

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23577  
Docket Number SG-23832

John B. LaRocco, Referee

PARTIES TO DISPUTE: {  
    (Brotherhood of Railroad Signalmen  
    Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad:

Appeal of discipline assessed Mr. H. A. Blume, Signal Maintainer, Mullins, South Carolina, in connection with injury sustained on July 31, 1979. (thirty-day suspension, October 1 through 30, 1979)."

OPINION OF BOARD: Claimant, a Signal Maintainer, was assigned (along with two other maintainers) to replace a damaged pole and to repair wires at Mullins, South Carolina on July 31, 1979. To properly repair the wires, Claimant had to cut the wires from a nearby pole. Claimant climbed the pole and cut the first wire when the pole suddenly snapped at ground level and fell. Claimant was injured. A post accident examination of the pole disclosed that the inside had substantially decayed though the exterior was more solid.

On August 14, 1979, the Carrier charged the Claimant with a violation of Rules 1, 13, 692 and 707 of the Safety Rules for Communications and Signals Department employees. Rules 692 and 707 are specifically pertinent to this incident and state:

"692. Poles must be examined before climbing. If in doubt as to strength of pole, the following tests must be made:

- (a) Probe below ground line with bar.
- (b) Rock the pole with a pike.
- (c) Sound the pole by striking it with a hammer."

"707. When dismantling or removing wires and cables from poles, great care must be taken to see that they are securely guyed or braced if necessary."

After an investigation, held on August 31, 1979, the Carrier imposed a thirty day suspension on Claimant which he served while off work due to his injury.

Before we address the merits of the claim, we note that the Organization has objected to two alleged procedural defects in the August 31, 1979 hearing. Though we have considered the Organization's objections, we conclude that Claimant was provided a fair and impartial investigation pursuant to Rule 47.

The Claimant testified that he made a brief visual inspection of the pole and it appeared sound. As he began to climb the pole, he also rocked it back and forth and, believing the pole was solid, he then continued to climb.

Claimant and the other two maintainers had observed that the wires attached to the pole were sagging and thus, the wires were not supporting the pole. Neither of Claimant's coworkers were in position to see what kind of test Claimant conducted before ascending the pole. The Supervisor of Communications and Signaling, who arrived at the scene after the accident, testified that he could not find any marks showing pole strength had been tested by any of the methods set forth in Rule 692. Based on this testimony, the Organization contends Claimant complied with all the safety rules because the pole appeared strong and so the tests were not required. The Carrier contends the record contains substantial evidence that Claimant carelessly climbed the pole without first making a complete inspection of the pole.

Though Rule 692 gives signal maintainers some discretion in inspecting and testing pole strength, the tests are mandatory if there is any doubt regarding the stability of the pole. In this case, the presence of sagging wires should have alerted the Claimant to carefully and completely test the pole's strength since the wires provided no backup support. Rule 707 also requires additional bracing of the pole especially when wires are sagging. Even though Claimant sincerely perceived the pole to be safe, he carelessly ignored the risks inherent in this situation.

Safety rules are designed to educate employees not only to avoid obvious risks but also to recognize, discover and neutralize all potential hazards. Third Division Award No. 22650 (Roukis). The sagging wires and the cursory nature of Claimant's visual inspection demonstrate that he did not fully comply with the applicable safety rules. Since the Carrier is obligated to strictly enforce all safety regulations, we see no reason to adjust the Carrier's assessment of discipline.

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 Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor 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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March 1982.