

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

Parties to Dispute: (International Brotherhood of Electrical Workers
(
(National Railroad Passenger Corporation

Dispute: Claim of Employes:

1. That under the current Agreement the National Railroad Passenger Corporation (Amtrak) unjustly suspended Electrician M. Schiappa from service five (5) days, effective August 14, 1981 causing him to actually be held from service one (1) day.
2. That accordingly, the National Railroad Passenger Corporation (Amtrak), be ordered to restore Electrician Schiappa 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 Adjsutment 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.

Claimant was employed by Carrier as an electrician at Wilmington, Delaware, with starting time of 7:05 A.M. On June 12, 1981, Claimant was instructed to attend an investigation scheduled for 9:00 A.M., June 17, 1981, on the charge:

"VIOLATION:

Violation of that part of Rule K of the N.R.P.C. Rule of Conduct reading as follows:

Employees must ... attend to their duties during the hours prescribed and comply with instructions from their supervisor.

SPECIFICATION:

You were assigned by Foreman T. Aponte at approximately 7:05 A.M., May 18, 1981 to work M.P. and cut the 'A' truck on M. U. #810. By 9:15 A.M., May 18, 1981, the only work that you had performed was the cleaning of the reverser."

The investigation was postponed and conducted on July 17, 1981. A copy of the transcript of the investigation has been made a part of the record. The Claimant was assessed discipline of a five-day suspension. On appeal the discipline was reduced to two days, with Claimant actually serving one day, the second day being held in abeyance.


Based upon our study of the record in the case, and considering the manner in which the entire matter was handled, we conclude that discipline was not warranted against the Claimant. We will award that he be paid for the one day that he actually lost.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June, 1984