

PUBLIC LAW BOARD 6170
AWARD NO. 61

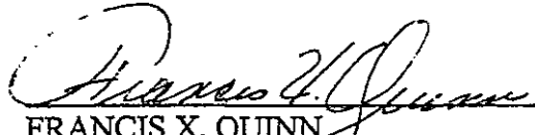
Parties to Dispute: Union Pacific Railroad Company
and
Brotherhood of Locomotive Engineers

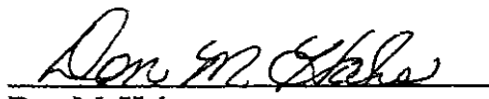
Statement of Claim: Request for the reinstatement of M.E. Gurgevich.

Findings: The Claimant is an engineer with approximately twenty-three (23) years with the Union Pacific. On April 14, 1999, at Harlingen, Texas, Claimant allegedly came in contact with a female employee and improperly grabbed her buttocks. The female employee complained. The company investigated and found the testimony of the female employee persuasive. According to the company, this is the second serious charge of sexual harassment against the Claimant. The first incident was in September 1994. The company has concluded that Claimant has repeatedly conducted himself in an unprofessional and discourteous manner which cannot be condoned or accepted. The record indicates that Claimant attempted to intimidate the female employee and persuade her not to testify. The hearing officer concluded that the charge letter was correct and that Claimant should be disciplined. We concur and the record indicates that this is more than a "He said. . . She said" argument. We believe a suspension was the proper discipline

and that Claimant must afford himself counseling. He will be returned to work only after the EAP officer has approved his course of treatment.

Award: Claim sustained in part.


FRANCIS X. QUINN
Chair and Neutral Member


Don M. Hahs
Organization Member


TERRY M. STONE
Carrier Member

Date Sept 26, 2000
Omaha, Nebraska