

**Award No. 4234
Docket No. 4024
2-AT&SF-EW-'63**

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O. (Electrical Workers)**

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY (Coast Lines)**

DISPUTE: CLAIM OF EMPLOYEES:

(a) That the Carrier unjustly dismissed Shop Extension Electricians Harold L. Miller, D. R. Mentor and F. L. Gillespie from their service.

(b) That accordingly the Carrier be ordered to reinstate Shop Extension Electricians Harold L. Miller, D. R. Mentor and F. L. Gillespie with all their rights unimpaired and compensated for all time lost.

EMPLOYEES' STATEMENT OF FACTS: The Atchison, Topeka and Santa Fe System, hereinafter referred to as the carrier planned an installation project at Winslow, Arizona, it was requested that this project be started in May 1960, but for some unknown reason it was not started until June 13, 1960. Due to this late start the carrier was rushing the job at the expense of safety.

Shop Extension Electricians Harold L. Miller, D. R. Mentor and F. L. Gillespie, hereinafter referred to as the claimants, complained to their Supervisor O. C. Severson about climbing poles that were not stepped. Mr. Severson admitted that the claimants did request prior to June 24th that the poles be stepped as following:

“(Mr. J. F. Kanive-Master Mechanic)

Q. Had any request been made to you prior to June 24 that the poles be stepped by any of these electricians?

A. They asked about it, yes.”

be less amounts earned in other employment, pursuant to the provisions of Rule 33½, paragraph (d), of the current shop crafts agreement, reading:

"If the final decision shall be that an employe has been unjustly suspended or dismissed from the service, such employe shall be reinstated with seniority rights unimpaired, and **compensated for the net wage loss, if any**, resulting from said suspension or dismissal." (Emphasis added)

Attention in this connection is also directed to Second Division Awards 2811, 2653 and 1638, Third Division Awards 6074 and 6362, and Fourth Division Award 637.

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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 were given due notice of hearing thereon.

The record in this dispute, taken as a whole, indicates the existence of certain mitigating factors. In view of the record, the Claimants should be restored to service with all seniority rights unimpaired, but without compensation for time lost.

AWARD

Claim sustained in accordance with above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June, 1963.