

Referee Harold M. Weston

PARTIES International Longshoremen's Association, AFL-CIO  
and  
TO Local 1913, International Longshoremen's Association, AFL-CIO

DISPUTE: Penn Central Transportation Company

STATEMENT OF CLAIM: (A) Suspending employee S. L. Mullins was unwarranted, excessive and in violation of the rules of the existing agreement.

(B) That the employee shall be paid for all time lost and have the disciplinary action removed from his record.

OPINION OF BOARD: Claimant, an electrician at Ashtabula, Ohio, was given a fifteen-day suspension on the ground that he had been insubordinate in refusing to comply with a direct order of his immediate supervisor, Chief Electrician Harrison, on March 29, 1969. It is Petitioner's contention that the suspension was unwarranted, excessive and in violation of the applicable agreement.

We are satisfied from our review of the record that Carrier's findings of insubordination are supported by the evidence. Harrison testified that when he instructed Claimant to come down (Harrison was standing beneath, and Claimant above, a grating at the time) and help pick up and clear away some tools that had been used to change a defective hydraulic pipe, the latter directed an obscene remark at him and refused to do so. Claimant concedes making the obscene comment and hearing Harrison tell him to "get down here" but did not recall any other statements. In any event, the fact remains that he did not get down and help clear away the tools.

While Petitioner vigorously contends that electricians are not required under the agreement to perform general clean up work or to assist with maintenance or repair, the proper procedure was for Claimant to have complied, under protest, with the Chief Electrician's instructions and thereafter to have filed and processed a grievance complaining that he had been required to perform work outside his job classification. Such compliance, at the very most, might have involved some petty inconvenience but would not have subjected Claimant to any hazard or undue hardship. As a member of the grievance committee which had been considering this question of required work performance outside the job classification, it was particularly important for Claimant to have observed orderly grievance procedures rather than to take matters into his own hands and decide not to obey the direct order of his supervisor. To sanction a contrary

course would be to invite chaos in the working relationships between employees and their supervisors.

The record does not establish any substantial procedural defect or that Superintendent Rice or any other representative of management prejudged the case. We see no justification for disturbing Carrier's findings of fact or substituting our judgment for that of management in assessing discipline. Claimant very definitely should have followed his supervisor's instructions, and the controversy regarding work outside job classifications and the fact that he had no prior record of discipline do not warrant interference with the fifteen-day suspension found appropriate by Carrier.

FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds 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.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST: *Muriel L. Humfreville*

Muriel L. Humfreville  
Executive Secretary

Dated at Chicago, Illinois, this 11th day of August, 1970.