

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

(International Brotherhood of Electrical Workers
(System Council No. 7
Parties to Dispute: (National Railroad Passenger Corporation (Amtrak)

Dispute: Claim of Employees:

1. That under the current Agreement the National Railroad Passenger Corporation (Amtrak) unjustly suspended Electrician Jason Taylor five (5) days, effective February 4, 1980.

2. That accordingly the National Railroad Passenger Corporation (Amtrak) be ordered to restore Electrician Jason Taylor to service with seniority unimpaired and with all pay due him from the first day he was held out of service until the day he is returned to service, at the applicable Electrician's rate of pay for each day he has been improperly held from service; and with all benefits due him under the group hospital and life insurance policies for the aforementioned period; and all railroad retirement benefits due him, including unemployment and sickness benefits for the aforementioned period; and all vacation and holiday benefits due him under the current vacation and holiday agreements for the aforementioned period; and all other benefits that would normally have accrued to him had he been working in the aforementioned period in order to make him whole; and to expunge his 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 were given due notice of hearing thereon.

The submissions of the parties are in agreement that on April 22, 1981, claimant, an electrician, was charged:

"Violation of Rules K and L in the Amtrak Rules of Conduct in that you were absent, late, or left early, on the following dates: you were absent on 4/04/81 and 4/17/81; you left early on 4/07/81, and you arrived late on 4/10/81."

The investigation, after postponement, was conducted on May 5, 1981, following which Claimant was assessed discipline of a five-day suspension. A copy of the transcript of the investigation, conducted on May 5, 1981, has been made a part of the record. A review of the transcript shows that none of Claimant's substantive procedural rights were violated, and that the investigation was conducted in a fair and impartial manner. Any alleged violation of the Railway Labor Act addresses itself to a forum other than this Board.


There was substantial evidence adduced at the investigation in support of the charge. The introduction of Claimant's prior record in the investigation was not in violation of the Agreement or prejudicial to Claimant. A prior record may properly be considered in arriving at the discipline to be imposed for a proven offense. The discipline imposed herein was not arbitrary, capricious or in bad faith.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST:



Nancy J. Deves - Executive Secretary

Dated at Chicago, Illinois, this 9th day of May, 1984