

SPECIAL BOARD OF ADJUSTMENT

NO. 997

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CONSOLIDATED RAIL CORPORATION

-VS-

BROTHERHOOD OF LOCOMOTIVE ENGINEERS  
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DOCKET NO. CRE-17648-D  
CASE NO. 66  
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CLAIMANT: H.D. Daugherty

FOR THE CARRIER: Jeffery H. Burton, Director  
Labor Relations

FOR THE ORGANIZATION: Robert Godwin, General Chairman  
BLE

NEUTRAL: Dr. James R. McDonnell  
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### STATEMENT OF CLAIMS

"Appeal of Engineer H.D. Daugherty from the discipline of thirty days assessed as a result of the following:

...**OUTLINE OF OFFENSE:** Abusive and hostile conduct directed at Trainmaster Coon at approximately 6:45 a.m., January 6, 1993, while assigned as engineer WOR-204, on duty 6:30 a.m., January 6, 1993."

### FINDINGS

The Board, upon the whole record and all evidence finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended ("RLA"), that this Board is duly constituted by agreement and has jurisdiction of the parties, claim and subject matter which was held on December 20, 1994 in Philadelphia, Pennsylvania. The Board makes the following additional findings.

### DISCUSSION

The basic facts are not in dispute in the instant Claim.

Other matters are, such as if there was any provocation before and during the incident and if the penalty is appropriate.

### OPINION

There is no question that the Claimant was loud, vulgar and made inappropriate gestures with his hand by pointing his finger in his Supervisor's face.

The Organization opines that the Claimant became increasingly agitated when his Supervisor kept interrupting him and would not allow him to make or finish his points.

And there is the question of the Claimant acting as a Union representative in this matter. It is a fact that he is the Local Chairman on site and was properly dealing with a labor-management issue. His methods are in question, not his right to confront his Supervisor about the issue at hand.


There is no room for violence at the work place, be it physical or verbal! The Claimant was out of order here. His behavior is unacceptable and must not be tolerated by either the Carrier or his Union.

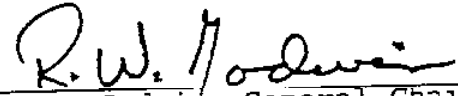
It remains to deal with the matter of penalty.

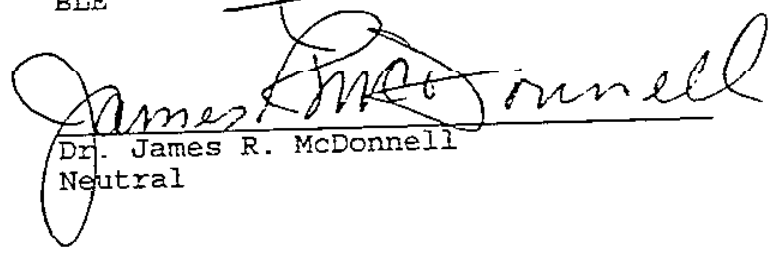
The Board feels that a 30 day actual suspension is excessive and that a Letter of Reprimand in the Claimant's file will suffice.

AWARD

The 30 day actual suspension shall be reduced to a Letter of Reprimand.

  
Jeffery H. Burton, Director  
Labor Relations

  
Robert Godwin, General Chairman  
BLE

  
Dr. James R. McDonnell  
Neutral

August 17, 1995  
Date

jdm