

NATIONAL RAILROAD ADJUSTMENT BOARD
Third Division

Arthur M. Millard, Referee

PARTIES TO DISPUTE:

ORDER OF SLEEPING CAR CONDUCTORS
THE PULLMAN COMPANY

STATEMENT OF CLAIM.—

"Conductor H. R. Williams, Chicago Western District, asks reinstatement to service with all rights unimpaired and pay for all time lost."

STATEMENT OF FACTS.—In their ex parte submission the employes stated the facts as follows:

"Conductor Williams was discharged on February 29, 1936, on complaint of Mr. A. A. Acklin, an official of the Coca Cola Company, Atlanta, Ga., who boarded A. C. L. train #32 at Inverness, Fla., sometime in December 1935. The complaint shows that the trouble started with the difficulty in having the train stopped, as Inverness is a flag station, and then in boarding the train without Pullman reservations.

"This grievance was progressed in the usual manner under Rule 10, Agreement between The Pullman Company and its Conductors (Exhibit 'A'). The first hearing was on March 21, 1936."

The carrier stated the facts as follows:

H. R. Williams was employed as conductor May 10, 1923, and was discharged July 2, 1931, for generally unsatisfactory service. He was reinstated December 9, 1931, upon the following recommendation of the Conductors' Board of Adjustment, dated November 18, 1931:

"The Board finds that the action of the management in terminating the services of conductor Williams was justified, but in view of the representations of Mr. Williams to the Board it is of the opinion that he should be given another opportunity upon satisfactory assurance to the Assistant to General Manager that the causes which led to his dismissal will not recur."

Williams was again discharged February 29, 1936, for generally unsatisfactory service.

During his employment the carrier received two letters of commendation and fifty-two satisfactory service inspection reports. He was charged with numerous failures in duty such as clerical accounting errors, improper collection from passengers, carelessness, lack of supervision, indifference and discourtesy to passengers, and controversies with railroad and Pullman officials.

The incident, which in connection with his past record, that caused Williams' discharge February 29, 1936, was the complaint of Mr. Acklin and party relative to the discourteous and insulting actions of Conductor Williams when and after party boarded train at Inverness, Fla., night of December 1, 1935.

The investigation of the Acklin complaint convinced the carrier that Conductor Williams was grossly discourteous and had failed to provide accommodations and service the party had a right to expect, which with his prior unsatisfactory record (service record placed in evidence) demonstrated he was not fitted for the position and he was therefore discharged.

Hearings were accorded as provided for by Rule 10.

The Pullman Company Rules Governing Working Conditions for Conductors, effective December 16, 1923, were placed in evidence.

and every case of negligence or improper conduct with penalties assessed will be entered thereon, and the employe notified of the action taken.

"When an employe's record shows frequent derelictions of duty or violations of rules, the question of his retention in the service will have special consideration, and dismissal may follow because of unsatisfactory service in general. Disloyalty, dishonesty, intemperance, immorality, insubordination, incompetency, discourtesy to passengers, gross carelessness, false reports, or concealing facts concerning investigations, etc., will subject the offender to dismissal."

"The reports comprising complaints received from patrons of the company, from officials of the railroad companies over whose lines conductor Williams was operated, and the reports submitted by this company's officials who are charged with the responsibility of furnishing and maintaining satisfactory service to the traveling public, outlined in the foregoing 'Statement of Facts' and the exhibits enclosed herewith, clearly show the persistent and repeated failures of this conductor to meet the requirements of his position. They show that he was not only indifferent to the wishes and comfort of passengers occupying accommodations in cars under his charge and to the instructions issued for his guidance, but that on numerous occasions he assumed a discourteous and rude attitude toward passengers and prospective patrons, resulting in some instances in the decision by such prospective patrons not to purchase accommodations in Pullman cars, thus depriving the company of revenue which it otherwise would have received. His record shows protests from passengers because they were over-charged by him for their accommodations, and it also shows repeated complaints of arrogance and discourtesy toward his passengers.

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"In reviewing the service record of conductor Williams, one is impressed with the number of complaints arising because of his attitude toward passengers and toward railroad officials. He had earned a reputation amongst railroad people of being too terse, abrupt, and 'snappy' in his conversation, apparently being unable to adopt a pleasing and courteous manner toward passengers, officials, and employes. It also is somewhat disconcerting to note, in considering together all of the instances of misconduct on his part, the many occasions upon which Conductor Williams deserved discharge, but instead was warned or cautioned or instructed to improve, when as a matter of fact he merited no such lenient treatment.

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"It will be noted that during his career as a Pullman conductor, officials of three railroads requested this company to refrain from operating Conductor Williams over their lines and that one of the roads concerned made a second request of that character when Conductor Williams was temporarily assigned to its service during investigation of a complaint of discourtesy occurring on another line of railroad which temporarily asked his withdrawal. It is also shown that Mr. Williams indulged instead of restrained his feeling of racial prejudice, which brought criticism not only upon himself but upon his employer; that he exhibited no feeling of compassion for the sick when he was confronted with situations which should have aroused feelings of commiseration on his part, and that apparently he lacked consideration for women, as a number of complaints of rudeness and lack of courtesy on his part were made by women passengers.

* * * * *

"By his repeated failures to extend courteous and proper attention to passengers desiring to occupy or occupying space in Pullman cars under his charge and in many other ways, Mr. Williams has demonstrated that he is a detriment to the company and unfitted for continued employment. We feel the action in discharging him is completely justified by his record and there is no valid reason for allowing his claim for reinstatement."

OPINION OF BOARD.—In considering the service record of this claimant, while differences of opinion may exist as to the importance and significance of particular items that have been brought out in the record of this claimant and prior to this dispute, there is every evidence that the Carrier has acted in a fair and impartial manner in its consideration of the service infractions of the rules that are shown in that record.

Considering the specific charges upon which this claim is based there can be no doubt that ample evidence exists to support the charge of "unsatisfactory service" upon which this claimant's dismissal was based.

FINDINGS.—The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe 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 evidence of record sustains the disciplinary action of the Carrier.

AWARD

Claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: H. A. JOHNSON
Secretary

Dated at Chicago, Illinois, this 29th day of April, 1937.