

The Second Division consisted of the regular members and in addition Referee Thomas F. Carey when award was rendered.

(International Association of Machinists and
(Aerospace Workers, AFL-CIO
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. That the Carrier violated the controlling agreement specifically Rule 6-A-3.
2. That the Carrier did not comply with their own Attendance Improvement Program.
3. That Claimant did provide medical evidence for dates in charge.
4. That the Carrier be required to remove the five (5) day suspension from Claimant's 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 employe or employes involved in this dispute are respectively carrier and employes 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 record shows the Claimant is a Machinist with seven (7) years of service at the Carrier's Harrisburg Locomotive Terminal, Harrisburg, Pa. The Claimant, following a trial on January 6, 1981, was assessed a five (5) days' suspension for the following offense:

"Failing to report for duty on November 25, 1980 and December 7, 1980, which in light of your previous attendance record, ...constitutes excessive absenteeism.

The fact that the Claimant did not report for duty on November 25 and December 7 is not in dispute. Nor is the fact that he supplied a doctor's excuse for the November absence claiming a "knee problem." The next absence on December 7, however, became the incident that "triggered" the disciplinary action by the Carrier on December 8 and this concerned initially and primarily the Claimant's action on these two recent proven absences. Moreover, once those two failures to report were established, his overall attendance record was then properly reviewed, particularly in the determination of penalty.

That record indicates that during the period March 2, 1980 to December 7, 1980, the Claimant had been absent once or twice a month, every month, The Carrier witness also noted:

"...There seems to be a pattern of chronic absenteeism. The days he seems to miss most often is on Sundays immediately following his two relief days which is indicative of an absenteeism problem."

The Claimant was absent for twelve (12) days during the period in question. Second Division Award #6710 noted:

"No employee may report when he likes or choose when to work. No railroad can be efficiently operated for long if voluntary absences are condoned."

Second Division Award #7348 found that:

"An employee may be absent from his work so much of the time as to become a part time employee. Carrier is entitled to insist on reasonable attendance."

The charge of absenteeism on the two (2) days in question having been established, when coupled with the Claimant's prior pattern of absenteeism for the prior nine (9) month period, warrant the discipline of a five (5) day suspension. Such an action is found to be reasonable and consistent with discipline which seeks to have a remedial effect on the Claimant's work performance.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of March, 1984