

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 407
Case No. 407
File No. 890068

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute: Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

**Statement
of
Claim:**

"Carrier violated the Agreement, especially Rule 12, when Foreman N. L. Harjo was assessed a 31 day actual suspension beginning October 24, 1988 through November 23, 1988.

Claim in behalf of Mr. Harjo for all wage loss suffered."

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.

A review of the record in this matter reveals that Claimant Harjo was afforded a fair and impartial hearing and was ably represented by his Organization representative. There was substantial evidence adduced at the hearing held October 13, 1988 (including Claimant's admissions) to support the Carrier's determination that Claimant was guilty of unauthorized absenteeism and tardiness.


Foreman Harjo had been employed by the Carrier over sixteen years at the time of the incident giving rise to his disciplinary suspension. As a Foreman, Claimant knew, or should have known, first hand, the deleterious effects of tardiness and unauthorized absences on gang moral and productivity, as aptly noted in Second Division Award 6240:

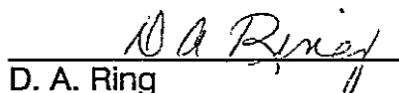
"The Board has repeatedly pointed out the detrimental effects of absenteeism on the operations of the railroad. (Award 1814 - Carter, Award 5049 - Johnson) The confusion and disruption created when an employee absents himself from work without due notice to supervision is harmful not only to the employer but also to employees as well."

A review of Claimant's prior disciplinary record reveals that he was assessed a deferred suspension for substantially the same offense in September, 1979. Claimant has an obligation to report and report on time for his assignment, absent a *bona fide* reason to be either absent or tardy, supported by competent evidence provided in advance.

Under all the circumstances obtaining, the Board finds that the discipline imposed was reasonable and in line with Carrier's policy of progressive discipline. The claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr.
Employee Member


D. A. Ring
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the 18 day of November, 1989
at Orlando, Florida.