

PUBLIC LAW BOARD NO. 3558

AWARD NO. 17
Case No. 17

PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
TO)
DISPUTE) SOUTHERN PACIFIC TRANSPORTATION COMPANY (EASTERN LINES)

STATEMENT OF CLAIM:

"Claim on behalf of System Machine Operator J. L. McCoy for all time lost to begin July 12, 1984, and continue until such time as he is allowed to return to duty, with seniority and all other benefits restored intact, account being unjustly dismissed."
(MW-84-89)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee respectively within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

Basically, the question here at issue is whether an employee, having been found to be guilty of a charge of failing to report for work on time may be properly terminated from all service in the light of an otherwise poor disciplinary record.

In reviewing the record it is unquestioned that in violation of admittedly known procedures for notifying Carrier of anticipated lateness in reporting for duty prior to scheduled work time, that Claimant had failed to follow such procedure on July 2, 1984. It is also evident that reasons subsequently advanced by Claimant for his tardiness, namely, visiting his girl friend and his mother, may not be held to represent valid or emergency reasons for a failure to have given timely and proper notification to the Carrier of an intended lateness. There is likewise no doubt that Claimant's past disciplinary record, for an employee of but 3½ years service, left much to be desired as concerns an employee-employer relationship.

The Carrier has a right to expect its employees to report for their assigned duties with a high degree of regularity, and not just when they choose to report for work.

In the light of this latest proven offense and Claimant's past work record, which shows he had been suspended and reinstated on a leniency basis, we may not say that Carrier was without sufficient reason to hold that Claimant's continued behavioral attitude called

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for imposition of the ultimate penalty of permanent dismissal from all service of the Carrier. Accordingly, the claim for reinstatement will be denied.

AWARD:

Claim denied.



Robert E. Peterson, Chairman
and Neutral Member



C. B. Goyne, Carrier Member



M. A. Christie, Employee Member

San Antonio, TX
June 4, 1985