

SPECIAL ADJUSTMENT BOARD NO. 947

Claimant - J. R. Harris
Award No. 68
Case No. 68

PARTIES
TO
DISPUTE

Brotherhood of Maintenance of Way Employes
and
Southern Pacific Transportation Company (Western
Lines)

STATEMENT
OF CLAIM

That the Carrier's decision to assess and place on Claimant's personal record thirty (30) demerits, was excessive, unduly harsh and in abuse of discretion, and in violation of the terms and provisions of the current Collective Bargaining Agreement.

That because of the Carrier's failure to prove and support the charges by introduction of substantial bona fide evidence, that Carrier now be required to remove the thirty (30) demerits from Claimant's personal record, and that the charges be removed from his record.

FINDINGS

Upon reviewing the record, as submitted, I find that the Parties herein are Carrier and Employes within the meaning of the Railway Labor Act, as amended, and that this Special Board of Adjustment is duly constituted and has jurisdiction of the Parties and the subject matter; with this arbitrator being sole signatory.

On November 6, 1987, the Claimant did not show up for work and did not properly notify the Carrier he would be absent. The Carrier charged the Employee with a violation of Rule 604 of the

Rules and Regulations for the Government of Maintenance of Way and Structures and Engineering Department Employees of the Southern Pacific Transportation Company. The rule cited by the Carrier reads in part.

Rule 604: DUTY-REPORTING OR ABSENCE:
Employees must report for duty at the designated time and place. . . .They must not absent themselves from duty without proper authority.

The Claimant had been admonished previously for not contacting the appropriate person(s) on days he did not intend to report to work. He was aware of the requirements placed upon him, not only by the rules, but by his supervisors. This Board sees no reason, short of independence, which prevented the Claimant from following the proper procedure in reporting his absence on November 6, 1987. Even if he did report his intended absence to a co-worker, he was well aware of the directive issued by his supervisor which required that he call one of three particular supervisors. He did not have the authority to alter the directions to suit his self-determination of the rules. As this Board has said on many occasions, it is not the job of employees to interpret the rules. When they are given an order which they feel violates the agreement, they are to comply with the order and file a claim through there Union.

In view of the Claimant's record and his earlier discipline regarding the protection of his assignment, this Board does not believe the issuance of thirty (30) demerits was unreasonable.

AWARD

The claim is denied.



Carol J. Zamperini, Neutral

Submitted: . . .
May 20, 1988
Denver, Colorado