

The Second Division consisted of the regular members and in addition Referee Donald E. Prover when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/ A Division of TCU  
(  
(Northeast Illinois Regional Commuter Railroad  
(Corporation

STATEMENT OF CLAIM:

1. That Coach Cleaner Carl E. Huff was unjustly and in violation of the Agreement assessed a five (5) calendar day deferred suspension and a one (1) year probationary period beginning October 3, 1988 through October 2, 1989.
2. That NIRC be ordered to expunge this discipline from Coach Cleaner Carl E. Huff and be prohibited from any reference to same in the future.
3. That the Northeast Illinois Railroad Corporation be ordered to remove their improper Notice from all bulletin boards and refrain from the use of it in the future.

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 employes 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.

Claimant was regularly assigned as a Coach Cleaner, Monday through Friday, with hours of 8:00 A.M. to 4 P.M. On August 29, 1988, the Claimant called in at approximately 10:00 A.M. to inform Carrier that he was to be absent. On August 30, 1988, at approximately 10:30 A.M., an unidentified woman called the Carrier to inform them that the Claimant was to be absent that day, that he "was going to see a doctor."

As a result of a formal Hearing on September 26, 1988 the Claimant was assessed a five-day deferred suspension and was placed on probation for one year.

We have reviewed the transcript of the Hearing and find that it was conducted in a fair and impartial manner.

The Employees argue the charges were not precise. We find no support for this argument. The August 31, 1988 written notice of the Hearing indicates very clearly what the Claimant was being charged with.

The Employees also argue that the Carrier erred when they utilized the Division Manager's Notice No. 21 dated January 12, 1988, and that Rule 14 rather than the Notice governed.

Notice No. 21 reads in part, as follows:

"Employees are required to notify the proper authority at least thirty minutes prior to starting time, unless a situation exists which makes it impractical; in which case, notification must be received no later than thirty (30) minutes following scheduled starting time."

Rule 14 reads, as follows:

"In case an employee is unavoidably kept from work he will not be discriminated against. An employee detained from work on account of sickness or any other good cause shall notify the Carrier as early as possible."

We do not find any conflict between Notice No. 21 and Rule 14. In our opinion Notice No. 21 supplements Rule 14 and sets up reasonable guide lines. It is not at all unreasonable for the Carrier to expect an employee to call in ahead of his starting time when he knows he will be absent from work. When this procedure is followed the Carrier is then in a position to secure a replacement to be at work near or at the starting time of the absent employee.

At the Hearing, the Claimant produced no evidence nor gave a satisfactory reason or excuse for not complying with Notice No. 21. For that matter the Claimant, in our opinion, did not comply with the requirements of the second sentence of Rule 14 in that he did not notify the Carrier as early as possible that he would be detained from work. Accordingly we find the Claimant to be guilty, as charged. Carrier has indicated that it had previously held conferences with the Claimant and had written him warning letters regarding his absenteeism. Under the circumstances we do not find the discipline assessed in this case to be excessive or arbitrary.


A W A R D

Claim denied.

Form 1  
Page 3

Award No. 11919  
Docket No. 11849  
90-2-89-2-160

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:   
Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 1st day of August 1990.