

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12881
Docket No. 12808
95-2-93-2-157

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers' International Association
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(National Railroad Passengers Corporation
((AMTRAK)

STATEMENT OF CLAIM:

- "1. That under the current agreement, Sheet Metal Worker Mario Barbic was unjustly disciplined when he was given five (5) days off without pay as the result of an investigation which was held on January 8, 1992, Wilmington Maintenance Facility, Wilmington Delaware, for an alleged violation of Rule "O" of the NRPC Rules of Conduct.
2. That accordingly, the Carrier be required to remove the discipline from Mr. Barbic's personnel file. In addition, that he be made whole for any time, money and benefits which he may have lost as a result of this injustice."

FINDINGS:

The Second 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 waived right of appearance at hearing thereon.

Claimant was charged with unauthorized absences and early quits on specific dates which, as also stated in the Notice of Charges constituted "...excessive absenteeism...." The Investigation clearly established Claimant's absences on certain dates and early quits on other dates.

Claimant's representative clearly and repeatedly objected to Carrier referencing any dates other than those contained in the Notice of Charges, but to establish the charge of "... excessive absenteeism...." it was necessary from Carrier's point of view that such dates be included.

This is not the first such dispute involving absenteeism that the Board and other Section 3 Tribunals have confronted. Through these resolutions a pattern has evolved supporting the Carrier in referencing dates preceeding those listed in the Notice of Charges that establish a pattern of absences, tardiness, and early quits of the charged employee.

Claimant's record in this regard is horrendous. Even the conversion of a dismissal to a long suspension has not impressed him with the necessity of meeting his obligation to work the forty hour week for which he was hired.

The assessment of the five day suspension for being absent or leaving early on specific dates which constituted excessive absenteeism will not be disturbed.

AWARD

Claim denied.

O R D E R

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 Second Division

Dated at Chicago, Illinois, this 17th day of April 1995.