

The Second Division consisted of the regular members and in addition Referee Walter C. Wallace when award was rendered.

Parties to Dispute: (System Federation No. 8, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Missouri-Kansas-Texas Railroad Company

Dispute: Claim of Employees:

1. Appeal of the September 20, 1976 discipline assessment imposed on Radio Maintainer D. D. Lee by the Missouri-Kansas-Texas Railroad Company for alleged indifference in the performing of his duties on September 9, 1976.
2. That, accordingly, the Missouri-Kansas-Texas Railroad Company be ordered to lift the disciplinary penalty of ten days' deferred suspension against Radio Maintainer D. D. Lee; and, to clear his personal record of any and all notations resulting from the letter charge dated September 20, 1976.

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.

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

Claimant was assessed discipline for alleged indifference in performing his duties on September 9, 1976. He had been dispatched to handle a communications problem at Glen Park Yard, several hours distance from his base. Claimant came to the conclusion the repair involved line work and a lineman would be needed. He had failed to bring sufficient wire to effect temporary repairs. As a result, he removed the radio console from the yardmaster's office to the extreme other side of the building.

In effect, the claimant found the trouble but did not make repairs and failed to notify his supervisor directly before returning to his base the next day. The repairs were made by a lineman within 15 minutes on the second day without the need for climbing.

The record contains substantial evidence to support carrier's conclusion that claimant was indifferent in performing his duties on September 9 and 10, 1976, within the meaning of the rule. Putting aside the issue of climbing, claimant failed to carry with him to Glen Park a supply of wire. When he was there and recognized that wire was needed he failed to obtain the wire locally. If special authority was needed to acquire wire locally then it would have been prudent for him to obtain such authority. Moreover, his judgment that radio contact was effected by removing the console from the yardmaster's office to the extreme other side of the building must be called into question.

Based on a careful review of the entire record, there is sufficient evidence for the Carrier to conclude that claimant did not meet the minimum requirements with respect to the job assignment in question. Considering the alternatives available and the actions taken by claimant, the record supports carrier's actions. Even if we credit claimant's view in arguendo that he could not be required to do line work, there is ample basis to conclude he did not do all that could be expected of a skilled worker in his classification under the circumstances. Carrier's contention must be given credit that a failure of radio communications in a busy rail yard such as Glen Park is a matter of considerable concern and claimant failed to respond properly.

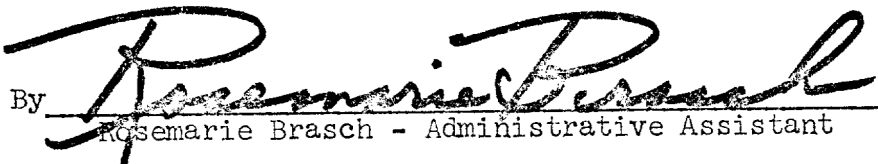
A W A R D

Claim is 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 4th day of April, 1979.