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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6363
Docket No. 6156
2-SCL-CM-'72

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute: (System Federation No. 42, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employee:

1. That under terms of the agreement, Carman E. T. Olsen was unjustly held out of service the period August 5, 1970 through August 14, 1970.
2. That accordingly the Seaboard Coast Line Railroad Company be ordered to compensate Carman E. T. Olsen eight (8) hours pro rata rate each day August 5, 6, 7, 10, 11, 12, 13, and 14, 1970.

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 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 employed by the Carrier as a carman at its Portsmouth, Va., shop. The record shows that he was absent because of sickness from July 23, 1970, until he reported for duty on August 5, 1970, and was hospitalized during that period from July 24 until August 2. When reporting on August 5, he presented a statement from his personal physician to the effect that in the doctor's opinion, claimant was able to return to work. The Carrier arranged for claimant to be examined by Carrier's local surgeon at Portsmouth on August 11, 1970. The Chief Surgeon reviewed the local surgeon's report on August 17, 1970, and authorized the claimant to return to work, which he did on August 19, 1970. The claimant seeks compensation for each workday from August 5 through August 14, 1970.

In recent Award 6278 involving the same parties, the Board held that the Carrier has the inherent right to require employees to submit themselves for physical examination before returning them to work, but that Carrier has the obligation to render the examination within a reasonable time. In that case, it was held that the physical examination should have been performed within five days. We agree with the principles set forth in Award 6278. We find that the physical examination of claimant herein should have been completed within five days after the claimant reported for duty on August 5, or by August 10, 1970. We will accordingly award pay to the claimant for eight hours at a pro rata rate for each of the days, August 11, 12, 13 and 14.

A W A R D

Claim sustained to the extent indicated in Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 14th day of July, 1972.