

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24930
Docket Number MW-24931

Marty E. Zusman, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(The Chesapeake and Ohio Railway Company
(Northern Region)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The thirty (30) days of suspension imposed upon Trackman N. E. Stone for alleged use of offensive language and for conduct unbecoming an employe on August 13, 1981 was without just and sufficient cause (System File C-D-1204/MG-3224).

(2) The claimant's record shall be cleared and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: Claimant N. E. Stone was notified to report for a formal investigation to determine whether he had used offensive language and engaged in conduct unbecoming an employe during a discussion on August 13, 1981 over his stolen materials. The hearing was held on September 1, 1981 and the Claimant was notified by letter dated September 11, 1981 that he had been found guilty as charged and was assessed a thirty (30) days' actual suspension.

With respect to the merits of the case the Board finds sufficient substantial evidence present to warrant conclusion that Claimant is guilty as charged. During the hearing the Claimant answers the Hearing Officer's questions: "Did you use offensive words?" and "Was your conversation loud?" with the "yes" response. Further, testimony of other witnesses indicate that the loud, argumentative and possibly threatening conversation lasted over twenty minutes. The Claimant is bound by the rules and his conduct as evidenced by the testimony given at the hearing was clearly loud, vulgar, offensive and most serious.

When claims are filed for lost or stolen property the Carrier knows that such claims are important and must be handled in an expeditious manner. Should that not be the case and should claims not be pursued as actively as employees desire, the Carrier must still count on relationships between its employes to be maintained in a courteous and respectful manner while it rectifies the situation. The Carrier cannot operate in an efficient and productive manner if it cannot count on its employes to maintain actions, conduct and behavior that lends itself to unquestionably good relationships even if their concerns are "understandable." Employes have the important and serious responsibility to maintain acceptable language and conduct. The Claimant clearly did not fulfill his responsibilities. Since such is the case at bar and that this type of infraction can gravely undermine efficient and productive work relationships between the Carrier and its employes, there is no basis for judging the discipline assessed by the Carrier as unreasonable, arbitrary or capricious. As such, the Board will not disturb the Carrier's determination in this matter.

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; and

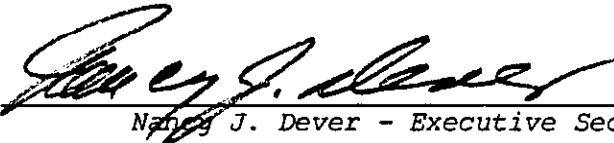
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 30th day of July 1984.