

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11055
Docket No. 11077
2-SSR-EW-'86

The Second Division consisted of the regular members and in addition Referee W. J. Peck when award as rendered

Parties to Dispute: (International Brotherhood of Electrical Workers
(Seaboard System Railroad

Dispute: Claim of Employee:

1. That the Seaboard System Railroad Company (SCL) violated the Controlling Agreement, in particular, Rule 32 when Electrician Apprentice D. P. Woolf was assessed thirty (30) days discipline to be served from January 16, 1984 through February 14, 1984 at Jacksonville, Florida.

2. That accordingly, the Seaboard System Railroad Company (SCL) compensate Apprentice D. P. Woolf in the amount of eight (8) hours per day at the pro rata for the period commencing January 16, 1984 through February 14, 1984 and all other benefits accrue to his position and his record be cleared of the investigation.

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 is an Electrician Apprentice employed by the Carrier at Jacksonville, Florida. He entered the Carrier's service as a Laborer on September 15, 1978. On August 22, 1979 he was promoted to the position of Electrician Apprentice.

On October 26, 1983 Carrier sent Claimant a letter which reads in part:

"You are hereby directed to appear for a formal investigation which will be conducted in the office of shop superintendent, West Jacksonville Shops, Jacksonville, Florida, at 10:00 a.m., Wednesday, November 2, 1983. The purpose of this investigation is to develop the facts and place your responsibility, if any, in your excessive absenteeism from your assigned shift duties.

You are charged with violation of Rule 26 in the Rules and Regulations of the Mechanical Department, reading: Employees must not absent themselves from their duties without permission from the proper authority.

* * *

You may have representation if you so desire in accordance with the agreement under which you are employed, and you may arrange to have present any witnesses, by your own arrangements, who have knowledge of the matter being investigated.

At the close of the investigation, your personal record may be reviewed."

The Investigation was twice postponed and then held on November 14, 1983. On January 13, 1984, the Carrier advised Claimant by mail that he had been found guilty of excessive absenteeism and that he was being assessed thirty (30) days discipline (suspension) to be served from January 16, 1984 through February 14, 1984 inclusive. Claimant was also warned that his work habits were to be observed and if not improved, could result in dismissal.

We have also checked the record and note that in a period of six months Claimant was either late, left early or did not appear on the job at all a total of twenty-two times. Claimant had excuses for some of these absences but not all of them, and some excuses seem somewhat weak, such as having flat tire on the way to work and then being an hour and a half late. It is difficult to believe that it could possibly take an hour and a half to change a tire. He allegedly had a power failure four times which stopped his Electric Clock. Other excuses were not much better and some he couldn't remember. We also note that twelve of these twenty-two absences occurred on either Friday or Monday.

The Organization contends that Claimant did not receive a fair and impartial Hearing. We do not agree, it would in fact be difficult to visualize a more fair Hearing. We see only one decision that can be made in this case and that is a denial.

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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 15th day of October 1986.