

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: (International Association of Machinists and Aerospace Workers
(Kansas City Southern Railroad Company

Dispute: Claim of Employees:

1. That the Kansas City Southern - Louisiana & Arkansas Railroad Company violated Rule 29 of the controlling Agreement when it unjustly suspended Machinist L. T. Hollingsworth for applying the improper length mounting bolt to an engine blower on May 5, 1980 at Shreveport, Louisiana.
2. That accordingly, the Kansas City Southern - Louisiana & Arkansas Railroad Company be ordered to compensate Machinist L. T. Hollingsworth at the pro rata rate of pay for July 21, 22, 23, 24, 25, 28, 29, 30, 31, and August 1, 1980, and also 6% per year interest compounded annually.

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 waived right of appearance at hearing thereon.

Claimant L. T. Hollingsworth is employed as a Machinist at Carrier's facilities in Shreveport, Louisiana. Claimant worked Monday through Friday, 8:00 a.m. to 4:00 p.m. On May 21, 1980, he was given a notice of investigation directing him to appear for a formal hearing. That notice reads in pertinent part as follows:

Please arrange to be present for a formal investigation to be held in the Conference Room General Office Building, 4601 Blanchard Road, Shreveport, Louisiana at 1:00 p.m., Wednesday, June 11, 1980 to ascertain the facts and determine your responsibility in connection with applying the improper length mounting bolt to engine blower, resulting in a locked engine on locomotive number 4160, May 5, 1980.


A hearing into the matter was held on June 27, 1980. As a result of that hearing, Claimant was found guilty and assessed a ten-day suspension. A review of the hearing transcript and the other documents that make up the record of this case support Carrier's conclusion that Claimant was guilty as charged and that some level of discipline was appropriate. We are not, however, persuaded that a ten-day suspension is an appropriate penalty for the infraction committed. Discipline in the industrial setting is designed to be instructive, not punitive. It is this Board's opinion that a ten-day suspension in this case is punitive and is far more severe than is required for Carrier to make its point with Claimant and his fellow employees. We are therefore directing that the ten-day suspension imposed on Claimant be reduced to a three-day suspension and that he be made whole for all lost wages beyond the three days. In keeping with our policy on awarding interest, no interest is granted.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1985.