

The Second Division consisted of the regular members and in addition Referee Thomas V. Bender when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers
{ Chicago, Milwaukee, St. Paul and Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company violated the current agreement when it unjustly suspended Communication Crew Lineman S. R. Porter from service from December 17, 1979 thru January 1, 1980 for alleged failure to protect his assignment.
2. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be ordered to make Lineman S. R. Porter whole by repaying him for all lost wages and benefits resulting from his suspension and by having his record cleared. Mr. Porter suffered a loss of twelve days' wages at the rate of \$9.17 per hour.

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 in this matter failed to protect his assignment as a System Crew Lineman on November 6-16, 1979. The fact of the Claimant's absence is undisputed. The only question is whether the absence was excused or supported by some acceptable reason.

On November 5, the Claimant did report in advising that he had to take his wife to the doctor and could not work, further, that he would possibly miss the 6th as well. Apparently, the Claimant felt he could legitimately miss work on the 5th and 6th. His decision to take the balance of the week off was made unilaterally. Basically, it was the Claimant's feeling that since his crew was 350 miles away, it was too far to drive for only three days of work. Unfortunately, that was really not his decision to make. The Carrier employs people to make decisions of that nature and the Claimant failed to seek their counsel.

During the period November 12-16, 1979, the Claimant's crew did not work. Gangs of this nature often work extra hours to make-up time so they can have sufficient time to return home for a few days.

The testimony at the hearing established that the Claimant knew his gang would not be working from November 12-16, 1979, because they had the time made up by working overtime. Again, the Claimant decided he would wait until his gang started work. And again, this decision was made without consultation with any supervisor.

There are those who would admire the Claimant's independent nature. However, the price of independence is sometimes high. The Claimant has been employed since 1973. After six years he should have understood the system. He should have understood that the Carrier staffs for its employees presence, and that when an employe fails to report for duty the rest of the gang must pick up the slack. He should have understood that only certain people can grant leaves of absences.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 30th day of June, 1982.