

The Second Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Seaboard Coast Line Railroad Company

Dispute: Claim of Employes:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when they did not fully compensate Carman J. F. Thomas, Waycross, Georgia, for three (3) hours pay at pro rata rate for time lost from work due to jury duty on February 13, 1978.
2. That accordingly, the Carrier be ordered to compensate Carman J. F. Thomas in the amount of three hours at the pro rata rate of pay.

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 Organization contends that Carrier violated the Agreement when it did not compensate Claimant, J. F. Thomas, for three (3) hours of time lost on February 13, 1978 due to jury duty. Claimant regularly starts work at 7:00 a.m.; he was summoned to appear as a juror on the above date at 10:00 a.m.

Carrier argues that one (1) hour and thirty (30) minutes traveling time would be adequate for employes residing in the area where Claimant lived. Therefore, Claimant was advised to report for work from 7:00 a.m. to 8:30 a.m. at which time he would be released for jury duty. Carrier further reports that Claimant stated that it would not be worthwhile to report from 7:00 a.m. to 8:30 a.m.

Claimant was granted permission not to report at 7:00 as he requested. However, Claimant was told that he would be docked for the three (3) hours involved. The Organization maintains that Carrier violated Article III - Jury Duty when Claimant was not paid from 7:00 a.m. to 10:00 a.m.

Article III - Jury Duty reads in pertinent part:

"When a regularly assigned employee is summoned for jury duty and is required to lose time from his assignment as a result thereof, he shall be paid for actual time lost with a maximum of a basic day's pay at the straight time rate of this position for each day lost less the amount allowed him for jury service for each such day..."

It should be noted that another employe residing in the same general area as Claimant also served as a juror at the same place and beginning time as Claimant. This employe worked from 7:00 a.m. to 8:30 a.m. and was given one (1) hour and thirty (30) minutes travel and preparatory time prior to reporting for jury duty at 10:00 a.m.

Claimant was advised by his foreman to do the same but he chose not to report to work from 7:00 a.m. to 8:30 a.m. From the evidence presented, it is clear that Claimant did not adhere to the instructions given him. However, even if Claimant had reported to work from 7:00 a.m. to 8:30 a.m., as instructed, he would have been granted the one (1) hour and thirty (30) minutes travel and preparatory time. For this reason, Claimant, in this dispute, is still entitled to this one (1) hour and thirty (30) minutes of travel and preparatory time and we do so find.

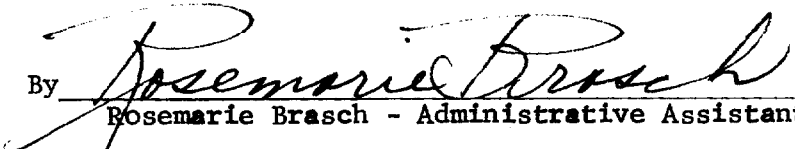
A W A R D

Claim sustained consistent with and to the extent of the Findings.

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 30th day of September, 1981.