

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25043
Docket Number MW-25039

Thomas F. Carey, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(New Orleans Public Belt Railroad

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The five (5) days of suspension imposed upon Bridgeman Helper M. Jeansonne for 'not being in possession of, and failure to utilize, assigned safety harness on December 30, 1981' was excessive.

(2) The claimant shall be compensated for all wage loss suffered."

OPINION OF BOARD: The record indicates that a five (5) day suspension was imposed upon Bridgeman Helper M. Jeansonne for not being in possession of, and failure to utilize, assigned safety harness on December 30, 1981. Claimant has been employed by the Public Belt Railroad since 1979 and was upgraded to Bridgeman Helper in June of 1981.

As a result of a fatality experienced in May 1980, when an employe not wearing his safety harness fell approximately eighty (80) feet to his death, the Bridge Supervisors were instructed to strictly enforce the safety harness rule. Employes are required to have their safety harnesses hooked up securely at all times for their own protection and also to be able to assist any other employe who may be in trouble.

The record further shows that the Claimant was present at a Safety Talk held on August 19, 1981, when the body harness fall protection system was described, followed with the statement that all men working "on any job requiring a harness must have one on at all times while performing their duties."

In addition, it was also stated at the meeting that persons found not wearing their harness when required to do so, would be given five (5) days off without pay as a disciplinary measure.

Even though the Claimant felt she was not endangering her own life or the safety of anyone else by not wearing her safety harness, it is evident from the testimony in the record that she was fully aware of the safety regulations and penalties involved for non-compliance.

It is fundamental that the employe receive reasonable notice of the consequence of not following company rules and that discipline for the violation of any rules be consistent. The record supports the conclusion that both of these conditions were met by the Carrier in the instant case, and there is no justification to set aside or reduce the five (5) day suspension which was the announced specified penalty for this infraction of the safety rule.

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 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:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 4th day of October 1984.