

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12760
Docket No. 12638
94-2-93-2-2

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical
(Workers
(
(Southern Pacific Transportation Company
((Western Lines)

STATEMENT OF CLAIM: "Claim of the Brotherhood:

1. That under the current Agreement, Mechanical Department Electrician C. T. Cross was unjustly treated when he was suspended from service for a period of two (2) days beginning March 20, 1992 though and including March 21, 1992, following investigation for alleged violation of portions of Rule 1007 of the General Rules and Regulations of the Southern Pacific Transportation Company (Western Lines).
2. That, accordingly, the Southern Pacific Transportation Company be ordered to compensate Electrician C. T. Cross for all lost wages due to the two (2) day suspension, with all rights unimpaired, including service and seniority, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions, and loss of wages to include interest at the rate of ten percent (10%) per annum."

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.

At the time this dispute arose, Claimant was assigned as a Electrician in Carrier's Mechanical Department in Roseville, California. By letter of February 26, 1992, Claimant was notified to appear for a formal hearing

"... to develop the facts and place responsibility, if any, in connection with your failure to complete your assignment concerning the C.S. 2326 Inspection Form concerning SP Locomotive 7376 on February 4, 1992 noting corrective action undertaken under that heading. This may be a violation of Rule 1007; Conduct of the Safety and General Rules for all employees that part reading: ... "Indifference to duty, or the performance of duty, will not be condoned...."

It is undisputed on this record that Claimant's notations and signatures on the FRA Form at issue were illegible. At the Investigatory hearing, Claimant's sole defense was that other employees were responsible for doing the work noted on the form. He did not dispute his supervisor's testimony that submission of a form, portions of which were illegible, could result in a locomotive being allowed to leave the Mechanical Department without some necessary repairs being performed.

In light of the potential operating and FRA problems associated with careless completion of the C.S. 2326 Inspection Form, the Board does not find Carrier's assessment of a two-day suspension to be excessive.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 13th day of October 1994.