

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20953
Docket Number CL-21100

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship
(Clerks, Freight Handlers, Express and
(Station Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7766) that:

(a) The Southern Pacific Transportation Company violated the Clerks' Agreement when it dismissed Mrs. Rena F. Coleman from service; and,

(b) The Southern Pacific Transportation Company shall now be required to restore Mrs. Rena F. Coleman to service with seniority rights unimpaired and compensate her at the rate of her position for November 2, 1973 and each date thereafter until restored to service with seniority rights unimpaired.

(c) For any month in which claim is here made for compensation in behalf of the claimant involved, the Carrier shall also make premium payments on behalf of the claimant in the appropriate amounts required under Travelers Group Policy Contract GA-23000, as amended, for all benefits prescribed in that contract.

OPINION OF BOARD: Following a formal investigation on the property, by letter dated November 21, 1973 Carrier notified Claimant Rena F. Coleman--a Senior Agent, Accounts--that she was dismissed from service because of certain actions found to be in violation of Rule 810 of Carrier's General Rules and Regulations--specifically, that portion of Rule 810 reading:

"Employees must report for duty at the prescribed time and place, remain at their post of duty, and devote themselves exclusively to their duties during their tour of duty. They must not absent themselves from their employment without proper authority...."

The actions of claimant which precipitated her dismissal were:
1) On October 31, 1973 she reported for duty approximately 30 minutes after her scheduled 7:50 A.M. starting time; 2) Shortly before 9:00 A.M. on November 1, 1973 she left work after obtaining permission to go to the bank for an emergency personal reason, and did not return to work until 1:15 P.M.

that day. With respect to the October 31, 1973 tardy reporting, claimant's explanation is that she "got lost", but the evidence indicates there was no reason for her to become lost--even though this was her first day on the job at the subject location--because she had visited the same location the previous day for the purpose of exercising her displacement rights. With respect to the November 1, 1973 incident, there is conflict in the testimony concerning whether claimant was given permission to be away from her job not more than 30 minutes, but she had no reason to believe she was excused for a period of more than four hours. Her absence for that period is not adequately explained.

The above-described conduct of Claimant Coleman was violative of Carrier's Rule 810 and made her liable for disciplinary action. In view of her prior extremely poor attendance record, for which she twice was dismissed, we cannot say that Carrier abused its discretion by taking dismissal action.

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 Employee involved in this dispute are respectively Carrier and Employee 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. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 13th day of February 1976.