

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21892
Docket Number CL-21731

John P. Mead, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood,
GL-8157, that:

(a) The Southern Pacific Transportation Company violated the current Clerks' Agreement on October 18, 1974, when it disqualified Mr. D. W. Craig from Position No. 814 Maintenance of Way Clerk, Tehachapi, California; and,

(b) The Southern Pacific Transportation Company shall now be required to allow Mr. D. W. Craig all wage loss due to different hours, rest days, rate of pay, work location, overtime rate of Janitor Position being worked, and straight time rate of Position No. 814 for October 21, 1974 and each day thereafter that he is not permitted to work Position No. 814.

OPINION OF BOARD: Claimant was disqualified from the Position of Maintenance of Way Clerk at Tehachapi, California on October 18, 1974, after he had been given a period of ten (10) working days to learn the duties of the assignment.

The record shows that Claimant was afforded substantial assistance in learning the duties of the assignment from the regular incumbent of the assignment. Notwithstanding the foregoing, after receiving this instruction and assistance for ten (10) days, he was unable to grasp many of the rudimentary responsibilities and duties of the assignment. While, in other cases, the ten (10) day period which Carrier allotted Claimant for purposes of learning the assignment might be an unreasonably short period, we cannot find, under the facts of this case, that Carrier's decision was arbitrary or capricious. Our conclusion with respect to this issue has been guided by consideration of the fact that the previous incumbent of this assignment, Mrs. Sparks, was able to learn the duties of the assignment within a ten (10) day period, even though she was a relatively new employe at the time she was assigned to the position.

The record also shows that Claimant, during the first five (5) days of his training, seemed to have a carefree attitude about learning the duties of the assignment. While we encourage Carrier to give Claimant another opportunity to improve his position with the Southern Pacific and also encourage Claimant to apply himself in any future such endeavors, we cannot, on the basis of this record, sustain the claim.

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;

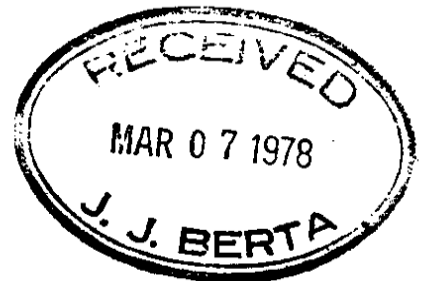
That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February 1978.