

NATIONAL MEDIATION BOARD
WASHINGTON, DC

SPECIAL BOARD OF ADJUSTMENT 986

NATIONAL RAILROAD PASSENGER CORPORATION
(AMTRAK) – NORTHEAST CONFERENCE (“CARRIER”)

AND

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
DIVISION – IBT RAIL CONFERENCE

NMB Case No. 298
Employee: Charles E. Baylor

Neutral Member: Barbara Zausner
Carrier Member: Mark L. Johnson
Organization Member: Jed Dodd

STATEMENT OF CLAIM

- 1- The charges against Mr. Baylor are unproven and the discipline assessed should be removed.

FINDINGS

Upon the whole record and on the evidence, the Board finds that the parties herein are Carrier and Employer within the meaning of the Railway Labor Act, as amended; that this Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

Charles E. Baylor was charged with insubordination for offenses on April 27 and May 3, 2012. He was issued a thirty-calendar day suspension, twenty days to be served immediately, and ten days held in abeyance for one year. If he was not found guilty of an offence committed within the one-year abeyance period the ten days would not be imposed. He was also disqualified from the positions of Gang Foreman and Foreman for one year. The decision was upheld on August 2, 2012 and was upheld on appeal by decision letter dated September 19, 2012.

No new issues were raised by the Claimant when the decision was heard at arbitration. Essentially, the Claimant maintained he told his manager he was unable to work overtime on May 3 and the manager persisted in directing him to do so. Management did not ask him why he could not work and the Claimant did not offer any excuse.

As to the April 27 charges, the Claimant contends he was not present when his crew was directed to look for tools in all the vehicles. The tool kit was later found in Claimant's truck.

The Organization further notes that Claimant was disqualified as foreman and gang foreman for reasons unrelated to his duties as a supervisor.

A majority of the Board finds that the charges are supported in the record by substantial credible evidence. There is no basis on which to set aside the decision of the Carrier to impose discipline.

AWARD

The Claim is denied.

Barbara Zausner

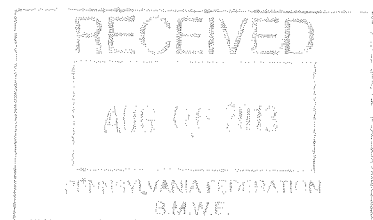
Barbara Zausner, Neutral Board Member
August 2, 2013

[Signature]

For the Carrier
Mark L. Johnson, Director – Labor Relations

Jed Dodd

For the Organization
Jed Dodd, General Chairman



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