

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 273

Case No. 273
File 247-7075

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Union Pacific Railroad Company
(Former MOPAC)

Statement

of Claim: (1) Carrier violated the current working Agreement, especially Rule 12, when the personal record of Trackman Frederick Davis was assessed with a 30-day actual suspension.

(2) Claimant Davis should now be allowed eight hours pay for each work day, including any holidays and any overtime which would have accrued to him, beginning June 10, 1985 to July 10, 1985.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant was a Trackman on Gang 5699 working on the Dallas-Fort Worth Terminal Division. Following a formal investigation held on June 27, 1985 he was advised:

"You are hereby advised that your record has this date been assessed with Thirty (30) Days Actual Suspension per charges substantiated in formal investigation, file 1-6-3-56, conducted in Fort Worth on June 27, 1985 in connection with your failure to protect your assignment as Trackman on Gang #5699 on Wednesday, June 5, 1985 and Friday, June 7, 1985 and for being tardy on Thursday, June 6, 1985, in violation of Item 5, Conditions of Employment, Form 15021 (Page 3). You were out of service from 7:30 A.M. June 10, 1985 until 7:30 A.M. July 10, 1985.

Your record now stands thirty (30) Days Actual Suspension."

The Board finds that Claimant was accorded the due process to which entitled under Rule 12 - Discipline and Investigations.

There was sufficient evidence adduced, including the admissions of Claimant, to support the conclusion reached by Carrier as to Claimant's culpability for his absence on Wednesday, June 5 and Friday, June 7 and his tardiness on Thursday, June 6.

One of the items or the conditions of employment to which Claimant should comply reads:

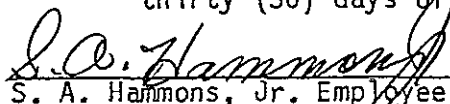
"5. To familiarize myself with and to observe all rules and regulations governing the service to which I shall at any time be assigned; to main strict integrity of character; to faithfully observe the rules and/or policy governing the use or possession of intoxicating liquors or narcotics; and to perform my duties to the best of my ability."

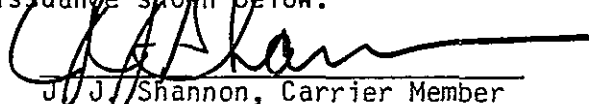
One of the obligations that each and every employee has is the duty to report on time for his scheduled hours, absent good and sufficient reasons therefor. In the railroad industry it is long known and well understood that absenteeism and tardiness are matters not condoned because of the detrimental effect upon Carrier operations.


Absent a showing that Claimant had been tardy before causes the discipline to appear excessive. It shall be reduced to 15 days.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr. Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member