

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 45450
Docket No. SG-48367
25-3-NRAB-00003-240097**

The Third Division consisted of the regular members and in addition Referee Bill Bohne Jr. when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Northeast Illinois Regional Commuter
Railroad Corporation (NIRCRC) d/b/a METRA**

STATEMENT OF CLAIM:

“Claim on behalf of R.J. Lane, for compensation for all time lost, including overtime and skill pay, with all rights and benefits unimpaired and with any mention of this matter removed from his record; account Carrier violated the current Signalmen’s Agreement, particularly Rule 53, when it issued the harsh and excessive discipline of a 20 day suspension with a 24 month review period against the Claimant, without providing a fair and impartial investigation and without meeting its burden of proving the charges in connection with an Investigation concluded on April 22, 2022. Carrier’s File No. 11-2022-7, General Chairman’s File No. 06-D-22, BRS File Case No. 6407, NMB Code No. 200 - Minor Discipline: Attendance”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

By notice dated March 25, 2021, the Claimant was ordered to attend an investigation scheduled for March 31, 2021, in reference to the following:

“The purpose of this investigation is to develop the facts, determine the cause and assess responsibility, if any, in connection with your alleged failure to protect your position as a Signal Maintainer, when you allegedly failed to report to work at 6:00AM on Wednesday March 24, 2021, and did not notify your supervisor prior to the starting time.

In connection therewith, you are charged with the alleged violation of the following rules: Metra employee conduct Rule “Q” and Engineering Special Instructions (Version 4.0) #1 Item 1.1 paragraph 8 and 9.

Metra employee conduct Rule “Q”: Employees must report at their appointed time and devote themselves exclusively to their duties. Employees must not absent themselves, nor exchange duties with or substitute others in their place without proper authority.

Engineering Special Instructions #1 Item 1.1 paragraph 8 & 9: if an employee is going to be absent for whatever reason, for whatever reason, the employee must notify the designated supervisor prior to the start of the employee's assignment. However, this notification, including voicemail messages, does not automatically give an employee an authorized absence. No authorized unpaid absences are considered for review before all personal and vacation days are exhausted.”

After mutually agreed-upon postponements, the investigation was finally held on April 22, 2022.

The Organization argues that the Claimant was not given a fair and impartial investigation. They further state that the discipline assessed was harsh and excessive.

Carrier, on the other hand, asserts that the investigation was fair and impartial, and that the discipline was commensurate with their discipline policy, especially in light of the Claimant’s prior record.

There is no need to elaborate any further what went on here. A thorough review of the entire record indicates that the investigation was fair and impartial, that the Claimant admitted his guilt, albeit with an excuse, and that the discipline assessed was

in accordance with Carrier's discipline policy and was not harsh and/or excessive. The Claimant has been through this process more than once before and is well aware of the rules. Accordingly, we have no authority to modify the Carrier's decision in this case.

We would be remiss if we didn't address the additional remedies sought by the Organization. During the progression of this case the Organization requested additional remedies to this dispute, those being that a personal apology from the Chief Engineering Officer be given to the Claimant, and that the Organization be reimbursed for all expenses incurred by it in preparing and progressing this case on behalf of the Claimant. After careful review of the record and the collective bargaining agreement, we find that nothing in the agreement provides for such remedies. If not contractually provided for, there is no way that such remedies may be entertained by this Board. Accordingly, all such claims for an apology and for reimbursement to the Organization shall not be considered

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 3rd day of April 2025.