

BEFORE PUBLIC LAW BOARD NO. 6043

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES DIVISION
IBT RAIL CONFERENCE**

and

ILLINOIS CENTRAL RAILROAD COMPANY

Case No. 205

STATEMENT OF CLAIM: “Claim of the System Committee of the Brotherhood that:

1. The Carrier’s decision to discipline Claimant R. Thompson by issuing a letter of instruction on August 22, 2013 for alleged unexcused absences on June 3 and August 5, 2013 was arbitrary, unwarranted and in violation of the Agreement (System File A111713/IC-BMWED-2013-00182 ICE).
2. As a consequence of the violation referenced in Part 1 above, the letter of instruction issued to the Claimant shall now be removed from Claimant’s file.”

FINDINGS:

On August 22, 2013, the Carrier issued a Letter of Instruction to the Claimant in connection with absences that she had incurred on June 3 and August 5, 2013. The Organization requested an unjust treatment conference, which was conducted on September 11, 2013. By letter dated October 24, 2013, the Claimant was informed that the Letter of Instruction would remain in her file. The Organization subsequently filed the instant claim on behalf of the Claimant, challenging the Carrier’s decision to issue the Letter of Instruction. The Carrier denied the claim.

The Carrier contends that the instant claim should be denied in its entirety because the Letter of Instruction is not discipline, because the Carrier is obligated to impose warnings or instructions where rules are violated and due process is maintained, because the Letter of Instruction was warranted, and because there was no violation of the

Agreement in this matter. The Organization contends that the instant claim should be sustained in its entirety because the Carrier violated Rule 33 of the Agreement by failing to conduct a fair and impartial hearing prior to issuing the Letter of Instruction, because the Carrier failed to adhere to the Agreement time limits following the unjust treatment conference, because the Carrier cannot validly contend that the absences at issue were unexcused, and because there is no merit to the Carrier's assertion that the Letter of Instruction is not discipline.

The parties being unable to resolve their dispute, this matter came before this Board.

This Board has reviewed the record in this case, and we find that there was a sufficient basis for the Carrier to issue a letter of instruction to the Claimant in connection with the absences that she had incurred. It is fundamental that letters of instruction are not discipline but merely a warning to the employee that he or she should start abiding by the rules or face discipline in the future. There is no requirement that a hearing be given to the Claimant as if the letter of instruction was a disciplinary action. The Claimant in this case had begun running afoul of the Carrier's Attendance Rules and was simply informed with the letter of instruction that if she continued to not show up for work on a regular basis, she would be issued discipline. There was no violation of any rule by the Carrier. The Carrier was simply trying to encourage this Claimant to improve her attendance.


For all the above reasons, this claim must be denied.

AWARD:

The claim is denied.



PETER R. MEYERS
Neutral Member



ORGANIZATION MEMBER
DATED: 10/17/16



CARRIER MEMBER
DATED: 10/17/16