

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25228
Docket Number CL-25449

James Robert Cox, Referee

(Brotherhood or Railway, Airline and Steamship Clerks.
(Freight **Handlers**, Express and Station **Employees**

PARTIES TO DISPUTE: {

(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9840) that:

1. Carrier violated the Rules Agreement between the parties, when it dismissed Mrs. L. P. Robinson from its service as a result of investigation held Friday, August 27, 1982.
2. Carrier's action was unjust, arbitrary and an abuse of discretion.
3. Carrier shall now be required to return and reinstate **Mrs.** Robinson to its service with all seniority rights unimpaired and compensate her for any and all losses sustained.
4. Carrier shall now be required to expunge the investigation transcript and all references thereto from Mrs. Robinson's personal record.

OPINION OF BOARD: Claimant Robinson, an Engine Dispatcher in the North Little Rock Diesel Shop of the Carrier, had a regularly scheduled work week of Saturday through Wednesday, with Thursday and Friday as rest days. At the time of her Dismissal from the Service, her position paid \$91.45 per day. She kept her own time, making out an OCR payroll card and checking that she worked July 16, 1982, a Friday and her normal day of rest. Claimant testified that to the best of her recollection she was late turning in her timecard, and had made an honest mistake. Her timecard indicated that she had worked six straight days. Claimant's check for the second period in July, 1982, was issued July 31st in the amount of \$476.33 -- for twelve days pay less deductions.

On her payroll card Claimant did list "Thursday" and "**Friday**" as rest days. The timecard showed 96 hours worked during the sixteen day second half of July period.

Following a Hearing, Claimant Robinson was dismissed for falsifying her payroll card for July 16, 1982. She had been in the service of the Carrier since March, 1973, with a clear discipline record.

The importance of accurate timekeeping cannot be overemphasized. **Employees** who fill out their own time have a special responsibility to be accurate.

Claimant was clearly negligent when, knowing she-worked a five-day week, she entered an "X" for six consecutive days. She was also remiss by not reporting to Carrier that her check was approximately 10% larger than during a normal ten-day pay period. The Board does recognize, however, that the second payroll ~~period~~ in July, 1982, added a ninth work day to Claimant's regular schedule because July has 31 days. We also note that the General Foreman approved the accuracy of the hours recorded on the timecard.

The Board finds that while Claimant negligently and improperly submitted an inaccurate timecard, her act was not so culpable as to warrant Dismissal from the Service. The Board finds that Claimant should be reinstated with seniority rights unimpaired but not compensated for any lost pay.

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 discipline was excessive.

A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1985.

