

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 42

Docket No. NEC-BMWE-SD-1496D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

On March 12, 1986, Claimant J.F. Kelley was notified to attend a hearing in connection with the charge:

Violation of NRPC General Rule of Conduct, Rule 'F', Employee Conduct, Sub Section #5 which reads: "Employees must not sleep on duty, and must not be so inattentive to their jobs as to appear to be sleeping."

Specification: In that on March 12, 1986 in the vicinity of Odenton MW Base at approximately 4:55 A.M. to 5:15 A.M., you were observed sleeping in a Company vehicle by Engineer Track & Structures, W.E. Weszka.

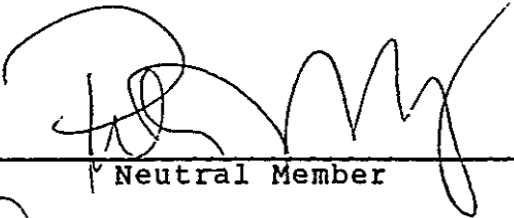
The hearing was held on March 20, 1986, and as a result, Claimant was assessed a thirty-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

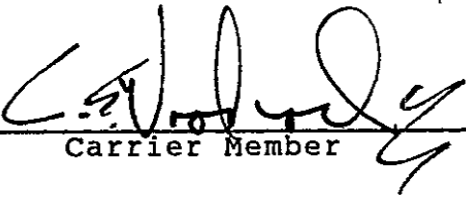
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of sleeping on the job.

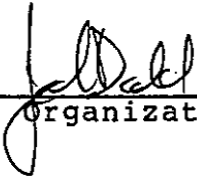
Once this Board determines that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. Sleeping on the job and related offenses often lead to dismissal. In this case, the 30-day suspension was not an unreasonable discipline given the nature of the offense and the Claimant's record. Consequently, this Board must deny the claim.

Award:

Claim denied.



Neutral Member

Carrier Member

Organization MemberDate: 4-12-88