

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25635
Docket Number CL-25619

Lamont E. Stallworth, Referee

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

PARTIES TO DISPUTE:

(
(Chicago, Milwaukee, St. Paul and Pacific Railroad Co.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9856)
that:

(1) Carrier violated the Clerks' Rules Agreement at Bensenville, Illinois when it charged, held investigation and subsequently assessed discipline of disqualification from Caller's Position No. 00290 on November 26, 1982, to Employee J. D. Crisci.

(2) Carrier shall be required to reinstate Employee J. D. Crisci to Caller's Position No. 00290 and compensate him for an additional eight (8) hours at the pro rata rate of Caller's Position No. 00290 for each work day he is held off such position.

OPINION OF BOARD: After a close review of this record and all the evidence presented, it is the Board's considered judgement that on the dates under Claim performance of crew calling duties by Claimant was unacceptable. There is abundant evidence to support Carrier's finding. In addition, disqualification of Claimant for Caller Position No. 00290 in the light of a substandard record is fully justified.

The Superintendent's letter of discipline dated November 26, 1982, disqualified Claimant from Position No. 00290 and the Statement of Claim is limited to a challenge of that disqualification for the position. The Board rejects that appeal.

The above conclusions must be balanced against various extenuating circumstances, such as the fact that Claimant was retained in a Crew Caller's position for some ten years, albeit with letters of warning and a disciplinary suspension. His Supervisor in previous years at Bensenville testified Claimant did function there as a Caller, but that circumstances related to the size of the operation and the crews called had changed, and probably adversely affected his performance of duties in the larger Crew Management Center.

In the light of all the circumstances of this case, the Board concludes that Claimant be given one further opportunity to demonstrate his qualification. The time off for disqualification should have impressed Claimant with the importance of his work and its proper performance including more firmness in the exercise of his authority. In any event, these views are conditioned

upon Claimant demonstrating that he can perform crew caller duties to Carrier's satisfaction and satisfy appropriate conditions and policies.

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.

AWARD

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of September 1985.

