

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23561
Docket Number CL-23812

Rodney E. Dennis, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9373) that:

1. Carrier violated the Agreement between the parties when it called J. C. Byrd (a trainee) to fill the position of Third Trick Telegrapher, Pekin, Illinois, on December 25, 1979, (a legal holiday) in lieu of the regular assigned employe, K. A. Strauthammer. (Carrier file MP-BRAC-170).

2. Carrier shall now be required to compensate K. A. Strauthammer one days' pay at the time and one-half rate of her regular assignment for December 25, 1979.

OPINION OF BOARD: Claimant K. A. Strauthammer was regularly assigned to the position of Relief Agent-Telegrapher-Clerk in Pekin, Illinois. Her regularly assigned work week would have had her working the third trick on December 25, 1979, Christmas Day. Claimant was told, however, that she would not be working the third trick on December 25. Carrier later decided that it needed coverage on that trick, however, and called Claimant's home at about 9:00 p.m. to inform her that she should report to work. She did not answer the phone. Carrier then called a trainee who worked Claimant's regular shift. When Claimant discovered that the trainee had worked her shift, she filed a claim requesting one day's pay at time-and-one-half. Carrier denied the claim and it has progressed to this Board for resolution.

There is no dispute that Claimant had the right to work the third trick on December 25. It was her regularly assigned shift. The only real issue before this Board is whether one call, a single attempt to contact an employe who should have been called, represented a sufficient effort on the part of Carrier.

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Based on the record before us, it is the opinion of this Board that Carrier could have and should have made more of an effort to contact Claimant to inform her that she should report for work. One call in such a situation falls short of any reasonable definition of sufficient effort. Accordingly, the claim must be sustained.

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 the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 10th day of March 1982.

