

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23307
Docket Number SG-23263

Martin F. Scheinman, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen
{ The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on The Belt Railway Company of Chicago:

On behalf of Signalman M. Pawlowicz, who was assessed with a ten (10) day deferred suspension following formal investigation that was held on February 15, 1979."

OPINION OF BOARD: Claimant, Assistant Signalman, M. Pawlowicz, after investigation, was assessed a ten (10) day deferred suspension. The crux of the charge against Claimant was that he failed to call in or report that he would be unable to work his regular assignment on January 18, 1979, in accordance with Rule H and Departmental Bulletin Notice dated December 1, 1978.

The Organization contends that Claimant complied with the rule insofar as he called in to work reporting that he would be off duty on all the days he was absent. It also argued that Claimant's wife called the Assistant Signal and Electrical Supervisor to advise that Claimant would not be able to work January 17, 1979 or January 18, 1979 - the day in question. Therefore, the Organization contends that Claimant's personnel record should be cleared of the ten (10) day deferred suspension. In pertinent part, Rule H of The Belt Railway Book, effective June 1, 1974, states:

"Employees must be alert and devote themselves exclusively to the Company's service, attend to their duties during the hours prescribed, and comply with the instructions from the proper authority in matters pertaining to their respective branches of the service. They must not absent themselves from duty, exchange duties with, or substitute others in their place, nor engage in other business without proper authority.

They must report for duty as required and those subject to call for duty will be at their usual calling place, or leave information as to where they may be located."

In addition, all employees on the Signal and Electrical Department under the supervision of M. Lukich were notified by Bulletin Notice dated December 1, 1978, that the "Call-in Policy" for the department would be as follows:

"It has come to my attention that Signal and Electrical Department personnel have a misunderstanding of call-in policy. On any day an employee is to be absent or tardy, the following procedure will be in effect. This is departmental policy and any deviation will result in disciplinary action.

1. Call Signal and Electrical Supervisor's Office between the hours of 7:00 A.M. and 8:00 A.M. at 496-4048.
2. If no supervisory personnel are present, leave message stating name, occupation, and starting time.
3. If applicable, notify supervisory personnel prior to date of absenteeism or tardiness.
4. Periods of more than one day of absenteeism should be specified when calling."

It is undisputed that Claimant understood the requirement to notify the Carrier when he would not be in to work. It is also clear that Claimant did not report to work or personally call the office to notify Carrier that he would not be in to work on January 18, 1979.

Claimant's only explanation is that his wife, who had called in for him on the previous day, also mentioned that he might be out an additional day. This statement was rejected by the Conducting Officer. An analysis of the transcript, specifically page 10, indicates that the Conducting Officer's judgment was not unusual.

Thus, Claimant was guilty as charged. Given the proven offense, the penalty assessed is neither arbitrary, capricious or unreasonable. We will deny 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 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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

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