

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24381**
Docket Number **CL-24569**

Robert **Silagi**, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway. Airline and Steamship Clerks,
{ Freight Handlers, Express and Station Employees
{ **Green Bay and Western Railroad Company**

STATEMENT OF CLAIM: **Claim** of the System **Committee** of the Brotherhood (**GL-9612**)
that:

1. Carrier violated the Clerks' Rules Agreement et **Green Bay**, Wisconsin when it charged, held investigation and assessed discipline of sixty (**60**) days suspension regarding **Employee R. G. Villers** on January **15, 1981**.

2. Carrier shall now be required to **compensate Employee R. G. Villers** all lost wages due to the aforementioned suspension and **remove** all mention of charges, investigation end subsequent discipline from his personal record.

OPINION OF BOARD: **Employee Villers**, a Chief Clerk at the **Green Bay Freight Office** with seniority **from 1955**, was **charged** with using profane language in en altercation with **Trainmaster R. M. Leary** on **January 8, 1981**. At about **3:25 P.M.**, **Claimant** walked into the Yard Office and stated to the two **yard clerks** on duty, "**Take** a break boys. You don't **have** to type up that list.", and then sat down at en **empty** desk. Overhearing this **conversation**, **Leary** came out of his adjoining office end told **Villers**, "We're getting out a train. You have no business here. Get back in your office end quit **distracting** these clerks." **Villers** addressed en obscenity to **Leary** and **said** "Keep your God damn nose out of my business." **Leary** replied, "**That** is enough. I've **had** it with you. I'm not going to stand for this **anymore**. I'm writing this up." **Villers** uttered another obscenity to **Leary** end **said** "Write it up--see if I **give** a God damn." At the investigation on the **charges** **Villers** • dmitting using **profane language** but stated that it **was** not **intentional**, that he meant no harm by it end apologized.

In its **ex parte** submission, BRAC cites Third Division Award **18439 (Rosenbloom)** for the proposition that en **employee cannot** be held to a higher standard of **language** then his superior. In **the instant case**, h-er; there is nothing to indicate that **Leary**, the superior, used anything but acceptable words to **Claimant**.

Vulgar end abusive language that is **commonly** accepted in a barracks has little place in en office of the Carrier. When coupled with a disruptive order to subordinates who **had work** to perform end addressed to their superior, such language is completely **inappropriate**. (See Award **16347-Devine**, **16948-Criswell**, **20089-Eischen** end **20263-Lieberman**, among others.)

The record at the investigation, including **Claimant's own** testimony, amply supports the charges. The use of this type of vulgar language **may**, and often does subject the offender to discharge. (Award **22643-McMurray**). The **assessment** of suspension is, therefore, neither excessive nor capricious. Accordingly, the claim is denied.

FINDINGS: **The** Third Division of the Adjustment **Board**, upon the whole record and all the evidence, finds and holds:

That the parties waived oral **hearing**;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway **Labor** Act, as approved June 21, **1934**;

That this Division of the Adjustment **Board** has jurisdiction over the dispute involved herein; end

That the Agreement **was** not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **Third** Division

Attest: Acting Executive Secretary
National **Railroad** Adjustment **Board**

By *Rosemarie Brasch*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.

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