

NATIONAL MEDIATION BOARD

PUBLIC LAW BOARD NO. 4979

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

NATIONAL RAILROAD PASSENGER CORPORATION

AWARD NO. 49

System Docket No. BMW-328D

STATEMENT OF CLAIM

Appeal of ten-day disciplinary suspension imposed on Michael Norton on January 20, 1998.

FINDINGS

The Claimant was subject to an investigative hearing under the following specification:

On November 13, 1997 at 09:45 a.m. while on duty and under pay at the Salem, MA Facility, you allegedly exhibited abusive and threatening behavior towards David Haskins which involved the use of profanity, verbal threats and general conduct unbecoming of an Amtrak employee.

Following the hearing, the Claimant was found guilty of the charge and assessed a ten-day disciplinary suspension.

The charge arose following a discussion, initiated by the Claimant, as to Foreman's alleged actions involving a parking space

which the Claimant had made arrangements for his wife to use. A review of the record demonstrates that the Claimant did in fact exhibit unacceptable conduct in his manner of speaking with the Foreman. The interchange was not found by the Hearing Office or the Carrier to rise to a gravely serious level (as, for example, the matter reviewed in Award No. 48). Rather, the Claimant was issued corrective discipline in the form of a ten-day suspension. The purpose of this, of course, is to guide the Claimant in his future conduct, with particular reference to his required respect for the supervisor-employee relationship.

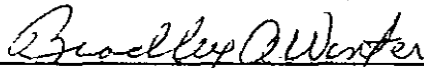
The Board has no basis to disturb the Carrier's action.

A W A R D

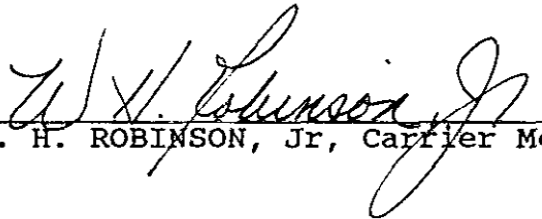
Claim denied.



HERBERT L. MARX, Jr., Chairman and Neutral Member



B. A. WINTER, Employee Member



W. H. ROBINSON, Jr., Carrier Member

NEW YORK, NY

DATED: 2/9/99