

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22880
Docket Number CL-23014

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8826)
that:

(1) Carrier violated the effective Agreement between the Parties when it unjustly dismissed Elevator Operator Elnora Scott from services, effective August 18, 1978, and

(2) Carrier, as a result of such impropriety, shall be required to restore M's Elnora Scott to Carrier's service with all rights unimpaired and compensate her for all wage loss suffered since August 18, 1978.

OPINION OF BOARD: Claimant, an elevator operator in Carrier's Central Building in Baltimore, Maryland, was discharged from service for failure to properly protect her assignment on Monday, June 26, 1978. A hearing was held in the matter on August 15, 1978. A copy of the transcript of that hearing has been made a part of the record of this case. A review of that transcript, together with the remainder of the record of this case, reveals that claimant was afforded all substantive procedural rights and that Carrier carried out the requirement for a fair and impartial hearing.

The Organization contends that while claimant did not possess an exemplary work record, she should not have been discharged for a single violation--not reporting to work on June 26, 1978. It argues that the infraction does not justify discharge. The penalty is inappropriate.

This Division, as well as all other Divisions of this Board, has repeatedly stated in a multitude of awards that employers have a right to expect that employees will show up for work on a regular basis. Employees have a responsibility to be at work unless excused by the employer or otherwise legitimately unable to be present. This concept cannot be challenged by any employee or employee organization in good conscience.

It is also well accepted by the parties in the railroad industry that progressive discipline and an effort to change the undesirable behavior of an employee is necessary before the ultimate penalty of discharge is imposed. This Board has traditionally subscribed to this concept and has so indicated in numerous awards. The fact that this Board at this late date is repeatedly confronted with dismissal cases for excessive absenteeism and tardiness by railroad employees is disturbing. As noted by Carrier, claimant has an atrocious work record. She has been counseled, she has been warned, and she has been disciplined for failing to protect her assignment. The June 26, 1978 incident was, as we stated in a recent Award 22877, the "straw that broke the camel's back."

Employees are seldom discharged by any employer for a single or even a small number of unexcused absences or incidents of tardiness. Usually, when an employee develops a bad record, the last event, viewed in itself, is not severe. But when considered in light of the employee's total history, the event provides sufficient grounds to invoke discharge. Carrier in this instance has been exceedingly patient. Carrier has finally imposed the penalty of discharge. This Board can find no reason to upset that 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 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. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 18th day of June 1980.