

PUBLIC LAW BOARD NO. 3332

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) UNITED TRANSPORTATION UNION (CT&Y)

STATEMENT OF CLAIM: Plains Division Brakeman P. H. Haxton:
Exoneration of all charges and removal from his personal record:
(1) Ten demerits assessed at conclusion of formal investigation held 10:00 a.m., February 5, 1931; (2) Twenty demerits assessed at conclusion of formal investigation held 9:00 a.m., February 13, 1931; (3) Thirty demerits assessed at conclusion of formal investigation held 1:30 p.m., February 18, 1931; and (4) That claimant be reinstated with all seniority, other prior rights and privileges restored and pay for all time lost from date withheld from service until date reinstated, including health and welfare benefits deprived of, if any, during the period of time he is discharged. (Removed from service as result of formal investigation held February 21, 1931.)

FINDINGS: This Public Law Board No. 3332 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 brakeman was assessed 10 demerits on February 5, 20 demerits on February 13, and 30 demerits on February 18, 1931, on different charges. The first charge was failure to wear eye protection in Clovis, New Mexico. The second charge on February 18 was a similar charge, and the third charge was for being unavailable for call on February 3 and 4, 1931.

There are three transcripts involved, all of which have been studied by the Board. The evidence is sufficient for the Carrier to find that the claimant was guilty of all three charges.

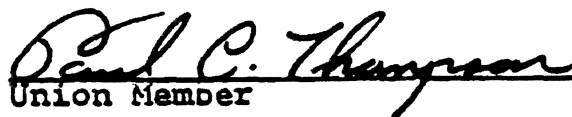
The purpose of discipline is to put the employee on notice that he is not performing satisfactorily and that if he wishes to remain in the service of the Carrier, he must improve. In pursuit of this objective, progressive discipline has generally been accepted by all parties as the best method to reach that goal. In the instant case, the discipline all came at approximately the same time; consequently, the employee was not placed on notice and given an opportunity to improve. Serious discipline is justified under the circumstances; however, we think that permanent discharge is too severe in this case.

The Board directs the Carrier to reinstate the claimant 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


Union Member


Carrier Member

June 18, 1984