

PUBLIC LAW BOARD NO. 3542

Parties
to the
Dispute

Pennsylvania Federation Brotherhood of
Maintenance of Way Employes

vs.

Consolidated Rail Corporation

AWARD No. 10
Case No. 6

STATEMENT OF CLAIM

(a) That James W. Jones, employed by the Carrier since September 4, 1975, approximately six and one-half years, be restored to his former position as Track Foreman with seniority rights and all other privileges provided for by either agreement or past practice. That he be compensated for all wage or other losses due to the loss of his foreman's position with the railroad.

(b) That James W. Jones' record be cleared of all charges brought against him.

OPINION OF THE BOARD


Claimant James W. Jones, a Track Foreman at Carrier's Pittsburgh, Pennsylvania, facility, was charged with:

Failure to perform assignment as Track Foreman in gang T0221 on April 29, 1982, at approximately 9:00 a.m. at Clark Candy Curve, M.P. 77.3, No. 2 Track, Conemaugh Main Line, in that you directed forces assigned to you to improperly align ties causing spiking machines to improperly spike ties.

A hearing was held July 2, 1982, at which Claimant was found guilty and disciplined by disqualification from the position of Foreman. This Board has carefully reviewed the record of this case and finds that Carrier has taken appropriate action. The position of Track Foreman requires a thorough knowledge of all aspects of track maintenance and repair. It is quite obvious that, at the time, Claimant was not ready for this position. If a Foreman position opens in the future, however, this Board would find it appropriate for Claimant to be given another opportunity to prove himself.

AWARD


The claim is sustained per opinion
of the Board.



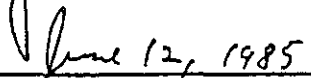
R. E. Dennis, Neutral Member



J. Todd, Employee Member



R. O'Neil, Carrier Member



June 12, 1985
Date of Adoption