

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 587

Docket No. 587

U. P. File No. 920478

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company
(Former Missouri Pacific)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when B. R. Johnson (SSN 461-37-3059) was assessed 20 days deferred suspension on August 27, 1990.

(2) Claim in behalf of Mr. Johnson for removal of said discipline from his record.

Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board therefor.


Machine Operator, B. R. Johnson, an employee of some twelve (12) years, was, as a result of a formal investigation held on August 27, 1990 on the charge "being absent without authority, or tardy for work on" a series of dates, assessed the discipline of twenty days deferred suspension, that is appealed to this Board.

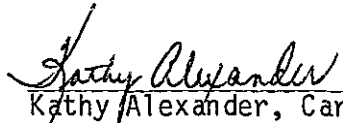
Claimant was accorded the due process to which entitled under his discipline rule, Rule 12.

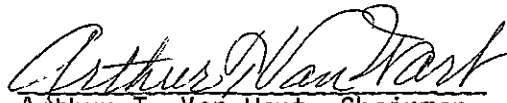
There was sufficient evidence adduced to support Carrier's conclusion that Claimant was culpable of the charge placed against him. The record reflects that the Claimant was formally charged after having been previously counseled on March 28, 1990 concerning his absentee problem. Thereafter the Claimant was then absent some 13 days between April 23 and July 27, 1990 and, in addition, was 30 minutes late for work on two additional dates. This record indicates that the employee has failed to do anything to correct his problem. The Carrier's operations are predicated on the basis of having a full quota of employees daily to accomplish certain work purposes. Absenteeism to this extent starts to border on the employee being a part time employee. When the Carrier was faced with this problem and the Claimant's additional failure to contact and utilize the Employee Assistance Program, it was cause to take some forceful action. The least of such action was the charge and the extent of discipline issued.

The discipline is not unreasonable. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 27, 1993.