

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

Parties to Dispute: { International Brotherhood of Electrical Workers
{ St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That under the current agreement Electrician Apprentice Larry G. Hairston was unjustly suspended from service by the St. Louis-San Francisco Railway Company effective July 3, 1979 as a result of investigation held June 27, 1979.
2. That accordingly the St. Louis-San Francisco Railway Company be ordered to compensate Electrician Apprentice Larry G. Hairston, for all time lost, plus 12% interest including insurance premiums, Railroad Retirement, vacation and other losses of rights and/or benefits during the period of July 3 through October 18, 1979.

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 were given due notice of hearing thereon.

The issues in dispute in this case exist only in degrees: it is manifest that the Claimant left his duty station and work prior to the start of the scheduled meal period (8:00 p.m.) for his shift. The Carrier asserts it was 7:30 p.m. while the Claimant insists it was 7:45. According to the Carrier, his unwarranted early departure delayed work at the Diesel Shop where he was assigned to make underneath inspections of locomotives. Per the Carrier, a unit on which he was assigned was to have been moved at a given time but was delayed due to the Claimant's absence.

According to the Organization, early lunch breaks are not uncommon and do not of themselves represent a capital offense resulting in dismissal, which was eventually reconciled to a suspension from July 3 to October 18, 1979.

We would concur that if such early departure was the substance of the Carrier's charge, dismissal or even a long suspension would be excessive. But the record evinces that the Claimant became insubordinate when confronted with the self-admitted early departure. He refused to meet a minimum requirement of civility in discussing the matter and repudiated his foreman's reasonable directive to move to

a private area for discussion. He compounded his error by showing similar disrespect for a higher level supervisor and eventually refused to work for his assigned foreman.

Any workplace must have a positive superior-subordinate relationship in order to carry forth the business at hand. Where a reasonable order is given, a subordinate can reasonably be expected to execute it; if such employee wishes to take issue with it and such labor-management relationship is controlled by a collective bargaining agreement, there is always the opportunity to grieve -- but after the fact. Here, the Claimant compounded what most probably was a minor error on his part into a major confrontation with his superior. The result was a severe reaction.

We take no issue with the Carrier's resolution of this dispute by the suspension without pay.

A W A R D

Claim is 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 28th day of October, 1981.