

The Second Division consisted of the regular members and in addition Referee Higdon C. Roberts, Jr. when award was rendered.

Parties to Dispute: (System Federation No. 22, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That the St. Louis-San Francisco Railway Company unjustly dismissed Carman Apprentice E. R. Hart, Tulsa, Oklahoma, from service on December 16, 1978, following investigation held on December 6, 1978, in violation of the controlling agreement.
2. That Carman Apprentice E. R. Hart be returned to service with seniority rights, vacation rights and all other benefits that are a condition of employment, unimpaired, and that he be compensated for all time lost plus six percent (6%) annual interest and reimbursed for all losses sustained account of loss of coverage under health and welfare and life insurance during the time held out of 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.

The carrier has a right to expect employees to be present, on time, at their assigned duties. Excessive absenteeism and tardiness can be legitimate grounds for discipline, up to and including discharge. The carrier has demonstrated through reliable (payroll) records that the claimant, Mr. Hart, was absent 51 days in a little over 10 month work period. This represents 22 $\frac{1}{2}$ % of his normal work days for the period. In one month (August), he was absent 35% of his normal work time. Notwithstanding the fact that he had properly marked off, this is, in my judgment, excessive absence.

Carrier had warned the claimant on several occasions to excessive absence and tardiness, and poor (negligent) work performance. Consideration of the total work record is appropriate and relevant in assessing penalties. In this case, the past record, combined with the record of the immediate period in the charge is such to sustain the discharge.

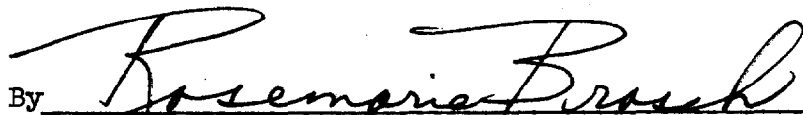
A W A R D

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 23rd day of July, 1980.