

**BEFORE PUBLIC LAW BOARD NO. 6076**

**UNITED TRANSPORTATION UNION - YARDMASTERS DEPARTMENT**

**and**

**CSX TRANSPORTATION**

**Case No. 8**

**STATEMENT OF CLAIM:**

**This is an appeal of discipline assessed Yardmaster C. R. Foltz of Queensgate which emanated from a meeting (coaching and counseling) with Terminal Superintendent J. R. Morris on November 6, 1997. This appeal demands that the claimant receive a letter from the Carrier stating that the "coaching and counseling" session has not been noted in any manner on his work record(s). This appeal also demands that the Claimant be paid one day at the Yardmaster punitive rate of pay for attending such "coaching and counseling" session. This appeal is submitted account of the Carrier violating the schedule Agreement, Articles 22A, 22C, 22E, 22F, and 22G.**

**FINDINGS**

This claim arose when on November 6, 1997, the Claimant was instructed to meet with Terminal Superintendent J. R. Morris. After the meeting, the Claimant was given a letter from the Carrier stating that he had been "coached and counseled".

On November 11, 1997, the Organization filed the instant claim contending that under the Carrier's new discipline policy such a letter becomes part of the Claimant's personnel record and, therefore, according to the Organization, it constitutes discipline. The Organization argues that the Claimant was denied his due process as set forth in the Agreement. Furthermore, the Organization demanded that the Claimant be paid one day at the punitive rate for attending the meeting.

The Carrier denied the claim arguing that coaching and counseling is not considered discipline and will not be used in any future disciplinary action. The Carrier argues that including the letter in the Claimant's personnel record does not constitute discipline.

The parties being unable to resolve the issue, this matter came before this Board.

This Board has reviewed the record in this case and we find that the Organization has not met its burden of proof that the Carrier imposed discipline on the Claimant when the Claimant was coached and counseled on November 6, 1997.

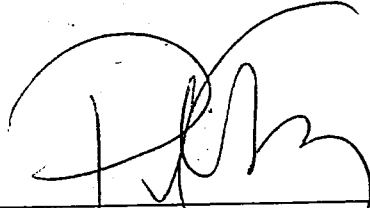
The record contains numerous documents all of which make it clear to the Claimant that the coaching and counseling is not a form of discipline and will not be used in any subsequent disciplinary proceeding. The sample coaching and counseling letter also makes it clear that the coaching and counseling will not be used in a subsequent disciplinary proceeding as evidence that the Claimant had previously violated a rule.

The Organization is legitimately concerned, however, the printed documentation and the position taken by the Carrier in this case and another one will be sufficient support for the future that the coaching and counseling session is not discipline.

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

AWARD:

Claim denied.



PETER R. MEYERS  
Neutral Member

Jannie E. Shields  
CARRIER MEMBER

Dated: August 5, 1999

R.C. Gordon Sr.  
ORGANIZATION MEMBER

Dated: August 5, 1999  
I dissent