

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22599
Docket Number SG-22531

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the **General** Committee of the Brotherhood of **Railroad Signalmen** on the Missouri Pacific Railroad Company:

On **behalf** of Signal Maintainer R. M. Moore, who was disciplined April 4, 1977 (30-day suspension); for **pay** for twelve hours' at the current Signalmen's rate, \$7.20 per hour, for the **time** he lost on March 20 and 21, 1977; and pay at his respective rate of pay for the **thirty** days he lost account being suspended April 4, 1977, through May 4, 1977, including overtime **worked** by others on his assignment." Carrier file: B 225-7387

OPINION OF BOARD: On March 21, 1977, Claimant was **notified** to report for investigation **regarding** an allegation that he had failed to wear **shoes** suitable **for** the duties in which he was **engaged**.

Subsequent to the **investigation**, he was suspended for thirty (30) days. The claim also seeks **payment** for twelve (12) hours for March 20 and 21, 1977.

Initially, we have noted an assertion that the **Technicians** in question did not have **the authority** to act in **this** case. We **disagree**. **Carrier may** authorize its **agents** to take certain action as it feels appropriate. Nor do we agree that the charge was improper or indefinite.

The record substantiates that Claimant **had** been warned previously concerning the use of canvas "slip-on" shoes with crepe soles. Nonetheless, he **persisted** in wearing that type of footwear. There is **an** adequate basis for **imposition** of a thirty (30) day suspension. Bwever, it appeals that Carrier waited until certain work was **performed** prior to "**pulling**" him out of service. Under **those** circumstances, we **will** sustain the **claim** for the twelve (12) hours of **pay** for March 20 and 21, 1977, but **deny** the claim as it relates to the thirty (30) day suspension (April 4, 1977 through May 4, 1977).

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway L&or Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated.

A W A R D

Claim sustained only insofar as it relates to twelve (12) hours of pay for March 20 and 21, 1977.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October 1979.