

Award No. 2
Case No. 2

Special Board of Adjustment No. 956

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees

and

New Jersey Transit Rail Operations

STATEMENT
OF
CLAIM:

The 30-day suspension assessed J. A. Aronis for absenteeism by Notice of July 22, 1983 is unjust, arbitrary and in violation of Rule 26(d). He shall be compensated for all lost wages, including overtime, as a result of this discipline and all discipline entries relating to this case shall be expunged from his personal file.

FINDINGS:

Claimant was suspended for 30 days on the ground that he failed to cover his assignments of May 5 and 25, 1983 "which in light of your having previously been absent on April 11-15, 21, 26 and 27, 1983, constitutes excessive absenteeism." The discipline was subsequently reduced by the Manager of Labor Relations to five days and activated a 10-day deferred suspension assessed on July 15, 1983. Rule 26(d) prescribes that a discipline hearing "shall be scheduled to begin within 30 days from the date the Agency's

designated official or his representative had knowledge of the employee's involvement."

Hearing in the present case was not scheduled to begin until June 10, 1983, over 30 days subsequent to the May 6th absence. The rule is not meaningless and the May 6 absence cannot validly be taken into consideration in assessing discipline.

As to the May 25th absence, claimant did call in to say he would be absent but gave no excuse and did not receive permission to be absent. He has not presented sufficient evidence to explain away his failures in these respects. He had been duly warned as to absences, but it is our understanding that he had not been previously disciplined for absenteeism.

In these circumstances, we will not interfere with Carrier's findings and a five-day suspension. A greater degree of discipline is unwarranted.

AWARD:

Claim denied on the basis that discipline in this case is limited to a five-day suspension.

Adopted at Newark, N.J., January 28, 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member