

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: (System Federation No. 6, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Elgin, Joliet and Eastern Railway Company

Dispute: Claim of Employees:

1. That the Elgin, Joliet & Eastern Railway Company, hereinafter referred to as the Carrier, violated Agreement Rules 1, 22, 35, 149 and 150 as well as their own Bulletin Order No. 10 on February 7, 1977 when they refused to allow Carman W. G. Hnetkovsky, hereinafter referred to as Claimant, to commence work after reporting to work late on this date.
2. That the Carrier be ordered to compensate Claimant for a total of two hours and twenty minutes (2 hrs., 20 minutes) pay at the pro rata rate for these violations.

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.

Claimant was employed by Carrier on August 5, 1976; at the time of the instant dispute he was occupying the position of Temporary Carman assigned to Carrier's East Joliet, Illinois, Steel Car Shop. Claimant's position was from Monday through Friday with hours of 8:00 A.M. to 4:30 P.M. On Friday, January 7, 1977 Claimant reported to work at 9:40 A.M. informing the foreman that he was experiencing trouble keeping his truck running on the way to work, thus accounting for his tardiness. He was informed that management had rearranged the work force to protect his work for that day; nevertheless Claimant was instructed to report back to work at 12:30 P.M. that day if he wished to work. Claimant reported at 12:30 P.M. and did work the afternoon portion of his regular shift that day.

The issues in this dispute are essentially identical to those presented by the parties in Award 8045 except for the identity of Claimant and the different dates. The parties' arguments are totally analagous to those in the earlier dispute as well. No mitigating circumstances or facts in this dispute warrant a finding or conclusion different than that reached in Award 8045. It should only be noted that it would appear to be wholly unreasonable for Petitioner to expect Carrier to hold a job open all day in the hope that Claimant will appear at some unspecified time and begin working. No operation can be managed effectively under such circumstances. It must be noted that in this dispute, as distinct from Award 8045 Claimant did indeed work the second half of his shift.

For the reasons indicated in Award 8045 we find that withholding Claimant from working after his tardy reporting to work, was not a disciplinary action and did not violate any rules in the schedule Agreement.

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 15th day of August, 1979.