

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23014
Docket Number CL-23013

Rodney E. Dennis, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and
{ Steamship Clerks, Freight Handlers,
{ Express and Station Employees
{ The Washington Terminal Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-8829) that:

(a) Carrier violated the Rules Agreement effective July 1, 1972, particularly Article 18 and others, when on August 15, 1978, it assessed discipline on Clerk Takeela P. Coates in the form of a formal reprimand and notation placed on her service record, as a result of investigation held on August 10, 1978.

(b) Carrier failed to prove the charge against Claimant Coates and it shall now be required to withdraw the formal reprimand and remove the notation placed on Claimant's record."

OPINION OF BOARD: Claimant held the position of vacation relief clerk when, on July 19, 1978, she marked herself off account personal business on July 20 and 21. While on duty, claimant was the clerk who would normally receive calls from employees who were reporting off. She made a notation of such calls in the log.

On July 20 and 21, claimant's job was filled on an overtime basis. Claimant was subsequently notified that she had been charged with being absent from duty without permission, a violation of Rule "O" and she was told to appear for an investigation into the matter. The investigation was held and a transcript of that hearing has been made a part of the record of this case. A review of that record reveals that claimant was afforded a full and fair hearing and that all contract procedures were followed by the hearing officer.

After a review of the record, it is the opinion of this Board that claimant was in violation of the agreement when she marked herself off without permission. Such an action is deserving of some level of discipline. It need not be explained why employees cannot be allowed to mark themselves off without permission. The chaos that would result at the workplace if such a procedure were tolerated should be obvious.

Carrier in this case has carried its burden of proof. The level of discipline assessed, a reprimand, is certainly not excessive by any standard.

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. Paulson
Executive Secretary

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