

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

KANSAS CITY TERMINAL RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier has not applied the provisions of the Wage Agreement between the parties made as of January 17, 1944, at Washington, D. C., to Ushers (Red Caps) employed at the Union Station, Kansas City, Missouri, in accordance with the terms thereof; and,

(b) the provisions of the said Wage Agreement intend and stipulate Ushers (Red Caps) are to have added to their daily earnings, as computed and paid immediately prior to February 1, 1943, (or as may hereafter be determined to have been properly in effect under Wage Agreement between the parties dated December 15, 1941), the amount of 9 cents per hour or 72 cents per eight-hour day, irrespective of the number of tags sold, for the period February 1, 1943, to December 26, 1943, both dates inclusive; and,

(c) the provisions of the said Wage Agreement intend and stipulate Ushers (Red Caps) are to have added to their daily earnings as computed and paid immediately prior to February 1, 1943, (or as may hereafter be determined to have been properly in effect under Wage Agreement between the parties dated December 15, 1941), the amount of 10 cents per hour or 80 cents per eight-hour day, irrespective of the number of tags sold, for the period subsequent to December 26, 1943; and

(d) retroactive adjustment be made and paid the employees affected on the basis of item (b) above for the period February 1, 1943, to December 26, 1943, inclusive; and,

(e) adjustment be made and paid the employees affected on the basis of item (c) above for the period retroactive to and including December 27, 1943; and,

(f) Employees affected be paid thereafter on the basis of item (c) above.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employee involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

work without justifiable excuse. The claim of poor health was clearly an afterthought. The claim that he had on a previous occasion been taken from a train when ill does not appear to furnish a sufficient excuse, especially when all the facts surrounding it are not before us.

If employes are permitted to arbitrarily shirk their responsibilities for such excuses as are given here, carriers' service to the public would become chaotic. We are convinced that the evidence is sufficient to sustain the decision of the Carrier. We find no support in the claim that the Carrier acted in an unjust, unreasonable or arbitrary manner. A suspension from service for 30 days appears to have been warranted, as the Carrier found.

Here also the Claimant's representative refused to permit the Carrier's officers to question Domantay. What we said in Award No. 2945, Docket No. PM-2996, on this point is applicable here.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That no basis for an affirmative award exists.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 27th day of June, 1945.