

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29931
Docket No. SG-30244
93-3-91-3-691

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(National Railroad Passenger Corporation
((AMTRAK)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee
of the Brotherhood of Railroad Signalmen:

Claim on behalf of G. Perlman, for 6.5 hours pay, at his pro-rata rate of pay, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Rule 12, when it sent him home, for failure to comply with carrier instructions." Carrier's File No. NEC-BRS(N)-SD-469. BRS File Case No. 8426-AMTRAK.N.

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was scheduled to attend a Book of Rules class on April 10, 1990. He was sent home because he did not have in his possession an up-to-date copy of the Book of Rules. He is seeking six and one-half hours pay for the time he was not paid on that date. Carrier argues that it was justified in not paying Claimant for the time he was not on duty on April 10, 1990, because he was not prepared to work (attend class) on that date because he did not follow instructions and have in his possession a copy of the Book of Rules. Carrier maintains that it released a memo earlier that no employee would be allowed to attend the class unless they possessed an up-to-date copy of the Rules. The Organization maintains that Claimant never received a copy of this memo.

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Carrier has not established to the satisfaction of this Board that Claimant was in fact notified that he would not be able to attend the Rules class unless he had in his possession an up-to-date copy of the Book of Rules. Accordingly, the Claim will be sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 2nd day of December 1993.