

PUBLIC LAW BOARD NO. 1582

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of former Trackman J. L. Hampton, Los Angeles Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning August 25, 1974.

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 was dismissed from the service of the Carrier for the accumulation of 60 demerits. The Organization contends that the Carrier erred in not advising the Organization's representative of the scheduled investigation in order that the claimant could be represented.

The Carrier advised that a copy of the transcript had been furnished the claimant, along with a registered letter advising the claimant of the discipline assessed.

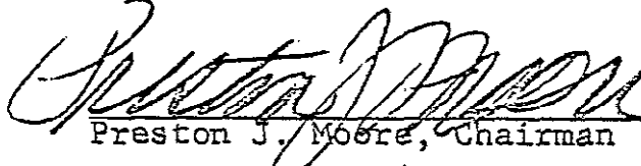
There is no provision in the Agreement which requires the Carrier to notify the Organization of an investigation where one of the Union members is being disciplined. However, due to the unusual circumstances which exist in some areas where the employees may have received little formal education, and in circumstances where employees may be unable to read or write, the local chairman should be notified by the Carrier. This is not a requirement established by the Board, but is simply a recommendation in the interest of justice for the employees concerned.


The Board does believe that justice requires the Carrier to advise an employee who waives an investigation and accepts discipline that such waiver and acceptance of such discipline could subject the employee to dismissal.

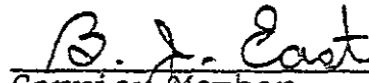
The Board finds herein that the 20 demerits should be removed from the claimant's record and that he should be reinstated to service with seniority and all other rights unimpaired but without pay for time lost.

AWARD: Claim sustained as per above.

ORDER: The Carrier is directed to comply with this award within thirty days from the date of this award.


Preston J. Moore, Chairman


Organization Member


Carrier Member