

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23870
Docket Number SG-24062

Ida Klaus, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company et al:

On behalf of P. A. Hollins for the difference in pay between an assistant signalman and signalman, that his seniority rights be restored in the signalman class, and that he be placed back on the signalman job he was on prior to being disqualified, because Carrier violated Rule 2(e)(4) and (7) of the Signalmen's Agreement." (General Chairman file: SR-150. Carrier file: SG-427)

OPINION OF BOARD: The Claimant was promoted to the position of Signalman as of September 3, 1979, and was notified of his disqualification on November 6, 1979.

The Organization has made two contentions in support of the claim: First, that the Claimant had not been given a fair opportunity to qualify because he was not afforded a period of sixty-five eight-hour days of service, allegedly required by the Agreement, to show sufficient aptitude to learn the work. Second, that the Claimant was disqualified for reasons unrelated to his work performance.

The record shows that the Claimant's immediate supervisor had given him detailed unsatisfactory ratings for each of three successive time periods of his service in the course of the assignment. The Organization has not persuasively challenged the controlling weight of this significant evidence.

The Board does not read the phrase "within a period of sixty-five eight-hour days of service" as it appears in Rule 2(e)(4) to mean that the employe must remain in the assignment for that entire number of days before he may be disqualified. In our view, the language permits the Carrier to judge the employe to be unqualified on the basis of his performance during such period of time before the completion of sixty-five eight-hour days of service as may be reasonable in the particular circumstances. (See Third Division Award No. 13471). We reject the Organization's contrary interpretation.

Thus it has been clearly established that the disqualification was properly based on significant negative work-related evaluations justifying the Carrier's action before the end of the sixty-five day period.

The Board concludes on this record that the Carrier's determination of November 6, 1979, constituted a reasonable exercise of its authority to judge whether the Claimant had shown sufficient aptitude to learn the work of

a Signalman. Accordingly, we may not disturb the determination. (See: Third Division Awards Nos. 11780; 21243; 21328; 21676).

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.

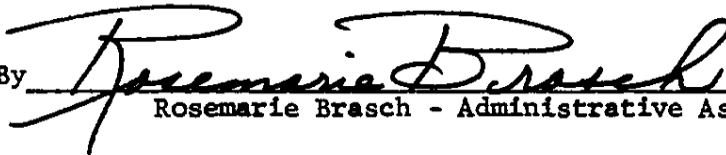
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May, 1982.

