

BEFORE SPECIAL BOARD OF ADJUSTMENT 924

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Case No. 207

Award 192

STATEMENT OF CLAIM: Claim of the Brotherhood that:

1. The disqualification of B&B Foreman J. R. Goc for his alleged failure to properly supervise his crew was without just and sufficient cause and capricious (Organization File 9KB-4805; Carrier File 81-92-21).
2. Mr. J. R. Goc shall now have his B&B foreman's seniority reinstated and he shall be compensated for all wage loss suffered from July 1, 1991 until he is returned to the B&B foreman's position at Main Street, Evanston, Illinois.

FINDINGS:

On May 3, 1991, Claimant Goc was assigned to the position of foreman on the B&B crew at Main Street in Evanston, Illinois. Claimant had 60 days to qualify for the position which is the probationary period set forth in the Agreement.

On June 6, 1991, the Claimant was observed by two supervisors for approximately one and one-half hours and they determined that he should be disqualified from his foreman position. The reason they gave for their decision was that they had observed the Claimant absent from his post the majority of the time that day with the result being that his crew was unsupervised. They further observed that the crew was not performing its duties while the Claimant was not present. Based on these observations, the Claimant

was disqualified effective June 14, 1991.

Per the Claimant's request, a hearing was held on his behalf. The Carrier upheld the disqualification and the Organization filed the instant claim seeking all wages lost and the Claimant's reinstatement to the foreman position.

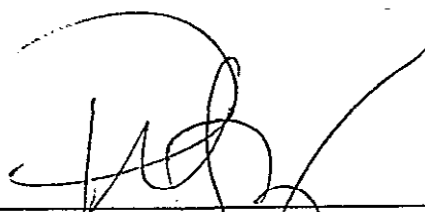
The parties being unable to resolve the issue, this matter now comes before this Board.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of being absent for a large part of the work day on June 6, 1991. The record reveals that while the Claimant was absent, his crew performed very little work. The Carrier has presented sufficient evidence that the Claimant failed to properly and effectively handle his responsibility as foreman.

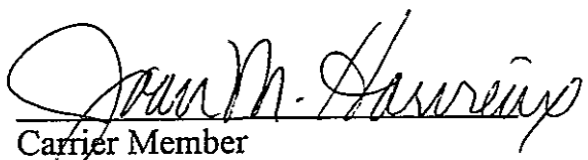
Rule 17 of the Agreement states that an employee who accepts promotion and then fails to qualify within 60 calendar days shall be returned to his or her former position. The Claimant, during his 60-day probationary period, failed to demonstrate that he was qualified to work as a foreman. Consequently, the Carrier had every right to disqualify the Claimant and move him back to his previous position. The claim will be denied.

AWARD

Claim denied.

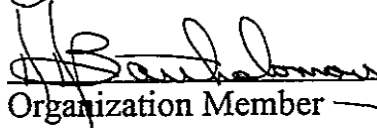


PETER R. MEYERS
Neutral Member



Joan M. Lawrence
Carrier Member

DATED: June 3, 1994



H. Baulderson
Organization Member

DATED: June 3, 1994