

The Second Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

(International Association of Machinists and Aerospace
(Workers
Parties to Dispute: (
(Southern Railway Company

Dispute: Claim of Employees:

1. That the Southern Railway Company violated the Controlling Agreement, Rules #30 and 34, but not limited thereto, and were arbitrary, capricious and discriminatory, when they unjustly suspended Machinist P. K. Geter, Atlanta, GA., from service for five (5) days without pay beginning at 3:00 PM September 11, 1984 and ending at 11:00 PM September 16, 1984.

2. That accordingly, the Southern Railway Company be ordered to pay Machinist P. K. Geter for all lost time wages, with all his rights unimpaired and clear his record of the charge.

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 Claimant was a regularly assigned Machinist at Carrier's Atlanta Diesel Shop, with a seniority date of April 24, 1981.

On August 27, 1984, a General Foreman conducted a preliminary Investigation charging Claimant with failure to protect his job assignment; specifically, that in nineteen work days, Claimant was late two days, left early one day and was absent one day on which he did not report off. Claimant was thereafter suspended from service for 12 days, from August 27, 1984 to September 7, 1984.

A formal Investigation was conducted on September 4, 1984. Claimant was found guilty of the charges against him, but the prior discipline was modified to a five day suspension.

The Organization contends that the imposition of any discipline at all was improper in this case because Claimant had good cause for being absent, tardy and for leaving work early. In support of its position, the Organization relies upon the Claimant's testimony at the formal Investigation, at which he stated that his absenteeism and tardiness were due to his mother's hospitalization in Newman, Georgia, his daughter's hospitalization for asthma, and his recurrent car problems. The Organization concludes that Carrier has not proven its charges against the Claimant, and therefore this Claim should be sustained in its entirety.

The Carrier maintains that, contrary to the Organization's allegations, the record evidence clearly substantiates the charges against Claimant. Carrier submits, Claimant's excuses for his absence and tardiness do not mitigate the fact that he failed to protect his assignment. Under these circumstances, the penalty imposed was neither arbitrary nor unreasonable, and Carrier requests that the Claim be denied in its entirety.

The Board has carefully reviewed the record evidence in its entirety and can find no basis for substituting its judgment for that of the Carrier's, or for concluding that the suspension imposed herein was arbitrary or unreasonable. There is no dispute that Claimant was absent August 23, 1984, without reporting off. He left work early on August 5, and was late on August 19 and 25, 1984. Claimant's only defense was his explanation that he had illnesses within his family as well as car problems. It is significant, however, that these explanations were never advanced during the preliminary investigation but were mentioned for the first time at Hearing. We agree with Carrier that Claimant's testimony must clearly be considered suspect, particularly when one considers his prior record which reveals a pattern of continuing excessive absenteeism.

More importantly, perhaps, the problems facing the Claimant, even assuming their validity, do not constitute "good cause" when these excuses are presented on a frequent and continuing basis. It is a well-established principle among all four divisions of the National Railroad Adjustment Board that the employee has an obligation to report for work regularly and on time; this is considered a fundamental aspect of the employment relationship. Carrier can hardly be expected to run its operation efficiently if it condones erratic attendance. See, e.g., Second Division Awards 6710, 5049 and 7348. In the instant case, it is our view that Carrier acted reasonably and judiciously in imposing a five day suspension. We will not overturn its decision.

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 21st day of October 1987.