

PUBLIC LAW BOARD NO. 3542

Parties
to the
Dispute

Pennsylvania Federation Brotherhood of
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

Case No. 24
Award No. 7

STATEMENT OF CLAIM

(a) That Dale B. Hahn, employed at Hazelton, Pennsylvania, be restored to service with seniority rights and all other privileges provided for by either agreement or past practice. That he be compensated for all time lost until such time he is or would be able to perform his usual function for the carrier.

(b) That Dale B. Hahn's record be cleared of all charges brought against his record.

OPINION OF THE BOARD

Claimant D. B. Hahn is a Trackman in Carrier's employ at Hazelton, Pennsylvania. Claimant was notified to appear at a hearing on September 30, 1981, in connection with the following:

Your responsibility, if any, in the violation of General Rule T, paragraph two, of the Conrail Rules for Conducting Transportation, which reads as follows:

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No employe will be allowed to absent himself from duty without proper authority nor will any employe be allowed to engage a substitute to perform his duties.

Your failure to report for work on August 24, September 1, 2, 3, 4, 8, and 9, 1981, constitutes excessive absenteeism.

The hearing was held without Claimant in attendance. Claimant was found guilty as charged, assessed 35 demerits, and subsequently dismissed from Carrier's service. This Board has reviewed the record of the case and concludes that despite Claimant's absence from the hearing, it was held in a fair manner and that the facts brought out at the hearing support a finding of guilty. The total record of this case, however, does not support permanent dismissal of Claimant from Carrier's employ.

The Board has stated in previous awards that employees are required to appear at work on a regular basis and work a full day. Even though that is the case, it is the Board's opinion that Carrier may have hurried up the progressive discipline procedures to the point that Claimant was prematurely dismissed. A long suspension may have been more appropriate in this case.

Carrier can make its point with Claimant and other employees who will be aware of this decision by reinstating Claimant with no back pay but with seniority intact. It should also be made known

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to Claimant that this reinstatement is on a last-chance basis. He will be expected to appear at work on time on a regular basis, work a full shift, and follow the directions of his Supervisors. Any deviation from this pattern of behavior without proper justification will most certainly result in charges and Claimant's ultimate dismissal from his job.

AWARD

Carrier is directed to reinstate Claimant per opinion of the Board to his former position within 30 days of the adoption by the Board of this award.

R. E. Dennis 9/24/84
R. E. Dennis, Neutral Member

J. Dodd
J. Dodd, Employee Member

R. O'Neil
R. O'Neil, Carrier Member