

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

**Award No. 13648**

**Docket No. 13466**

**01-2-99-2-45**

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(International Association of Machinists and  
( Aerospace Workers  
PARTIES TO DISPUTE: (  
(Kansas City Southern Railway Company**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Union that:**

**That the Kansas City Southern Railway Company (hereinafter referred to as the “Carrier”) violated Rule 29 of the Controlling Agreement, effective April 1, 1980, as amended, between the Kansas City Southern Railway Company and its Employees represented by the International Association of Machinists and Aerospace Workers (hereinafter referred to as the “Organization”) when it wrongfully and unjustly issued a Letter of Reprimand to Pittsburg, Kansas Machinist J. W. Cronister (hereinafter referred to as the “Claimant”) cited in violation of Carrier Rules 1.15 and 1.13 for alleged excess absenteeism.**

**Accordingly, we request that for this violation, that the letter of reprimand and all reference thereto, be removed from the Claimant’s Personal Record.”**

**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 were given due notice of hearing thereon.**

**On July 9, 1997, Mechanical Supervisor T. Lincoln wrote the Claimant advising him that for the period January through June 1997, the Claimant had seven instances of absences. In the July 9, 1997 letter, Lincoln also advised the Claimant to correct his problem of excessive absenteeism. For the second half of 1997, the Claimant had seven more instances of absences. For the period January 1, 1998 through March 18, 1998, the Claimant accumulated four more instances of absenteeism.**

**After Investigation conducted April 2, 1998, the Claimant received a letter of reprimand dated April 22, 1998 for excessive absenteeism.**

**This record shows that the Claimant had 14 absences in 1997 and four more absences in the first two and one-half months of 1998. The record also shows that the Claimant's record was far in excess of the absence records accumulated by other employees, ranging from two to ten times greater than other employees in the various measuring periods. The Claimant was advised by the Carrier in June 1997 that his absences were excessive, but the Claimant did not improve. Employees cannot accumulate excessive absences. See Second Division Award 11736 ("Employees must maintain a regular work schedule. Even excessive excused absenteeism cannot be tolerated."). See also, Second Division Award 10129 ("This Board has ruled, on numerous occasions, that excessive absenteeism is a serious offense and one for which a Carrier may legitimately take serious disciplinary action up to and including discharge."). In light of the Claimant's accumulated absence record, substantial evidence therefore supports the Carrier's position that the Claimant's absence record was excessive.**

**In light of the above, we cannot say that a letter of reprimand was arbitrary.**

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**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 Second Division**

**Dated at Chicago, Illinois, this 11th day of December, 2001.**