

The Second Division consisted of the regular members and in addition Referee Wesley A. Wildman when award was rendered.

Parties to Dispute: { International Association of Machinists
and Aerospace Workers
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

- 1. That under the current Agreement, Machinist Helper H. Jackson, Jr., (hereinafter referred to as Claimant) was improperly dismissed from the service of the Carrier on January 6, 1978.
- 2. That, accordingly, the Carrier be ordered to restore Claimant to service with seniority and service rights unimpaired and with compensation for all wage loss from date of dismissal to date of restoration to service.

Findings:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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 in this case, Machinist Helper H. Jackson, Jr., was given notice of discharge on January 6, 1978, following a hearing at which he appeared under charge of "... your alleged continued failure to report for duty at the prescribed time and place and your continued failure to protect your assignment from September 1, 1977 to November 30, 1977, for which you are hereby charged with the responsibility which may involve violation of Rule 810 of the General Rules and Regulations ...".

Rule 810 reads in relevant part as follows:

"Employees must report for duty at the prescribed time and place...

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

Claimant appeals in part on the ground that the charge as quoted above was not sufficiently precise. We have reviewed the transcript of the hearing and conclude that Claimant and his representative did, indeed, understand the thrust and nature of the charge against Claimant, and find it doubtful that any greater degree of specificity in the charge would have resulted in a more thorough or credible defense by Claimant. Claimant advised at the outset of the hearing that he was ready to proceed and that he was, in fact, familiar with Rule 810.

Any employee has, generally, three separate obligations with regard to attendance on the job:

1). Unless, under the unique circumstances prevailing in a given instance, it is a physical impossibility, an employee must give advance notice of an impending absence so that employer and replacements may adjust to the absence as rapidly as possible.

2). ~~The reasons~~ or excuses for any and all absences, irrespective of frequency, must be good and credible ones, and must constitute circumstances which make absence unavoidable.

3). Save for continuous (possibly long) periods of absence, usually due to serious illness, an employee has an obligation to appear on the job, over a period of time, with consistent regularity. Constantly recurring, relatively short periods of absence which establish a pattern of chronic absenteeism over a period of time need not be tolerated by an employer even though notice has been given for each of the absences and even though the reasons tendered appear to be credible.

With regard to the first of an employee's attendance obligations as discussed above, Claimant in this case does not appear to have done badly; however, it appears from the record that on points two and/or three, Claimant has not met his responsibilities.

Despite opportunities at the hearing to present reasons for his absences and tardiness during the period in question, Claimant had little or nothing of a credible or convincing nature to offer. Moreover, the total of absenteeism and tardiness over the three (3) month period which is in issue in this case was, without adequate justification being advanced by the Claimant, inexcusably high.

We find, on consideration of the entire record that substantial evidence does exist for the Carrier's judgment that a reasonable standard of attendance, which Carrier has a right to expect under Rule 810, was not met by Claimant in this case.

As to the quantum of discipline, Carrier appropriately and in timely fashion (on the property), considered Claimant's past record as to absenteeism. The evidence indicates that, despite considerable counseling and prior warnings by supervision with respect to Claimant's attendance problem, his record has been a very poor one. Indeed, Claimant has previously been discharged for inadequate

attendance and later reinstated. We cannot find now that Carrier's imposition of the discharge penalty is arbitrary, capricious, or excessive.

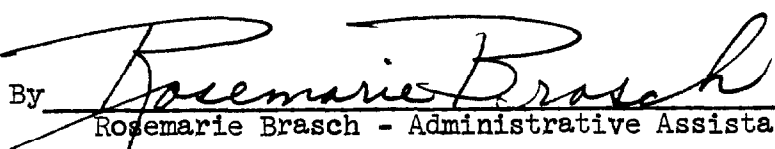
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 11th day of June, 1980.