

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

Parties to Dispute: (System Federation No. 76, Railway Employees'
(Department, A. F. of L. - C. I. O. -
((Electrical Workers)
(
(Chicago and North Western Transportation Company

Dispute: Claim of Employee:

1. That under the current agreement the Carrier unjustly assessed Electrician H. E. Diggs with a five (5) working day suspension.
2. That, accordingly, the Carrier be ordered to compensate Electrician H.E. Diggs in the amount of five (5) days pay.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

After a properly conducted investigative hearing, Claimant was given a five-day disciplinary suspension for "sleeping in cab of locomotive 880 while employed as an electrician on first shift of Council Bluffs Diesel Shop on September 27, 1977, at approximately 8:30 a.m."

The record shows that Claimant was observed "sitting in the engineer's seat with his head down on the control stand." This observation occurred three or four times over a period from 8:30 a.m. to 9:25 a.m. There is no reason to question the validity of Carrier's conclusion that Claimant was sleeping during this period, or at least in a position of complete repose, at a time when he should have been at work. The discipline imposed is not harsh, and there is no basis on which the Board should interfere with the Carrier's action.

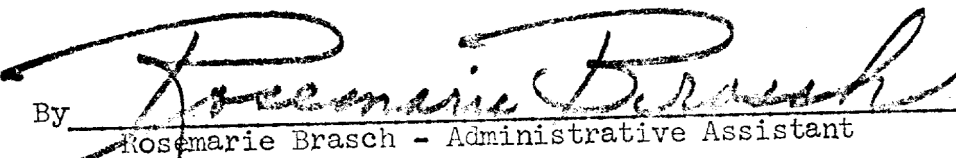
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD -
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 7th day of March, 1979.