

Special Board of Adjustment No. 956

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
New Jersey Transit Rail Operations, Inc.

STATEMENT  
OF  
CLAIM:

Appeal by Trackman Otis J. Morgan from 15 day  
suspension.

FINDINGS:

While claimant was working with his gang under the direction of Foreman Remillard, he was instructed by Remillard to pick up spikes in the place of an employee who had just gotten dust in his eye. Claimant was busy at the time picking up plates and rolling the rail. According to the Foreman, claimant used abusive language and said that he was not going to do all these jobs. He did not perform the work of picking up spikes but instead complained to Track Supervisor Kinsey, his foreman's superior. Kinsey then directed him to perform the work in question and, according to claimant's testimony, that is when the argument started,

"Our voices were up loud and in front of the whole gang, Mr. Kinsey was hollering at me ...and made me feel less than what you are supposed to be."

Claimant never did comply with the instructions. He testified that he wanted to speak with higher supervisor B. Vaugh.

There is no basis to this claim and we are unimpressed by Petitioner's arguments to the contrary. Claimant should make no mistake about it. It is his responsibility to comply with his foreman's orders promptly and Carrier need not tolerate arguments and tantrums by employees that disturb the work atmosphere and delay the job. Repetition of such conduct is a ground for much heavier discipline.

if he has a complaint, his proper course is to refer it to his Local Chairman for processing through the grievance procedures.

AWARD: Claim denied.

Adopted at Newark, N.J., *October 19*, 1987.

  
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Harold M. Weston, Chairman

*JTS Baker*  
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Carrier Member

*W. E. LaRue*  
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Employee Member