

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

Parties to Dispute: (System Federation No. 114, Railway Employees'
(Department, A. F. of L. - C. I.O.
((Electrical Workers)
(Southern Pacific Transportation Company

Dispute: Claim of Employee:

1. That under the current Agreement, Electrician J. L. Ashley was unjustly treated when he was dismissed from service on August 22, 1975, following investigations, for alleged violation of Rules 801, 804, and 810 of the General Rules and Regulations of the Southern Pacific Transportation Company on July 13, 1975, and June 8, 1975.
2. That accordingly, the Carrier be ordered to:
 - (a) Restore the aforesaid employe to service, with all service and seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest added thereto.
 - (b) Pay employe's group medical insurance contributions, including group medical disability, dependents' hospital, surgical and medical, and death benefit premiums for all time that the aforesaid employe is held out of service.
 - (c) Reinstate all vacation rights to the aforesaid employe.

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.

Claimant was dismissed from service after formal hearings on essentially two counts: sleeping while on duty on one occasion and failure to perform specific maintenance work on a diesel locomotive on another occasion--both occurrences allegedly taking place within a four to five week period.

The record in this case supports the Carrier's charges. However, we have often said that:

"Discipline generally has three goals: punishment of an employee, correction and training of the employee, and as an example for training purposes for other employees" (Third Division Award No. 19537 - Lieberman)

In this case it is our hope that the time claimant has been out of service will have accomplished all three of the goals previously mentioned. With that thought in mind, we will order that claimant be reinstated to service with seniority rights restored, but without pay for the time lost. We are also compelled to counsel claimant that we consider this to be his final opportunity to learn that Carrier need not retain in its employ those individuals who fail to perform their assigned tasks during the work hours set by Carrier. Prompt and permanent dismissal will be appropriate if claimant in the future returns to his exempt ways.


A W A R D

Claim sustained as per Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of July, 1978.