

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23304  
Docket Number CL-23239

Rodney E. Dennis, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station Employes

PARTIES TO DISPUTE:

Chicago Short Line Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood  
(GL-8919) that:

1. Carrier violated the effective Clerks' Agreement when, following an investigation on October 31, 1978, it suspended Clerk Allen C. Bone from service for a period of thirty (30) days, commencing on November 7, 1978, and continuing up to and including December 6, 1978;

2. Carrier shall now compensate Mr. Bone for all time lost as a result of this suspension from service and shall clear his record of the barge placed against him.

OPINION OF BOARD: Claimant Bone is a yard clerk in Carrier's employ. On October 2, 1978, claimant did not report for work. Carrier notified him that an investigation into the incident of his absence would be held on October 31, 1978. At the conclusion of that hearing, claimant was found guilty of failing to protect his assignment on October 2. He was assessed a 30-day suspension. A review of the record of that investigation reveals that claimant received a full and fair hearing and that he was granted all substantive and procedural rights guaranteed by agreement.

Claimant called his supervisor on Sunday evening, October 1, 1978, to tell him that he wanted to mark off until further notice, account he was upset. The supervisor denied claimant permission to be off for such a reason. During the conversation, claimant changed his reason for wanting to be off from being upset to being sick. The supervisor still did not grant claimant permission. He did, however, indicate that if claimant wanted to be off, he would have to get permission from someone in a higher position than the supervisor. Be, the supervisor, would not grant such permission.

Claimant called Carrier's Vice President and requested that he be granted permission to be off on Monday, October 2, account he was upset. After what appears from the record to be a rather lengthy conversation, the Vice President told claimant he would not undermine his supervisor's authority and grant claimant permission to be off. He suggested that he get a good night's sleep. If he still did not feel well in the morning, he should call in and report off sick. Claimant did not call in and report off.

We have carefully **reviewed** the **record** and must conclude that Carrier did not violate the agreement by assessing a **30-day** suspension in the instant case. Claimant, by his own testimony, stated that he did not call in on the **morning** of October 2 to report off. Carrier's Vice President gave **claimant** a perfect "out" by suggesting that if he did not feel well in the morning, he could call in and report off sick. Claimant neglected to do so at his own peril.

**This Board** need not cite previous decisions on this point to support its position. It is **well** understood **in** the railroad **industry** that failure to report off and failure to protect one's **assignment** are grounds for discipline. Claimant is a local union official who, **among all employees**, should know and follow the rules. Be failed to do so in this case and **Carrier** had the right to **discipline** him. The record also **reveals** that claimant has **run** afoul of time and **attendance** standards in the past.

Carrier took **into** account claimant '**s past** record in deciding on the level of discipline to be administered. **This Board** sees no **basis** on which it can **find** Carrier in Violation of the agreement or the accepted principals of progressive discipline.

**FINDINGS:** The Third **Division** of the Adjustment **Board**, upon the whole record **and** all the evidence, finds and holds:

**That** the parties waived oral hearing;

**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 Carrier did not violate** the agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Parker  
Executive Secretary

Dated at Chicago, Illinois, **this 29th** day of May 1981.