

Award No. 5892

Docket No. CL-5947

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Carroll R. Daugherty, Referee

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

THE CINCINNATI UNION TERMINAL COMPANY

STATEMENT OF CLAIM: This claim is filed on behalf of Cooper Flowers and L. E. Banks, Red Caps employed by the Cincinnati Union Terminal Company. Messrs. Flowers and Banks received reprimands on their service record as a result of investigations held by the Carrier on August 9, 1951, and August 3, 1951, on identical charges of "poor record as a Red Cap as indicated on the last half of June 1951 reports and to review your record."

The Organization claims that the above action by the Carrier is in violation of the agreement and further claims that the entries on the service record of the Claimants be removed.

OPINION OF BOARD: From the record in this case it does not seem to us that the Organization has succeeded in establishing that, in the procedure followed by the Carrier and in its decision to place "reprimands" on the service records of Red Caps Flowers and Banks, the Carrier abused its managerial prerogatives or acted in a prejudicial, arbitrary, or unfair manner or violated the provisions of the agreement relevant to such cases. The Carrier appears to have charged the petitioners with low and declining productivity. And its decision appears to have been based on accurate records; the disciplinary action does not seem to have been out of line with a reasonable interpretation of such records; and the subsequent improvement in the output of these employees may properly be interpreted as the result of the discipline and as evidence that their previous efforts had fallen short of reasonable standards.

Accordingly, in the light of the principles laid down in previous Board awards for cases of this sort, we decline to overturn the action of the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Carrier's disciplinary action should not be overruled.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 28th day of July, 1952.