

The Second Division consisted of the regular members and in addition Referee Hyman Cohen when award was rendered.

Parties to Dispute: (International Brotherhood of Electrical Workers
(Southern Pacific Transportation Company
(Western Lines)

Dispute: Claim of Employees:

1. That under the current agreement, Mechanical Department Electrician L. J. Butler was unjustly treated when her discipline record was assessed thirty-five (35) demerits on November 3, 1981, following formal investigation for alleged violation of portion of Rule 810 and Rule "G" of the General Rules and Regulations of the Transportation Company (Pacific Lines). Said alleged violation occurring on October 19, 1981, at approximately 10:45 P.M.
2. That accordingly, the Southern Pacific Transportation Company (Pacific Lines) be ordered to:
 - (a) Rescind the 35 demerits assessed Electrician L. J. Butler's discipline 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.

The Claimant was employed as an Electrician at the Carrier's Los Angeles, California Maintenance Plant. As a result of a hearing held on October 19, 1981, the Claimant was found to be responsible from being away from her assigned post of duty and off Company property without authority during her tour of duty on October 8, 1981. Accordingly, her discipline record was assessed thirty-five (35) demerits.

On October 8, 1981, the Claimant was observed by four (4) Supervisors, including her own Supervisor, in the parking lot of a Foster Freeze Drive-In restaurant during her tour of duty. The Claimant's immediate Supervisor, R. Perez, did not give her permission to be away from her post of duty. By the Claimant's admission, she did not receive permission from Supervisor Perez to leave work and be away from the Carrier's property before the end of her tour of duty. Rather, she was told by a fellow Electrician, that he obtained permission from Supervisor Perez for himself, another Electrician and the Claimant to leave the property early. In fact, no such permission was granted. Moreover, the Claimant acknowledged that "normally" she takes "instructions" from her immediate Supervisor and not from another Electrician.

Accordingly, the Claimant violated Rule 810 of the Carrier's General Rules and Regulations which, in relevant part, provides:

"Employees must...remain at their post of duty, and devote themselves to their duties during their tour of duty. They must not absent themselves from their employment without proper authority..."

In the Board's judgment, the Carrier's assessment of thirty-five demerits to the Claimant's discipline record should not be disturbed.

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 23rd day of January 1985.