

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23929
Docket Number CL-23913

Carlton R. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9414) that:

1. Carrier violated the effective Clerks' Agreement when, following an investigation, it suspended Ms. S. Schumacher from service for a period of five (5) days commencing on January 29, 1980, and continuing through February 2, 1980;

2. Carrier shall now compensate Ms. Schumacher for all time lost as a result of this suspension and shall clear her record of the charge placed against her.

OPINION OF BOARD: Claimant was disciplined by a five-day suspension as the fourth offense in a progressive discipline procedure established by the Carrier. The claimant objects to the progressive discipline procedure. The identical issue was raised in an action involving this Carrier and Organization and it was recently decided in Award 23405 that the procedure was proper. We find nothing unusual or shocking about that decision and will uphold it in this award.

In Award 23405 the Board felt as follows:

"The progressive discipline procedure is the system on this property. Claimant had knowledge of it. It is not an unreasonable system. Indeed, consideration of the Claimant's past record in assessing discipline is good industrial practice. Here, such progressive discipline has been systematized. Moreover, the Organization has acquiesced in its use."

"Under the progressive discipline procedure, this is Claimant's third offense. As such, he is subject to a three (3) day suspension. Since Claimant was treated in accordance with this procedure, we see no reason to overturn the discipline imposed."

An additional issue raised is whether the claimant, who was assigned to the clerk's extra board, was subject to being called on December 28.

The claimant alleges that since she was paid for two holidays during that week that she was not subject to call on that Friday. A reading of the record as a whole would indicate that this is not a valid interpretation of the contract by the claimant. Claimant further alleges that she had been informed of this erroneous interpretation by a fellow employe but it is not established on the record that this employe was in any position of authority.

The record establishes that the phone calls were made to the claimant but that they were not answered. The claimant insists that she did not hear them. Under these circumstances, absent any finding of bias on the part of the hearing officer, we will support the recommendation of the hearing officer and support the recommendation and discipline imposed.

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.

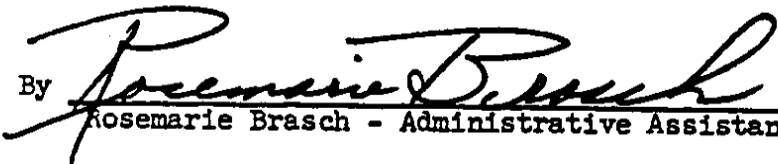
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 30th day of June 1982

