

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 8021  
Docket No. 7790  
2-NRRC-EW-'79

The Second Division consisted of the regular members and in addition Referee James F. Searce when award was rendered.

Parties to Dispute: { System Council No. 7, International Brotherhood of Electrical Workers  
{ National Railroad Passenger Corporation

Dispute: Claim of Employees:

1. That under the current agreement, Electrician Gino L. Leggett was unjustly assessed thirty (30) days suspension for alleged violations of Rule F, J, M and Y of Rules of Conduct.
2. That, accordingly, the Carrier be ordered to compensate him during the period of suspension, unimpaired benefits, including sick leave and all other benefits that are a condition of employment unimpaired and compensated for all loss time plus 6% annual interest on all such lost wages, also reimbursed for all loss sustained account loss of coverage of health and welfare and life insurance agreements during the time held out of service.

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.

The suspension in this case grew out of a confrontation between the Claimant and two (2) AMTRAK Police Officers. The Claimant is charged with violation of Rule F -- pertaining to using safe work practices and observing safety regulations; Rule J -- pertaining to acceptable personal conduct on the job; Rule M -- pertaining to using work time for non-work related reading, etc; and Rule Y -- pertaining to a duty to obey and conform with instructions issued by the Carrier. The essence of the charges against the Claimant is that he was improperly parked in a restricted area, reading a newspaper when approached by two AMTRAK Police Officers. His initial reaction to their query as to his being there and for identification was to ignore them. When they endeavored to open his car door, he purportedly closed the window, started his car and sped away at an excessive rate.

Giving the Claimant the benefit of the doubt as to Rules M and Y, the record is sufficient to support the Carrier's disciplinary action on violations of Rule F and J. While the Organization may wish to argue "shades of gray" as to the extent of the Claimant's disdain and disobedience to efforts by the AMTRAK Police to carry out their responsibilities, the transcript leaves little to be doubted that the Claimant's conduct was patently unreasonable and unacceptable. We find the record sufficiently supportive of the discipline assessed against the Claimant.

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  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 1st day of August, 1979.