

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 364

Case No. 364
File 870797G

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when B&B Mechanic R. J. Hernandez was dismissed from the service.

(2) Claim in behalf of B&B Mechanic Hernandez for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him had he not been dismissed. Claim beginning July 22, 1987, and continuing until he is reinstated to service with seniority and vacation rights unimpaired.

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

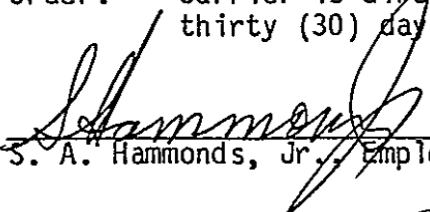
Claimant following a formal investigation in connection with a Rule G charge was dismissed from service as discipline therefor.

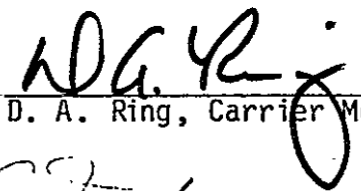
There is no question but that Claimant was properly found guilty. The only question is whether or not he should be accorded the opportunity of going into the Carrier's Employee Assistance Program.

The Board is willing to conditionally reinstate Claimant to service with all rights unimpaired, but without any pay, provided that within thirty (30) days of notification he starts in the Employee's Assistance Program and remains in it at least until a Counselor says that he is okay to work. Thereafter, Claimant will be placed on a six (6) month's probationary status.

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. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.