

The Second Division consisted of the regular members and in addition Referee Joseph S. Cannavo, Jr. when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Firemen & Oilers
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(CSX Transportation, Inc.

STATEMENT OF CLAIM:

1. That under the current and controlling agreement Service Attendant, Ms. Vickie Bankston, I.D. No. 174488, was unjustly suspended from service of the CSX Transportation, Inc., on June 14, 1988 after an investigation was conducted by Mr. Gerald Williams, General Foreman, on June 8, 1988.

2. That accordingly, Service Attendant Bankston be compensated for Tuesday, June 14, 1988 through July 13, 1988 (22 working days) both days inclusive, eight (8) hours pay at the pro rata rate for the holiday of July 4, 1988, and any overtime she stood to work on that holiday, the payment of ten percent (10%) interest rate be added thereto and her personal record expunged of any reference to this suspension from 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 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.

As the result of an Investigation on June 8, 1988, the Claimant was issued a thirty (30) day suspension. The incident involved the Claimant's impaired state caused by the consumption of an over-the-counter drug recommended by her doctor. The Claimant was charged with a violation of Rule 6 of the CSX Transportation Safety Handbook which prohibits employees from reporting for duty while, under the influence of any substance that would adversely affect the employees performance. The Claimant, whose duties include driving a forklift, admitted consuming the drug knowing its impact, including drowsiness, nausea and shortness of breath.

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It is obvious to the Board that the Claimant openly and notoriously violated a rule that is designed to protect her and other employees. In this regard, nothing else need be written. The Board also finds that the discipline issued the Claimant was justified and not excessive especially in view of the Claimant's prior record of discipline.

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 6th day of June 1990.