

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25987  
Docket Number MW-25465

John E. Cloney, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(Northeast Illinois Regional Commuter Railroad Corporation  
(former Chicago, Rock Island & Pacific Railroad Company)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it improperly withheld Welder C. Adams and Welder Helper R. Thomas from duty on November 5, 1982 (System File NIRCRC-P-722).

(2) Because of the aforesaid violation, Messrs. C. Adams and R. Thomas shall each be allowed eight (8) hours of pay at their respective straight time rates."

OPINION OF BOARD: The Claimants, both of whom were scheduled to begin work at 7:30 A. M. on November 5, 1982, were enroute to work when the vehicle in which they were riding broke down. Claimant Adams phoned the Carrier while Claimant Thomas made repairs. The Supervisor advised Adams not to bother coming in if they couldn't make it by 7:30 because they would be sent home.

The Organization contends this constituted a suspension from service without pay and without benefit of a Hearing in violation of Rule 17 which reads in part:

"Rule 17 - Discipline and Grievances.

1(a) An employee . . . will not be disciplined or dismissed without a fair hearing . . . ."

The Carrier denied the Claim based upon Rules 32 and 35. Rule 32 provides:

"Regular assignments will have a fixed starting time and the regular starting time will not be changed . . . except as otherwise arranged between the employees and their immediate supervisor."

Rule 35 states:

"When less than eight (8) hours are worked for the convenience of employees, only actual hours worked or held on duty will be paid for."

The Carrier further contends its action here is consistent with a policy known to both employees and the Organization and not objected to in the past.

This Board has held "when there is an established rule, practice and reasonable penalty against tardiness one day suspension is allowable without a hearing" (Third Division Award 21598) and this principle has been followed in numerous cases. Third Division Awards 24428, 23294 and 22904. We also follow it here.

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

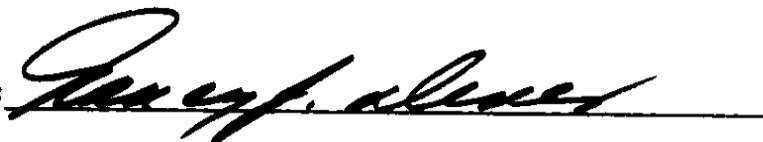
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of March 1986.

