

The Second Division consisted of the regular members and in addition Referee Steven Briggs when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States  
( and Canada  
(  
( Southern Pacific Transportation Company

Dispute: Claim of Employees:

1. That the Southern Pacific Transportation Company (Texas and Louisiana Lines) violated Rules 19, 32 and 34 of the controlling agreement when they unjustly dismissed Carman R. J. Clifton from service on October 11, 1979, following investigation held on October 9, 1979;
2. That accordingly, the Southern Pacific Transportation Company (Texas and Louisiana Lines) be ordered to compensate Carman R. J. Clifton commencing October 11, 1979, as follows:
  - a) All monetary losses until reinstated;
  - b) Reinstatement with all seniority rights;
  - c) Vacation rights;
  - d) Health and Welfare benefits and other benefits which may be a condition of employment;
  - e) That "guilty as charged" be removed from Carman Clifton's personal record of the Rule 810 violation.

### 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 contends that the Claimant was absent from work on nine separate days between August 3 and September 15, 1979. He was accordingly charged with violation of Rule 810 of the General Rules and Regulations of the Southern Pacific Transportation Company, which states:

"Employees must report for duty at the prescribed time and place, remain at their post of duty, and devote themselves exclusively to their duties during their tour of duty. They

must not absent themselves from their employment without proper authority. They must not engage in other business which interferes with their performance of service with the Company unless advance written permission is obtained from the proper officer ... Continued failure by employees to protect their employment shall be sufficient cause for dismissal." (Emphasis added)

The Claimant was aware of the above quoted Rule and its applicability to himself, yet he failed to obtain "proper authority" for his absences in accordance with the standard practice of notifying his Shop Foreman in timely fashion.

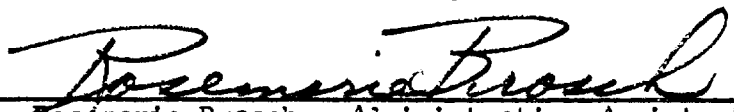
Based on the record in this matter, the Board has concluded that some form of discipline is appropriate. One of the most basic aspects of the employment relationship dictates that employees report for work as assigned or comply with reasonable employer rules for reporting off. Still, the Claimant had served the Carrier for 15½ years at the time of his dismissal and had a fairly acceptable (though not unblemished) work record. The Board has therefore concluded that permanent dismissal was excessive and will award that Claimant be restored to service with seniority and other rights unimpaired, but without any compensation for time lost. Claimant should understand that the purpose of this Award is to afford him one last chance to become a reliable employee, and that further major infractions will result in his permanent dismissal. He should also understand that his work attendance record must improve.

A W A R D

Claim sustained to the extent indicated in Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By   
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 22nd day of July, 1982.