

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23304
Docket Number CL-23239

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: { Brotherhood of Railway, Airline and Steamship Clerks,
 { Freight Handlers, Express and Station Employees
 { Chicago Short Line Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8919) that:

1. Carrier violated the effective Clerks' Agreement when, following an investigation on October 31, 1978, it suspended Clerk Allen C. Bone from service for a period of thirty (30) days, commencing on November 7, 1978, and continuing up to and including December 6, 1978;

2. Carrier shall now compensate Mr. Bone for all time lost as a result of this suspension from service and shall clear his record of the charge placed against him.

OPINION OF BOARD: Claimant Bone is a yard clerk in Carrier's employ. On October 2, 1978, claimant did not report for work. Carrier notified him that an investigation into the incident of his absence would be held on October 31, 1978. At the conclusion of that hearing, claimant was found guilty of failing to protect his assignment on October 2. He was assessed a 30-day suspension. A review of the record of that investigation reveals that claimant received a full and fair hearing and that he was granted all substantive and procedural rights guaranteed by agreement.

Claimant called his supervisor on Sunday evening, October 1, 1978, to tell him that he wanted to mark off until further notice, account he was upset. The supervisor denied claimant permission to be off for such a reason. During the conversation, claimant changed his reason for wanting to be off from being upset to being sick. The supervisor still did not grant claimant permission. He did, however, indicate that if claimant wanted to be off, he would have to get permission from someone in a higher position than the supervisor. He, the supervisor, would not grant such permission.

Claimant called Carrier's Vice President and requested that he be granted permission to be off on Monday, October 2, account he was upset. After what appears from the record to be a rather lengthy conversation, the Vice President told claimant he would not undermine his supervisor's authority and grant claimant permission to be off. He suggested that he get a good night's sleep. If he still did not feel well in the morning, he should call in and report off sick. Claimant did not call in and report off.

We have carefully reviewed the record and must conclude that Carrier did not violate the agreement by assessing a 30-day suspension in the instant case. Claimant, by his own testimony, stated that he did not call in on the morning of October 2 to report off. Carrier's Vice President gave claimant a perfect "out" by suggesting that if he did not feel well in the morning, he could call in and report off sick. Claimant neglected to do so at his own peril.

This Board need not cite previous decisions on this point to support its position. It is well understood in the railroad industry that failure to report off and failure to protect one's assignment are grounds for discipline. Claimant is a local union official who, among all employees, should know and follow the rules. He failed to do so in this case and Carrier had the right to discipline him. The record also reveals that claimant has run afoul of time and attendance standards in the past.

Carrier took into account claimant's past record in deciding on the level of discipline to be administered. This Board sees no basis on which it can find Carrier in violation of the agreement or the accepted principals of progressive discipline.

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 Employee involved in this dispute are respectively Carrier and Employee 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 Carrier did not violate the agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Parker
Executive Secretary

Dated at Chicago, Illinois, this 29th day of May 1981.