

Award No. 8573

Docket No. CL-9856

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Sempliner, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

CENTRAL OF GEORGIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that:

(1) The Carrier violated the Clerks' Agreement of December 1, 1956, between the parties when, as a result of a faulty investigation held on March 25, 1957, it dismissed Stenographer-Clerk, Mrs. Ira E. Tillman, Chief Engineer's Office, Savannah, Georgia, from its service, and that therefore,

(2) Stenographer-Clerk, Mrs. Ira E. Tillman's record be cleared and she be restored to service with all rights unimpaired and compensated for all time lost since her unjust removal from the service on March 19, 1957.

OPINION OF BOARD: Claimant, Mrs. Ira E. Tillman, was a clerk-stenographer under the supervision of Chief Clerk Cecil Pittman, in the office of Chief Engineer J. B. McKerley, at Savannah, Georgia, in the Central of Georgia Railway Company. Claimant had 11 years seniority. Claimant's husband had been formerly married to her supervisor's (Chief Clerk Pittman) daughter.

There had been a constant wrangle between Chief Clerk Pittman and Mrs. Ira E. Tillman over personal matters. Both Pittman and Tillman had been warned to keep personal matters out of company business and off company time. It is apparent that Chief Clerk Pittman was all business, had grown old in service of the company, and gave his work full attention. Because of his personal knowledge of Mrs. Tillman, his junior employe (said knowledge being through her marriage to his daughter's former husband), he apparently knew far more of her needs and affairs than a supervisor ordinarily would.

Immediately prior to Monday, March 18, 1957, Mrs. Tillman had reported in sick. On Wednesday, March 13th, her daughter had called Pittman

saying her mother was ill and would not be in. On Thursday Mrs. Tillman called Pittman, saying she had to see another doctor and would not be in. She further informed Pittman that she wanted to take care of some matters at the Board of Education in regard to her children. On Friday Mrs. Tillman came in to work, but on finding Mr. McKerley was not going to be in the office that day, told Mr. Pittman:

"* * * I told him I didn't feel like I could stay here under tension on Friday and that I would come back when Mr. McKerley came back. * * *"

On Monday, March 18, 1957, Mrs. Tillman returned to work, and worked all morning. Her testimony is that Mr. Pittman put more work on her desk than she could do in a week. In the early afternoon she asked Mr. McKerley if she could talk to him, and was told that time would be available later in the afternoon. Mrs. Tillman claimed she was sick, nervous, and upset, and had been sick the previous week. Mr. Pittman, because of his personal knowledge of her outside activities, believed she had been malingering but had taken no action, other than to ask for a doctor's report as to her sickness. He discussed this with Mr. McKerley, and asked to be present when his subordinate, Mrs. Tillman, had the interview, which request was granted.

After requesting a meeting with Mr. McKerley, Mrs. Tillman then telephoned Mr. Howard (the Clerks' Local Chairman), and her husband, Mr. Tillman, and asked them to come over. The stage was set for a beautiful Donny-Brook. All that was lacking was some one to sell tickets, but they were not lacking for spectators.

Shortly thereafter Mr. McKerley told Mr. Pittman he was ready for the meeting. Mr. Pittman summoned Mrs. Tillman to come in, and about the same time Mr. Howard arrived. Mrs. Tillman began her accusations against Mr. Pittman and he responded as to her malingering. Mrs. Tillman then picked up a ruler and whacked Mr. Pittman over the head with it, knocking off his glasses, and he grappled with her. As soon as they were separated Mr. Tillman came in, and put on an encore with Mr. Pittman, but they were separated without mayhem being committed. In the melee Mr. Pittman had picked up a paper weight, but had not hit any one with it.

The charges are two in number, and in essence are as follows:

1. Violation of supervisor's personal instructions not to mention personal differences.
2. Violation of Company's rules of conduct.

The complainant attempts to represent that she was under pressure. At best the pressure referred to was self-generated. After asking for a hearing in Chief Engineer McKerley's office (a reasonable thing to do) the complainant then asked both her husband and the Local Chairman to be present. It must be remembered that at this time it did not appear that Chief Clerk Pittman had placed any charges against Mrs. Tillman, or had any intention of doing so.

At the meeting the Claimant picked up a ruler and hit Chief Clerk Pittman with it. Shortly thereafter, her husband also went after Chief Clerk Pittman, both without provocation.

The conduct fits the rule, and the claim has no merit.

The claim of faulty investigation has been commented on at length in Award 8572. Not having been raised on the property, this claim cannot be injected here.

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 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

The Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 17th day of December, 1958.