

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
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(Southern Railway Company

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated the controlling Agreement, particularly Rule 30 and Rule 49, when they unjustly suspended Electrician J. L. Pace from service for seven (7) days (October 11 thru 18, 1989) at their Coster Shop in Knoxville, Tennessee.

2. That accordingly, the Southern Railway Company be ordered to compensate Electrician J. L. Pace for all monetary losses sustained and further that any reference to this incident be removed from his personal record file, account of this unjust suspension in violation of the Agreement.

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.

Claimant was charged with excessive absenteeism and tardiness during the month of July, 1989. Subsequent to a Hearing, Claimant was found guilty as charged and assessed the penalty of a 7-day suspension.


The record demonstrates that Claimant's absences during the month exceeded the Carrier's established policy on excessive absenteeism. Having found Claimant guilty of the underlying charge, the Carrier could then properly consider Claimant's past record, which included one counseling and two written reprimands for absenteeism, in assessing the penalty. The penalty in this case appears to be consistent with the principles of progressive discipline, and the Board finds no basis for disturbing the Carrier's disposition in this matter.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of October 1991.