

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: { System Federation No. 7, Railway Employees'
{ Department, A. F. of L. - C. I. O.
{ (Electrical Workers)
{ Burlington Northern Inc.

Dispute: Claim of Employees:

1. That in violation of the current working agreement the Burlington Northern Inc., did arbitrarily deny eight (8) hours holiday pay and .5 of one hour for regular assigned service as defined in our current working agreement.
2. That accordingly, the Burlington Northern Inc., be ordered to compensate Electrician Joseph G. Kartel at the Burlington Northern Iowa Diesel Facility for eight (8) hours compensation at pro-rata rate for date of July 4, 1978 and .5 of one hour compensation at pro-rata rate for date of July 5, 1978.

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 pivotal question in this dispute is whether or not Claimant was authorized to report to work on July 5, 1978 after having informed Carrier early that day that he would not be available for service because of an injury. When he later appeared at the work situs at 2:30 P.M. about one (1) hour before his regularly assigned shift ended, he was directed by his immediate foreman, William Graf to obtain work authorization from the office. Claimant contends that he was asked to get a late slip which, in fact, he did secure, while Carrier argues that he was asked to obtain authority to work. Moreover, Claimant asserts that since he had worked thirty (30) minutes before the General Foreman removed him, he was entitled to eight (8) hours holiday compensation as per the terms of Section 3 of Appendix D of the Nonoperating National Holiday Agreement.

In reviewing this claim, we agree with Carrier that Claimant wasn't properly authorized to return to work. The foreman would not permit him to work until he received "authorization" from the office which only the General Foreman or the Assistant General Foreman could authorize and did not convey an implicit under-

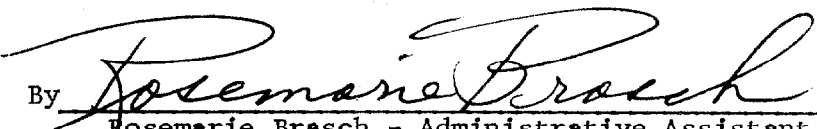
standing that a routine late slip was sufficient. The clerk was not empowered to render such a determination and merely handed him a late slip on the assumption that Foreman Graf requested it. The General Foreman promptly removed him when he learned Claimant was working and he was the employer official, under these circumstances, who could have approved Claimant's request. The Rules Agreement does not preclude Carrier from withholding work from an employee who was previously laid off for reason and Claimant acted to his detriment when he did not obtain "appropriate" authorization. To be sure, the facts herein are distinguishable from a situation where a person reports to work a few minutes late after normal reporting time. But this is not the case before us. Claimant was not expected to report to work at all that day and it wasn't unreasonable when his foreman requested him to obtain authorization. The foreman's acceptance of a routinely issued late slip did not meet this test. Carrier was well within its grounds when it withheld work from Claimant and his thirty (30) minutes work did not create a de facto correlative right that entitled him to eight (8) hours holiday pay and/or .5 of one hour for regularly assigned service. The record clearly shows that he was not authorized to work on July 5, 1978 and thus we must deny the claim.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of August, 1980.