

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

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(
(Consolidated Rail Corporation

Dispute: Claim of Employes:

1. That the Carrier be required to remove the ten (10) days suspension (deferred) from Machinist A. B. Crosby's record.
2. That the Carrier did not comply with their own Attendance Improvement Program.
3. That the Carrier violated the Controlling Agreement, Rule 6-A-3, when they added an attachment to the charges and went beyond thirty (30) days as specified in the rule.

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.

By notice of January 12, 1981, Claimant was requested to attend a trial in connection with his failure "to report for duty on December 20, 1980 and December 21, 1980 which in light of your previous attendance record, as indicated per attached, constituted excessive absenteeism". Following the trial, the Carrier found the Claimant guilty of excessive absenteeism and he was assessed a discipline of ten (10) days deferred suspension.

The thrust of the Organization's contentions essentially centers upon its assertion that the Carrier failed to comply with its own Attendance Improvement Program and Rule 6-A-3(a).

With respect to the Attendance Improvement Program contention, the Board finds that this argument was first brought up after the conclusion of the handling of this dispute on the property. Having so found, we join numerous other Boards which have upheld the established principle that arguments not presented on the property cannot properly be entertained by this Board.

Concerning Rule 6-A-3(a), it is the opinion of the Board that the Organization's reliance upon it in the instant case pays insufficient attention to the essence of the absenteeism charge. It is true that the pertinent portion of the cited rule

requires that "the trial shall be scheduled to begin within thirty (30) calendar days from the date the employes' General Foreman or equivalent officer had knowledge of the Employee's involvement." Here, the trial was held within the thirty day time-frame.

By its very nature, absenteeism has a definitive beginning and end. However, it is only after a full review of all the circumstances that it can be determined that a problem exists. And, that point is usually when the Carrier decides it has reason to investigate the circumstances surrounding the absences.

The case at hand is such a situation in that Carrier determined on January 12, 1981 that the 20th and 21st of December, 1980, concluded a period of absences of sufficient length to become meaningful and cause it concern. Therefore, the Carrier's construction of Rule 6-A-3(a) in the instant case was proper. Carrier has a right to control absences, provided it does so in a reasonable manner. There is no evidence before us to show that it did other than that, and we will deny the claim.

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 11th day of April, 1984.