

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

Parties to Dispute: { System Federation No. 114, Railway Employees'  
{ Department, A. F. of L. - C. I. O.  
{ (Electrical Workers)  
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That under the current Agreement, Mechanical Department Electrician Richard Carrola was unjustly treated when he was dismissed from service on August 23, 1977, following investigation for alleged violation of portions of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company from May 1, 1977, to July 15, 1977.
2. That accordingly, the Carrier be ordered to:
  - (a) Restore the aforesaid employee to service, with all service and seniority rights unimpaired, compensate him for all time lost and with payment of 6% interest added thereto.
  - (b) Pay employee's group medical insurance contributions, including group medical disability, dental, dependent's hospital, surgical and medical, and death benefit premiums for all time that the aforesaid employee is held out of service.
  - (c) Reinstate all vacation rights to the aforesaid employee.

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, Richard Carrola, a Mechanical Department Electrician was dismissed from service of the Carrier on August 23, 1977, following investigation held on August 16, 1977, for alleged violation of portions of Rule 810 of the General Rules and Regulations of the Carrier. Rule 810 reads as follows:

Rule 810: "Employees must report for duty at the prescribed time and place, they must not absent themselves from their employment without proper authority.

Continued failure by employee to protect their employment shall be sufficient cause for dismissal."

Claimant was adjudged guilty of failing to protect his employment through continued absenteeism in the period between May 1, 1977 and July 15, 1977.

Claimant entered Carrier's service as a Laborer in 1966. In 1971, Claimant transferred to the occupation of Electrician Regular apprentice.

Upon close scrutiny of the record, the Board determines Claimant received a fair and impartial investigation. We find the evidence to be abundantly clear and substantial with regard to Claimant's record of absenteeism and tardiness for the period in question as summarized by the following statistics:

|                                  |                |
|----------------------------------|----------------|
| Absent                           | 3 Days         |
| Late to work or from lunch       | 11 Occurrences |
| Late to work and late from lunch | 4 Occurrences  |
| Left early                       | 6 Occurrences  |
| Late to work and left early      | 3 Occurrences  |

An analysis of the aforestated figures reveals that during the period under consideration, Claimant worked only 84% of his scheduled work time.

It is the judgment of this Board that Claimant's pattern of absenteeism and tardiness is a very large blemish on an otherwise acceptable work record. Though the Board finds Claimant's behavior unsatisfactory, we have concluded nevertheless that his may not be an altogether unsalvageable situation. Thus, we are willing to accept the fact that the discipline before us is the first formal discipline imposed upon the Claimant in his eleven (11) years of employment with the Carrier and on that basis we shall view it as excessive in the instant case.

Although we are willing to give the Claimant another but last and final chance, this action by no means negates the Board's conclusion that Claimant's record of absenteeism and tardiness is just simply unacceptable and in the future shall not be tolerated beyond any reasonable length of time or beyond any reasonable extent. The Board cautions the Claimant to protect his employment with the Carrier from this time forward.

Claimant is to be reinstated to service without back pay, but with seniority and all other rights unimpaired, as the time off attributable heretofore to his dismissal shall serve as the penalty for having violated Rule 810. Claimant's continued employment shall be predicated upon maintaining an acceptable work record especially with regard to absences and tardinesses.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 19th day of December 1979.