

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association)
(Missouri Pacific Railroad Company)

Dispute: Claim of Employees:

- 1. That the Missouri Pacific Railroad Company violated the controlling Agreement particularly Rules 16(c) and 17 when Sheet Metal Worker Crimm George was refused permission to work his assigned position at Diesel shops Kansas City, Missouri.
- 2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Sheet Metal Worker Crimm George seven (7) hours and fifteen (15) minutes for such violation.

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.

This matter is similar to that in Award No. 7384, involving the same Carrier and Organization. In this instance, claimant arrived 45 minutes late, without prior notice to his foreman, and his place had been filled from the overtime roster. Claimant was denied the opportunity to work for the remainder of his shift. Rules cited in this claim are:

Rule 16 (c)

"The arbitrary refusal of a reasonable amount of leave to Employes when they can be spared or failure to handle promptly cases involving sickness or business matters of serious importance to the Employe is an improper practice and may be handled as unjust treatment under this Agreement."

Rule 17

"Employees shall not lay off without first obtaining permission from their foreman to do so except in cases of sickness or other good cause of which the foreman shall be promptly advised.

Rule 16 (c) has no application in this matter, there being no question of a refusal of leave nor any allegation of the involvement of "sickness or business matters of serious importance."

As explained in Award No.7384, Rule 17 does not direct itself to anything other than conditions under which an employe may lay off.

Claimant's unreported tardiness, combined with his undisputed poor attendance record, made reasonable the Carrier's actions in obtaining a replacement. No rule violation was demonstrated to require the carrier to put the claimant to work for a portion of his shift when a replacement had already been obtained.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 1st day of November, 1977.