

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Brotherhood of Maintenance of Way Employes
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The discipline imposed upon Repairman M. A. Hester for alleged 'Failure to report for duty at Canton M.W. Shop, Canton, Ohio, on 9/29/83 which in light of your previous attendance record (Absent 3/16, 17, 18, 21, 22, 23, 24, 30, 1983, 4/13, 21, 22, 1983, 5/2, 3, 12, 19, 1983, 6/30/83, 7/1, 8, 1983, 8/3, 18, 19, 1983, 9/15, 16, 1983, Late start 5/27/83, Early Quit 6/3/83, 9/6/83) constitutes excessive absenteeism' was unwarranted and without just and sufficient cause (System Docket CR-802-D).

(2) The claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."

FINDINGS:

The Third 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 employed as a Repairman by the Carrier at its Canton, Ohio Shop. After an investigation held on December 21, 1983, the Claimant was assessed a twenty (20) day suspension for excessive absenteeism. The discipline was reduced to a ten (10) day suspension during the on-the-property appeal process.

The record shows that the Claimant failed to report for duty on September 29, 1983. The Carrier contends that this absence, when coupled with the Claimant's previous absences, constituted excessive absenteeism.

The Organization mainly contends that the Carrier's absenteeism policy does not take into account excused absences and that the policy is in violation of Rules 39 and 40 of the Parties' Agreement. It argues, in this latter respect, that the absenteeism policy "should be the result of an agreement between" the parties. Last, it contends that because the Claimant has entered an Employee Assistance Program (EAP) in an attempt to address the causes of his absenteeism, his record has improved. In view of all of this, there is no reason for further discipline.

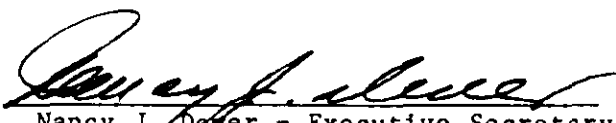
With respect to the Organization's technical arguments, we find no rule that would prevent the Carrier from establishing a policy which addresses employee attendance at the work place. The Carrier has a right to expect a regularity of attendance in order to properly accomplish its mission. It is well-established by numerous Awards in this industry that excessive absenteeism, even for legitimate reasons such as illness, need not be accepted by the Carrier. While there may be good reasons for absences, irregular attendance at the work place, if continued over a length of time, may constitute excessive absenteeism and subject the employee to discipline. Each case must be examined on its own merits.

In this dispute, the Claimant's absence on September 29, 1983, when viewed in conjunction with his previous attendance record may rightfully be considered excessive. In light of this and his past discipline record, we have no proper basis to disturb the Carrier's decision.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.