

(CORRECTED)

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 10762  
Docket No. 10884  
2-CRC-MA-'86

The Second Division consisted of the regular members and in addition Referee Raymond E. McAlpin when award was rendered.

Parties to Dispute: ( International Association of Machinists and  
( Aerospace Workers  
( (Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Consolidated Rail Corporation be ordered to remove the letter of reprimand from the record of Machinist R. P. Matuzak for the alleged charge of "Excessive Absenteeism".

Findings:

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

That the carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 waived right of appearance at hearing thereon.

The Claimant, R. P. Matuzak, a Machinist with the Carrier, and in service since 1975, was given a letter of reprimand for absenteeism as a result of an investigation held on July 16, 1982.

The Organization argued that the Carrier did not prove its case in this matter, that the Carrier knew of the reasons for the Claimant missing work on the occasions cited, and the Carrier had failed to establish the criteria for excessive absenteeism. In addition, the absentee record is not clear as all absences, whether legitimate or not, are marked simply as absences; and the Claimant does not have a history of absenteeism.

The Carrier stated the Claimant did not mark off on June 5 and June 20, 1982. The Carrier notes they have a 24 hour mark-off procedure. In addition, the Claimant did not secure permission to leave three hours early on June 6, 1982. Coupled with the prior record of the Claimant, this is excessive absenteeism. The excuses that were given were not presented in a timely fashion, and the Carrier notes that absenteeism can be excessive even though it is legitimate. The Carrier argued that the Claimant made excuses after the fact and even those excuses were incomplete, as the doctor's note was misleading and inaccurate. The Carrier has engaged in progressive discipline in this case.

Upon complete review of the evidence, the Board finds that the Claimant was given a fair and impartial Hearing, as is called for in the Rule. With respect to the Organization's argument regarding established criteria for excessive absenteeism, this would be an effective argument if it could be shown that other employees of the Carrier were allowed to be absent under a similar or greater number of occurrences without discipline. This was not shown in this case. The Claimant did not follow the Carrier's mark-off procedure, and even though excuses were ultimately given, they were certainly substantially after the fact and not in the appropriate form. The Board finds that the Claimant did engage in excessive absenteeism. This when coupled with his past record, which includes two recent discussion letters for absenteeism, would constitute appropriate discipline in this case. The Claimant shows a pattern of absenteeism, and the Carrier has the right to expect reasonable attendance from its employees. Therefore, the claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

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