

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Edward F. Carter, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of F. M. Perido who is employed by The Pullman Company as an attendant operating out of the Pennsylvania Terminal District of New York City, New York.

Because The Pullman Company did, under date of July 2, 1945, prefer charges against Attendant Perido on which he was later penalized with a twenty-eight days actual suspension on account of Attendant Perido objecting to performing service on a car which was without the scope of that part of the Agreement governing the class of employees to which Attendant Perido belongs.

And further, because he was disciplined on charges unproved; which action was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

And further, for the record of Attendant Perido to be cleared of the charge in the instant case and for him to be reimbursed for all pay lost as a result of this unjust action.

OPINION OF BOARD: Attendant F. M. Perido was assigned to Car Colonial Governors, a buffet, Lounge and composite car, operating from New York to Indianapolis, Indiana, and return. On arrival at Indianapolis this car was found to be in bad order. It was removed from the train and Pullman Car McGuffey, a twelve section, one drawing room car, with no commissary features, was substituted. About ten minutes before the scheduled departure of the train, Perido sent word to the sign-out office that he would not go out on the substitute car. The Carrier was obliged to send out an extra porter in Perido's stead and to deadhead Perido back to New York. An investigation was subsequently given Perido and he was suspended from service for 28 days. Claimant contends the action of the Carrier was unjust, unreasonable, arbitrary and an abuse of discretion on the part of the Carrier.

At the investigation, Perido stated that the reason he did not go out on Pullman Car McGuffey was because he was ill. He admitted that he could have gone out on Car Colonial Governors. It is clear from the record that Perido was not ill. He registered no such complaint when he informed the Assistant Agent that he would not go out on Pullman Car McGuffey. The claim of illness was clearly an afterthought and a secondary excuse.

In Award 3218, we said:

"The Carrier is obliged to make the initial interpretation of the rules and direct how the work shall be done. If the contract is

violated by the Carrier in so doing, it subjects itself to prescribed penalties. Employees as a general rule must perform the work as directed and in case of contract violation, seek redress under the terms of the Agreement.

The foregoing principle controls the instant case. Although Claimant felt that the Carrier was requiring him to perform work contrary to the Agreement, he is required to perform the work as directed and seek redress under the Agreement for the violation. If the rule be otherwise, there would be no centralized management and a disciplined organization would be succeeded by chaotic disorder. See also Award 2946. We find that the action taken by the Carrier was not in violation of the Agreement and that the penalty assessed is commensurate with the offense.

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 Employees involved in this dispute are respectively carrier and employees 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 the action of the Carrier in suspending Claimant from service for twenty eight days was not in violation of the applicable Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 23rd day of July, 1946.