

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25569  
Docket Number CL-25521

Frances Penn, Referee

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

PARTIES TO DISPUTE: (

(Terminal Railroad Association of St. Louis

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9881) that:

1. Carrier violated the Clerks' Rules Agreement, when it assessed discipline of fifteen (15) days actual suspension to Crew Board Clerk, Mrs. J. L. Bible on April 19, 1983, following investigation held on April 10, 1983.

2. Carrier's action was harsh, excessive and unreasonable due to the facts involved.

3. Carrier shall now be required to compensate claimant (Mrs. Bible) for the time lost, total fifteen (15) days between April 19, and May 4, 1983, due to Carrier's harsh and unreasonable action.

OPINION OF BOARD: Crew Board Clerk, Mrs. J. L. Bible, was assessed a fifteen (15) day suspension for calling an Extra Board Clerk to fill Clerical Position No. 2 on March 8, 1983, when no vacancy existed. Clerical Position No. 2 was being filled by a Miss Volner on an "old-head" basis. She had been properly marked up for March 6 and 7 by the Claimant, but was not marked up properly for March 8 and an Extra Board Clerk and Miss Volner arrived for work on that date. It is undisputed in the record that the mistake in marking up the Board was made by the Claimant.

The Organization contends that the mistake was made by the Claimant because of interference and indecision by her Supervisor and because the work record of Employee Volner was not in the computer. The Organization urges that the fifteen-day suspension was harsh, excessive and unreasonable. The Carrier's position is that the Claimant failed in her obligation to properly perform her duties. The Carrier maintains that she did not use the Crewboard documents which were available, including the old-heading list, and that had she done so the mistake would have been avoided. The Carrier denied that Mrs. Bible's Supervisor bore any responsibility for her error.

The Board finds that the evidence in the record supports the Carrier's action in holding Mrs. Bible responsible for calling two people for the same position and in disciplining her for it. However, under all the circumstances the Board finds that the discipline assessed was harsh and excessive. The Supervisor testified that on March 7, the day on which Mrs. Bible made the mistake, he had been confused about which Employee was filling Mrs. Volner's assigned job while she was old-heading Position No. 2. Mrs. Bible's Supervisor stated: "There was some confusion, and I think I did change my mind once or twice or maybe three times, I really don't remember". The Board finds that this confusion on the part of the Supervisor should have been considered as a mitigating circumstance by the Carrier. The suspension shall be reduced to five (5) days.

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

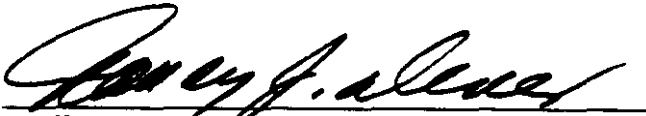
That the discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By **Order** of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of July 1985.

