

PUBLIC LAW BOARD NO. 7163

Award No. 632

Case No. 632

**BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYEES DIVISION OF THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

and

CSX TRANSPORTATION, INC.

STATEMENT OF CLAIM

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (formal notification) of Mr. M. McBrayer, by letter dated September 16, 2022, in connection with allegations that he violated CSX Operating Rule 100.1 was on the basis of unproven charges, arbitrary, capricious, unnecessary and excessive (System File DRA703222/22-61604 CSX).

2. As a consequence of the violation referred to in Part 1 above, Claimant M. McBrayer shall now be fully exonerated of all charges brought against him and have all mention of the matter cleared from his personnel record.”

FINDINGS

Public Law Board 7163, upon the whole record and all the evidence, finds that the parties to this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934. This Public Law Board has jurisdiction over the dispute involved herein. Parties to this dispute were given due notice of hearing thereon.

Claimant was hired in 2007. He had no active discipline in his record.

On July 6, 2022, Claimant’s Supervisor, Josh Sanders, “advised the entire team that Friday, July 8, 2022, would be a mandatory overtime shift, requiring everyone on

the team to report. Mr. Sanders further advised that if any team member had some sort of prior engagement which would preclude appearing, to see him after the meeting. One team member approached Mr. Sanders with a prior family engagement and was excused from working. In order to emphasize the importance of reporting, Mr. Sanders stated that even if you reported sick and returned with a medical note, you would potentially receive an assessment which could lead to coaching or imposition of discipline. On July 8, 2022, Claimant texted Mr. Sanders that he was reporting sick and would not appear for the overtime shift as directed. Claimant did not submit any medical documentation in connection with the absence, as he said he felt it would not have any bearing on whether or not he would face potential discipline.” Claimant was issued a Formal Notification for failing to report to work.

The Carrier alleges that the “Supervisor was very clear in his instructions to Claimant that he was expected to report to work on July 8 and Claimant did not do so. Discipline is warranted. There was no dispute that Claimant reported as 'sick' and did not appear for the overtime shift. It is also undisputed that the language in Section 7(b) of the Agreement allows for ordered overtime when necessary. While it is not a regular occurrence that employees on the team have mandatory overtime, it is without dispute that Mr. Sanders was clear in his instructions that all employees were required to report for service. Mr. Sanders also made clear that while a medical note would not affect his actions to enter an assessment, he did not say that a medical note would not be considered in the final action taken should an employee not report as directed. While The Organization representatives made issue of why overtime was necessary, Mr. Sanders explained many factors contributed to the reasons why it was imperative that Claimant and the other members of the team report as directed. The evidence and testimony contained in the record, demonstrate that Claimant violated CSX Operating Rule 100.1, when he failed to follow his supervisor’s instructions and report for duty as directed.”

The Organization argues that the Carrier has not met its burden of proof. Claimant testified that he was in fact sick on the day in question and could not come to work. He did not bring in a doctor’s note because the Supervisor had made clear that there would still be an attendance assessment even if someone produced a medical note. The Organization questions whether the Carrier was justified in requiring the overtime. Also the Organization asserts that other employees on other teams were not assessed discipline. “The Carrier’s case rests solely on its assertion

that the Claimant was instructed to report for mandatory overtime and failed to do so because he was ill. The record leaves no doubt that the Claimant provided advance notice to his supervisor that he was sick and unable to report to duty on that date. The Carrier provided no evidence to establish that the Claimant's actions constituted a violation of Rule 100.1, nor did it show that the Claimant was untruthful or lacked a valid reason for not reporting to work. Moreover, the Carrier failed to refute the Organization's position that employees are expected to be at work every day unless they are sick, as plainly stated in the SPT Attendance Policy. Although the Carrier emphasized that the overtime work on July 8, 2022 was mandatory, the fact is that the Claimant took the safe course of action when he notified his supervisor prior to the start of the shift that he was ill and unable to work. Contrary to the Carrier's position otherwise, the Claimant's actions demonstrate full compliance with the charged rule."

The Board has carefully reviewed all of the documents submitted by the parties during their on-property handling of this matter. We find that the Carrier has not sustained its burden of proof. There is no evidence to contradict Claimant's assertion that he was ill and unable to work on July 8. He did not go to the doctor on that day to get a medical excuse note because the supervisor did not instruct employees to bring in a note if they were in fact sick. Rather, his supervisor had already explicitly advised employees that they would still get an attendance assessment even if they had a note.

AWARD

Claim sustained. No remedy warranted as the charge has already been expunged.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant be made.



Barbara C. Deinhardt
Neutral Member and Chairman



Eric Caruth
Carrier Member



Casey J. Summers
Employee Member

Dated: December 19, 2025