

Award No. 1312
Docket No. 1241
2-CRI&P-EW-'49

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Electrician Harry E. Hambleton was unjustly deprived of his service rights on January 19, 20, 21, 22, 23 and 24, 1948, under the current agreement, and that accordingly, the carrier be ordered to compensate him for all such time lost.

EMPLOYES' STATEMENT OF FACTS: Mr. Harry E. Hambleton, hereinafter referred to as the claimant, was regularly employed as an electrician at Rock Island roundhouse, Rock Island, Illinois, from 8:00 A.M. to 12:00 noon and from 1:00 to 5:00 P.M. with a seniority date of April 8, 1941. This claimant served his apprenticeship in the shops of the Rock Island Railroad.

Train No. 23 arrived in Rock Island at about 11:35 P.M. January 15, 1948, with No. 2 engine of Diesel 622 shut down. The train crews, or roundhouse force at Rock Island were not successful in putting No. 2 engine in operation while standing at the station. There was no electrician on duty at that particular time. The roundhouse foreman conversed with the outgoing crew, Engineer Frey and Fireman Tracy. He asked the crew to take the train out with the remaining two units in operation and he (the foreman) would have an electrician board the train at Davenport, Iowa, (which is two miles from Rock Island.) Foreman T. C. French called Electrician Hambleton and told him to board the train at Davenport, get her going, and help the crew all he possibly could—stay with her and be sure everything was OK. The claimant followed Foreman French's instructions and boarded the train at Davenport.

He examined No. 2 engine on Diesel 622, the job that he was called for, and found that the engine had a burnt out bearing, causing connecting rod to trip the "watch dog", and thereby preventing the engine from running. After the claimant found out what the trouble was with No. 2 engine, he notified the engineer that he could not use that engine, and that he had checked the balance of the engines and they were working A-1. He also checked the ammeter and voltmeter on the remaining two units and found that they were "charging" alright. As everything was working alright at West Liberty (except No. 2 engine) the claimant conversed with Engineer Frey about getting off at West Liberty and catching No. 20 back to Davenport. Engineer Frey did not object to Electrician Hambleton leaving the train at West Liberty, which he did.

Train No. 23 left West Liberty at about 12:50 A.M. January 16, 1948, under the supervision and operation of a qualified crew. This train had

We now come to the question of how far this train could have operated with the ammeter showing a 60 amp discharge. We have said that we regard the claimant's testimony quoted above to be an erroneous conclusion. Our statement is based upon an actual test made under conditions as nearly as possible approximating those which existed on the night in question; that is, an outside temperature approximation, the batteries in a similar condition, the No. 2 engine shut down, and the charging fuse removed, the boiler operating, all lights operating, and the electrical appliances operating. We removed both of the battery charging fuses in connection with both the No. 1 and No. 2 engines and No. 1 and No. 2 auxiliary generators. This simulated the actual condition which existed on Diesel #622 before and after it failed at Mitchellville on January 16, 1948. The boiler on #622 is electrically activated and is regulated to maintain a specified number of pounds of steam pressure on the train line. Under normal operating conditions, when the train is heated and there is no demand for additional steam, the boiler temporarily discontinues generating steam. When the train uses the steam, the boiler is electrically activated and operated so that it generates additional steam. In the test which we made, we did not permit the boiler to come to rest at any time, but required it to continually operate so that in all probability, it was under a more severe test than on train No. 23, January 16, 1948. The batteries on Diesel #622 were new in March, 1947.

Under average conditions an ampere-hour efficiency of 75 per cent can usually be obtained from a battery. We operated Diesel #622 under the conditions which we have stated for three hours with the ammeter indicating a 55 amp discharge. On the basis of 75 per cent efficiency of the battery, the engine would have continued to operate for about five (5) hours.

The test which we have discussed above corroborates the testimony of Fireman Tracy with respect to the 60 amp discharge indication of the ammeter on the 622 which he called to the attention of the claimant. With this 60 amp discharge, this engine would not only run the 25 or 30 minutes testified to by the claimant (Q-33) but instead approximately five (5) hours. This train left Rock Island at 11:55 P. M., January 15, 1948. It failed at 4:15 A. M., January 16, 1948. It had been running four (4) hours and twenty (20) minutes. This demonstrates the negligence of claimant in the discharge of his duties. If he had discovered the defective fuse and replaced it as he should have done, he would have unquestionably prevented the failure of this important train.

The fact that Mr. Hambleton was returned to our service after the investigation, as we have indicated above, did not absolve him of the responsibility for the Diesel failure at Mitchellville on January 16, 1948, but simply was an evidence that the carrier took into consideration his previous service and on a leniency basis, restored him to service in the belief that the discipline which had been imposed, had made a sufficient impression upon him of the importance of carrying out the instructions of his supervisors.

It has been observed by the National Railroad Adjustment Board that imposition of discipline is always a delicate matter. Awards of the Board have also recognized that safe operation of railroads is the responsibility of the carrier. To achieve that end, the carriers must resort, in some instances, to disciplinary measures. The imposition must, of necessity, be within the discretion of the railroad and if it is exercised without unfairness or bad faith, the Board has held that it should not be arbitrarily altered. There was no bad faith nor was there unfairness in the assessment of the discipline in this case. In view of the testimony at the investigation and under the circumstances, it was necessary that the claimant be impressed with the importance of obedience to instructions and the necessity of industry and perseverance in the discharge of his duties in connection with maintaining on-time operation of important trains. It is for these reasons that we respectfully petition the Board to deny this claim.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

The claimant, Electrician Harry E. Hambleton, was suspended from the service January 19; an investigation was held January 21. He was returned to the service January 26, 1948, by the carrier.

The evidence of record in this case is not sufficient to justify the carrier's action which resulted in the claimant being deprived of certain service rights.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of April, 1949.