

SPECIAL BOARD OF ADJUSTMENT NO. 293

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM:

- (1) The Carrier violated the Agreement when it removed from service the forty employees specified in Vice Chairman Kneedler's letter of December 24, 1957, to Supervisor of Track J. J. Kozzi on the basis of charges which were unproven, unjustified and without support whatever.
- (2) Each of the aforesaid forty employees be compensated for the wage loss suffered because of the violation referred to in Part (1) of this claim, and that their respective records be cleared of the charges in question, all in accordance with the provisions of Rule 36(a).

OPINION OF BOARD:

As the Carrier sees this case, the complaining employees were properly disciplined because they walked off the job without permission and also refused to work in an emergency until the emergency condition was cleared. The Organization denies any improper conduct on the part of the claimants. It requests that the disciplinary action taken be revoked and that the involved employees be compensated for their wage loss suffered.

This Board is strongly of the opinion that the action of an employee in leaving his job without permission during his tour of duty cannot be condoned. It should be noted, however, that considerable confusion existed on the morning in question. It also should be noted that supervision failed to conduct a vote among the affected employees before the end of the first two hours of the trick, as was contractually required in the subject situation. In view of all of the factors involved in this case, we conclude that the 15-day recorded suspension assessed against the claimants should be allowed to stand. We further conclude that the claimants should be compensated in the amount of one-half of the wage loss suffered by virtue of their actual suspension, it being understood that no pay is claimed for December 4, 1957.

A W A R D

Claim sustained in part and denied in part as indicated in the above Opinion.

(s) Lloyd H. Bailer  
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Lloyd H. Bailer, Neutral Member

(s) A. J. Cunningham  
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A. J. Cunningham, Employee Member

(s) C. S. Strang  
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C. S. Strang, Carrier Member

Jersey City, N. J.  
November 30, 1959