

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24151**
Docket Number SC-24388

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
[Southern Pacific Transportation Company
(Texas and Louisiana Lines)

STATEMENT OF CLAIM: "Claims of the General **Committee** of the Brotherhood of Railroad Signalmen ~~on~~ the Southern Pacific Transportation Company (Eastern Lines):

Claim No. 1 Carrier file: 308-67-A.

On behalf of Signalman Mark **Grimsley** for eight hours pro rata pay account not allowed to work ~~on~~ January 6, 1981, ~~because~~ he was two minutes late.

Claim No. 2 Carrier file: 308-66-A

On behalf of **Signalman J. Sampy** for eight hours pro rata pay account ~~not~~ allowed to work on January 14, 1981, ~~because he was~~ five minutes late.

Claim No. 3 Carrier file: 308-68-A

On behalf of **Signalman** Ronnie **McElwrath** for eight hours pro rata pay account not allowed to work on January 6, 1981, because he was two minutes late."

OPINION OF BOARD: These three claims, separately filed in behalf of each of three **employees, have** been combined in **one** submission to this Board. **Each** claimant seeks eight hours pro rata pay for not having been allowed to work for the day because of lateness.

Two of the claimants reported for duty two **minutes** after their prescribed starting time. The third was five minutes late. **All** were not permitted by **their** respective foremen to work on the particular day.

The Organization contends that the employees were disciplined without the prior investigation required by the Agreement.

The Carrier responds that the employees **were** not disciplined; that they voluntarily absented themselves from work by failing to report for the full shift as established by the Agreement.

In the Board's view, based on all the circumstances shown by the record, the **Carrier** acted unreasonably in barring these claimants from their work.

As we **have** frequently emphasized, the Carrier has the right to expect its **employees** to be prompt in reporting for work. We believe, however, that the authority should be exercised fairly and reasonably, with due regard to the particular circumstances. here, delayed reporting of but two to five minutes on one occasion, with no evidence of similar habitual conduct and while the gang was still present at the terminal, is too slight, in our opinion, to justify the loss of a day's work.

For this reason, the claims will be sustained. It is accordingly **unnecessary** to consider the procedural issue raised by the **Organization**.

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 the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of February 1983.