

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29807
Docket No. CL-30621
93-3-92-3-386

The Third Division consisted of the regular members and in addition Referee Robert G. Richter when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union)
(CSX Transportation, Inc. (formerly Chesapeake and Ohio Railway Company))

STATEMENT OF CLAIM: "Claim of the System Committee of the Organization (GL-10804) that:

1. Carrier acted in an arbitrary, capricious and unjust manner when, without just cause, it assessed a 30 day actual suspension against Clerk Anna Anders on May 11, 1990.
2. Carrier shall now be required to compensate Clerk Anna Anders for eight (8) hours each date Clerk Anders is held out of service commencing with May 14, 1990, and for each date so held out of service until she returned to work at the rate of Position 080K-016 Balance & Code Clerk, Revenue, rate of pay \$114.23 daily until June 22, 1990, inclusive."

FINDINGS:

The Third 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.

The Claimant was a regularly assigned clerk in the Revenue Department at Baltimore, Maryland. On May 1, 1990 she was

instructed to report at 9:00 a.m., May 10, 1990 for a formal investigation:

"...to develop the facts, and determine your responsibility in connection with your failure to properly perform your duties with respect to the specific dates and incidents listed..."

The Carrier listed 11 different dates from March 21, 1990, through April 27, 1990, where Claimant allegedly failed to properly perform the duties of her assignment. The Investigation was conducted as scheduled, following which the Claimant was assessed a 30-day suspension.

We have carefully examined the transcript of the Investigation. We find the Investigation was conducted in a fair and impartial manner. Claimant was present and although she declined representation, the Union was represented by the District Chairman as well as a member of the Protection Committee. All were present throughout the Investigation and were allowed to question the witnesses.

In the Investigation it was shown that Claimant failed to properly perform the duties assigned to her on the dates noted in the letter of Investigation. However, Claimant has more than 20 years service with no prior discipline on her record. Therefore, this Board finds the 30 day suspension to be excessive and will reduce such suspension to 15 days.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Cath. Loughrin
Catherine Loughrin, Interim Secretary to the Board

Dated at Chicago, Illinois, this 29th day of September 1993.