

PUBLIC LAW BOARD 7239

PARTIES BROTHERHOOD OF LOCOMOTIVE
 ENGINEERS AND TRAINMEN
 TO

AWARD NO. 75
CASE NO. 75
FILE: 2016-0131

DISPUTE KANSAS CITY SOUTHERN RAILWAY COMPANY

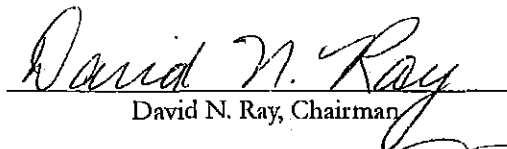
STATEMENT OF CLAIM: Claim of KCS Engineer Reginald Scott for the unwarranted discipline of two points under KCS-MidSouth Availability Policy, assessed to Engineer Scott. This claim is for removal of all notations from his personal work record of discipline assessed for alleged violation of Kansas City Southern Railway's Company's Availability Policy.


FINDINGS AND OPINION: This Board finds the parties herein are the Carrier and Employee, respectively, within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over this dispute; and the parties were given due notice of the hearing.


Claimant was employed on February 3, 2003, and subsequently promoted to engineer. On March 17, 2017, while working as an engineer out of Meridian, Mississippi, Claimant was charged with being in violation of Carrier's attendance policy between December 14, 2016 and March 14, 2017. As a result, a hearing was scheduled and based on the evidence, Claimant was assessed two points.

The evidence developed in the hearing confirms that Claimant violated Carrier's policy. The Organization argues that Claimant was not warned regarding his attendance and there were medical reasons for the layoffs. The Organization states Claimant had migraines, personal issues related to a divorce, a nine year old daughter and stress as reasons for the mark offs. It is noted that most of Claimant's medical documentation is dated after the test period. Carrier argues Claimant was in violation of the policy. During the test period, Claimant marked off twenty nine times including eight weekends. Carrier's Policy prohibits frequent personal lay offs as well as frequent weekend layoffs. Claimant had 28 starts or approximately two days per week. The Board finds no reason to overturn the Carrier's decision.

AWARD: Claim denied.


David N. Ray, Chairman


Jennie Nyp, Carrier Member


Cole W. Davis, Employee Member

Signed at Estero, Florida on September 18, 2018.