

The Second Division consisted of the regular members and in addition Referee T. Page Sharp when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. That under the current Agreement the National Railroad Passenger Corporation (Amtrak) has unjustly suspended Chicago, Illinois Electrician Ms. Judith Hammond fifteen (15) days effective July 18, 1984 and up to and including August 1, 1984.

2. That accordingly the National Railroad Passenger Corporation be ordered to restore Electrician Ms. Judith Hammond to service with seniority unimpaired and with all pay due her from the first day she was held out of service until the day she is returned to service, at the applicable Electricians' rate of pay for each day she has been improperly held from service; and with all benefits due her under the group hospital and life insurance policies for the aforementioned period; and all railroad retirement benefits due her, including unemployment and sickness benefits for the aforementioned period; and all vacation and holiday benefits due her under the current vacation and holiday agreements for the aforementioned period; and all other benefits that would normally have accrued to her had she been working in the aforementioned period in order to make her whole; and expunge her record.

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 employes 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.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was an Electrician in the employ of the Carrier on June 10, 1984. Her conduct on that date led to an Investigation into the same in which she was charged with:

". . . your alleged violation of Rule 'F' in that on June 10, 1984 while on company property you failed to stop your personal automobile at the northbound stop sign at 13th & Lumber Streets. You then failed to stop after Amtrak police made pursuit with emergency lights flashing & siren sounding. You further refused to pull your car to the curb which required Officer White to stand in traffic lanes while questioning you at the stop light at 12th & Clark Streets, which created a hazardous condition for him".

As a result of the proof brought forth at the Investigation, the Investigating Officer found that the charges had been proved and suspended Claimant for ten (10) days. This suspension activated a previously deferred five (5) day suspension.

On the date in question Claimant was leaving work at approximately 11:10 P.M. As she left the yard in her personal vehicle, she was observed by Carrier security running a stop sign. The Security Officer immediately turned on the flashing lights on his marked vehicle and utilized the public address system to notify her to pull over. She ignored his actions and continued up the ramp to leave the facility. At this time the Officer proceeded to activate his siren, but Claimant ignored this signal also.

Eventually Claimant, with the Officer in hot pursuit, stopped her automobile in the middle of a Chicago street and refused to pull over to the curb. The Officer approached the automobile on foot although he was standing in ongoing traffic. Claimant refused to exhibit her Driver's License although directed to do so several times. She finally admitted to having no License with her, but did exhibit her Carrier identification.

Claimant did not admit nor deny running through the stop sign. This contrasts sharply with the testimony of the Officer who stated that she had not stopped for the sign. Her reason for not obeying the usual police signals, flashing lights and sirens was that she was unaware of them. Not to be aware of flashing lights and loud sirens in the middle of the night from a car that is in hot pursuit has no touch of reality. The Investigating Officer dismissed this part of the evidence as lacking in verity and we can find no reason to overturn his credibility Findings. This is even more obvious when the Transcript reveals that Claimant is a former Chicago Police employee.

The Carrier maintains a large yard in Chicago on which vehicles of all types, including the personal vehicles of employees transgress. It has exercised its right to install the usual traffic control devices, e.g. stop signs, speed limits, etc., to help assure a safe flow of these vehicles. It has also exercised its right to employ security forces whose function includes policing of this traffic flow.

When the Security Officer directed Claimant to stop her vehicle, she was under a duty to do so. This is without regard to whether or not she thought she had committed any traffic infraction. She offered no logical reason why she did not stop nor why it was necessary for the Officer to pursue her as long as he had to before she eventually stopped. She was charged with violating Rule F which concerns safety. The Officer attempted to get Claimant's attention to question the unsafe practice of running a stop sign.

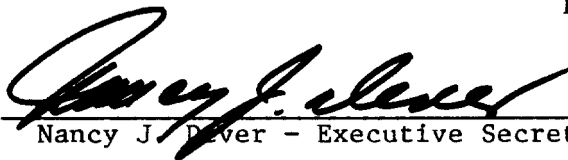
The evidence showed that Claimant was operating her vehicle in an unsafe manner. Based on the evidence and Findings from the Investigation we will not substitute our judgment for the judgment of Carrier in assessing a ten day suspension. The five day activated suspension was deferred from an earlier incident and has no bearing on this case.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of July 1986.