

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON TOPEKA & SANTA FE RAILWAY COMPANY  
TO }  
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of T. N. Moore for reinstatement to his former position with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning October 22, 1973, continuing forward until restored to service.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant signed for demerits for three different violations. After the claimant had signed for 40 demerits, his personal record stood charged with 70 demerits. This Carrier uses the Brown system of demerits, and under this system, the accumulation of sixty demerits subjects an employee to dismissal.

Both parties presented very able briefs and expressed the problems and difficulties experienced by both the Organization and the Company. The Brown system has been in effect for many, many years on this property. Employees should certainly be aware, or be made aware of the effect of demerits upon their job security, and that the accumulation of sixty demerits subjects them to discharge.

It is the opinion of the referee that when an employee signs for demerits which put him up to or above sixty that he should be warned by the Company, or even asked by the Company if he has sufficient demerits standing against his record to place him with sixty demerits or over. Under the circumstances herein, where the employee accepted the discipline assessed, the Board is not empowered to overturn the decision of the Carrier.

AWARD: Claim denied.

  
Preston J. Moore, Chairman

  
Organization Member

  
Carrier Member