

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23012
Docket Number CL-22957

Rodney E. Dennis, Referee

(Brotherhood of Railway, Airline and
{ Steamship Clerks, Freight Handlers,
{ Express and Station Employees
PARTIES TO DISPUTE: (
(Norfolk and Western Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood (GL-8782) that:

1. Carrier acted in an arbitrary, capricious, discriminatory and unjust manner when, without just cause, it assessed a deferred suspension against the record of Clerk Gail L. Whittaker.

2. Carrier shall now be required to remove and expunge the fifteen (15) days deferred suspension from the record of Clerk Gail L. Whittaker and reference thereto."

OPINION OF BOARD: Claimant was assigned as a timekeeper in carrier's payroll department. On March 29, 1978, claimant was served with charges of excessive absenteeism. A hearing was held in the matter on April 6, 1978. As a result of that hearing, carrier assessed a 15-day deferred suspension as an appropriate penalty. Claimant grieved the action and the case has progressed for resolution to this board.

The transcript of the hearing has been made a part of the record of this case. A review of that transcript reveals that claimant was given a full and fair hearing and was granted all due process rights required by contract. The board is also of the opinion from a review of the record that claimant was deserving of discipline for her poor attendance at work.

The record shows that claimant was, in fact absent all or part of 22 days during a period of 58 working days. This level of attendance cannot be considered acceptable by anyone's standard. Carrier attempted by counseling to impress claimant with the need to improve her attendance record. The record shows that no improvement took place. In many awards involving time and attendance problems, this board has attempted to Impress employees with the need to appear at work on a regular basis. We have so stated this concept in many different ways and with a variety of descriptive phrases. Regardless of how it has been stated in previous awards, excessive absenteeism is unacceptable, and no employer is obligated to maintain workers in its employ who do not appear for work on a regular basis. Carrier in this case has not acted in an arbitrary, capricious, or discriminatory manner and the discipline imposed is appropriate,

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and **all** the evidence, finds and holds:

That the parties waived oral hearing;

That the **Carrier** and the **Employees involved in** this dispute are respectively **Carrier** and **Employees within** the meaning of the **Railway Labor Act**, as approved June 21, 1934;

That this **Division** of the **Adjustment** Board has **jurisdiction** over the dispute **involved** herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, **Illinois**, this 17th day of October 1980.