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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25581
Docket Number CL-25725

Stanley L. Aiges, Referee

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees

PARTIES TO DISPUTE:

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(Terminal Railroad Association of St. Louis

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9909)
that:

1. The Carrier violated the Clerks' Rules Agreement when it assessed discipline of fifteen (15) days deferred suspension to Crew Board Clerk, Ms. Rosemary Taylor, on January 12, 1984, following investigation held on January 5, 1984.

2. Carrier's action was harsh, excessive and unreasonable due to the facts involved.

3. Carrier shall now be required to expunge the discipline assessed from Ms. Taylor's personal record and all references thereto.

OPINION OF BOARD: Claimant is employed as a Crew Clerk Board-Marker at the Carrier's Crewboard office in Madison, Illinois. She was assigned to the first shift (7:00 a.m. - 3:00 p.m.) on Tuesday, December 27, 1983. Her regular assigned duty was to prepare, mark and handle the Switchman's Board in order to fill various Switchman's assignments on subsequent shifts.

B. E. Knehans was listed on the Switchman's Board as scheduled to work a Crest Retarder Foreman ("CRF") position on the third shift (11:00 p.m. start) on December 27, 1983. A vacancy, however, arose on the Yardmaster's Board for a first shift December 28, 1983 assignment. Knehans was assigned to fill the vacancy by another Crewboard Clerk. His name, therefore, was transferred (as it should have been) to the Yardmaster's Board to reflect the change in assignment. Knehan's name, however, was never removed from the Switchman's Board.

As a result of the Claimant's failure to remove Knehan's name from the Switchman's Board, no employe reported to work to cover the December 27, 1983 third shift CRF job. The Carrier, therefore, held over the second shift CRF until a replacement could be located and called to work. This created two hours of otherwise unnecessary overtime.

The Carrier, after determining that the scheduling error was Claimant's responsibility, assessed a 15 days (deferred) suspension.

The Board has carefully reviewed the record before us. We are convinced that the Carrier correctly determined that the scheduling error at issue was directly attributable to the Claimant. In making the error, she clearly exposed herself to disciplinary action. We believe, however, that the 15 days penalty (deferred) assessed against her was excessive. We are convinced that the more appropriate penalty would have been an assessment of five (5) days' suspension (deferred).

We direct the Carrier to reduce the aforesaid 15 day suspension (deferred) to a five (5) day suspension (deferred).

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

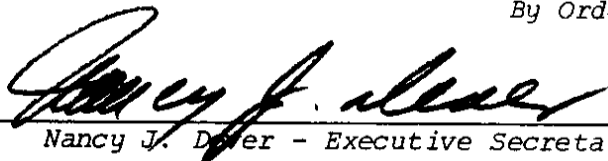
That the discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois, this 22nd day of August 1985.

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