

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

CONSOLIDATED RAIL SYSTEM FEDERATION
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 25
Award No. 22

STATEMENT OF CLAIM

The 14-day suspension assessed Trackman C. J. Pratt was excessive and unjust particularly in light of the fact that a foreman was present and made no effort to contact the dispatcher or flag.

Claimant C. J. Pratt shall be exonerated of the charges and compensated for all lost earnings, including overtime, and his personal record shall be expunged of all reference to the charges.

OPINION OF THE BOARD

Claimant C. J. Pratt, was assigned as a Trackman at Lansing, Michigan. On March 12, 1986, he was charged as follows:

...to determine your responsibility, if any, for violation of:

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Grand Trunk Operating Rule F, which reads: Accidents, failure in the supply of water or fuel, defects in track, bridges, signals, or any unusual condition which may affect the movement of trains or engines must be promptly reported by the quickest available means of communication to the proper authority, and necessary protection provided. In case of injury to persons, the names and addresses of as many witnesses as possible must be obtained.;

And Safety Rule 3355, which reads: When clearing track, leave tool, material, equipment or other object so it will not be struck by train or equipment.;

GT Safety Rules Notice A: Safety is of the first importance in the discharge of duty.; Notice B: obedience to the Rules is essential to safety.; Notice C: To enter or remain in the service is an assurance of willingness to obey the Rules.; and Notice D: Employees to whom these rules apply shall: 1. Be furnished a copy and have it accessible when on duty. 2. Study the Rules. 3. Know and understand their application. 4. Obey them while on duty or on Company property. 5. Immediately call to the attention of a fellow employee, any action not in compliance with the Rules.;

Also GT General Rules, Rule 7: In all cases of doubt or uncertainty, the safe course must be taken.;

and Safety Rule 3350 (c): Clear track at least 15 seconds before train reaches point of work.

This is in connection with accident involving Amtrak 64 hitting a 39-foot, 100 pound rail that you were dragging across Millett Road, Mileage 216.19, Lansing, Michigan, on Tuesday, March 11, 1986, at approximately 1420 hours, and your alleged failure to immediately contact the Train Dispatcher and advise him of track obstruction at Millett Road.

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A hearing was held in the matter as scheduled. As a result of that hearing, Claimant was found guilty as charged and assessed a 14-day suspension.

This Board has reviewed the record and can find no basis on which to modify the discipline imposed in this instance.

AWARD

The claim is denied.

R. E. Dennis
R. E. Dennis, Neutral Member

R. J. O'Brien
R. J. O'Brien, Carrier Member

W. E. LaRue
W. E. LaRue, Employee Member

1-30-89
Date of Approval