

PUBLIC LAW BOARD NO. 3542

Parties  
to the  
Dispute

Pennsylvania Federation Brotherhood of  
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

*AWARD No. 17*  
Case No. 19

STATEMENT OF CLAIM

(a) That R. L. McIntosh, Acting Foreman, employed on June 25, 1979 at "C" Yard, Morrisville, Pennsylvania, be restored to service with seniority rights and all other privileges provided by either agreement or past practice. That he be compensated for all time lost until such time he is recalled to service of the railroad.

(b) That R. L. McIntosh's record be cleared of all charges brought against him.

OPINION OF THE BOARD

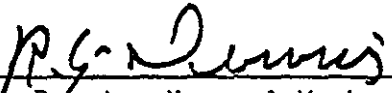
Claimant R. L. McIntosh, Acting MW Foreman in Carrier's employment at 'C' Yard in Morrisville, Pennsylvania, was charged with violation of a Safety Rule on November 9, 1982. A hearing was held on November 17, 1982, in which Claimant was found guilty as charged and dismissed.

This Board has reviewed all of the facts involved and is convinced of Claimant's guilt with regard to violating the Safety Rule. It states in part that employe behavior must be "free from scuffling, practical jokes, or horseplay."


As to the merits of this case, the facts clearly show that Claimant McIntosh acted without regard to his position as a responsible Supervisor. As Acting Foreman, Claimant was to have been a model employe, one who obeyed and upheld the conditions required of the workplace, especially rules with regard to safety. Responsible leadership on site is a work necessity from which both Carrier and Brotherhood benefit. In this instance, Claimant McIntosh was justifiably dismissed, thereby protecting the interests of both parties.

AWARD

The claim is denied.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member

  
R. O'Neil, Carrier Member

6-12-85  
Date of Adoption