of your duties will be afforded you upon request."

It is well-established under previous decisions of the Board that a Conference Letter does not constitute discipline provided the letter does not contain a definitive finding that an employee committed an infraction. The Board finds that the letter in this case is general in nature, and makes neither accusations nor findings. We thus conclude that the Carrier has not violated the Agreement.

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 28th day of October 1992.