NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 23295
THIRD DIVISION Docket Number SG-23449

John B. LaRocco, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Seaboard Coast Line Railroad Company:

Signalman A. Rouse and Assistant Signalman E. Manago be reimbursed for the loss of all wages and other benefits resulting from their two week suspension from service and any reference to the discipline or events related thereto be removed from their personal records."

/Carrier file: 15-47 (79-5) J/

OPINION OF BOARD: The two claimants in this dispute were each suspended for two weeks for alleged violations of Carrier Rule 708 after an investigation which was held pursuant to proper notice on March 22, 1979. The relevant portion of Carrier Rule 708 states:

> "Employees must not absent themselves from duty,...or part of a tour of duty, without first obtaining permission from the proper officer...."

On Thursday, March 15, 1979, both claimants, signalmen, were members of Signal Gang No. 6 which was working at Bellwood, Virginia. Claimants worked a four day week, Monday through Thursday, and a ten hour day. Each day the Carrier's van left the gang's lodging facilities at 6:45 a.m. On March 15, 1979, the van departed the motel at 6:50 a.m. The claimants shared a room at the motel. On this morning, Claimant Rouse was temporarily incapacitated due to a minor ailment. Claimant Manago decided to stay with him. At approximately 6:45 a.m., another signalman warned the claimants that the van was waiting for them. The claimants did not report to the van. The Foreman made no attempt to check on why the claimants failed to report to the van. After waiting for awhile, the claimants took a taxicab to the local train station to journey home. They timely reported to work the following Monday morning.

The Carrier urges us to sustain the discipline because the evidence conclusively demonstrates that the claimants violated Rule 708. According to the Carrier, the claimants have the obligation to report to either the van at 6:45 a.m. or the job site at 7:00 a.m. and the Carrier has no affirmative duty to ascertain why the claimants were detained. The Organization argues that the entire dispute could have been avoided if the track gang Foreman had either gone to claimants' room to check on their problems or returned to the hotel after the claimants failed to report directly to the job site.

Employes have an obligation to timely report to their assignment each working day. Here, the claimants should have reported to the Carrier van by 6:45 a.m., the job site by 7:00 a.m. or they should have obtained permission to be late before the van left the hotel. While the Foreman could easily have gone to the claimants' room to find out why the claimants were delayed (and this is consistent with common courtesy), the Carrier does not have a contractual duty to round up employes to go to work. The claimants aggravated their offense by making no effort to obtain transportation to the job site after missing the van. Instead, they went home leaving the Carrier short two men for ten hours of work. Claimant Manago, who was not incapacitated, had ample opportunity to walk to the van and inform the lead Signalman that there was a problem. Therefore, the claimants failed to fulfill their duty to report to work on March 15, 1979. Under the circumstances, a two week suspension for each claimant was a penalty commensurate with the proven offense.

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 Employes involved in this dispute are respectively Carrier and Employes 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

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: N. W. Pauley
Executive Secretary

Dated at Chicago, Illinois, this 15th day of May 1981.