

Inland Steel Award No. 721

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DISCIPLINE

GRIEVANCE NO. 28-P-32

APPEAL NO. 1327

AWARD NO. 721

**SUMMARY:** The Company had proper cause for imposing a four-week suspension on an employee for directing profane, abusive and threatening language to a member of supervision. While the incident occurred away from Plant premises (in a restaurant), the incident was work related in that grievant was resentful of the Supervisor's having reminded him, on several occasions, to wear his safety glasses.

COMPANY: INLAND STEEL CO.

PLANT: EAST CHICAGO, IND.

DISTRICT: 31

ARBITRATOR: BERT L. LUSKIN

DATE OF DECISION: JULY 30, 1982

BACKGROUND

Mike Blaskovich was employed by the Company on November 8, 1978. He is currently employed in the No. 3 Cold Strip Department as a Craneman.

Blaskovich left work on the morning of Friday, January 30, 1981, after having completed his shift of work (from 11 p.m. to 7 a.m.). At about noon, three supervisors (General Foremen) from the No. 3 Cold Strip Department left the Plant and drove to Griffith, Indiana, where they entered a combination restaurant and tavern known as John's Place. The three supervisors sat down at a table and ordered their lunch. Blaskovich and a fellow bargaining unit employee were seated at an adjacent booth. Blaskovich noticed the presence of the three supervisors, and in a loud voice Blaskovich allegedly said, "There's Dennis Mills. He's a rotten son of a bitch. He's not my supervisor; why does he pick on me?" Blaskovich then said, "He makes me wear my glasses even when I'm on a break." Mills made no immediate response, whereupon Blaskovich allegedly stated in a loud voice, "Do you hear me? Do you hear me?" When Blaskovich repeated those words, Mills responded by stating to Blaskovich, "Yes, I hear you." Blaskovich then allegedly stated in the same loud voice, "I'll follow him outside and get him. Better yet, I'll wait until I'm on Crane 31 and crush him with a coil." Blaskovich allegedly was in direct eye contact with Mills when he made those statements. Mills made no further response. The bartender in John's Place walked to the booth and allegedly asked Blaskovich to lower his voice. Mills finished his lunch and left John's Place in the company of the two other General Foremen (Kiraly and Sakaguchi). Upon returning to the Plant, Mills (who did not directly supervise Blaskovich) made inquiries and learned that Blaskovich was a Craneman working in the same general area where Mills would be performing supervisory functions. The matter was discussed with other members of supervision, and when Blaskovich reported for work at 11 p.m. that same day he was sent home pending an investigation.

A departmental investigation was convened on February 2, 1981. Blaskovich was informed that he was being charged with a violation of Rule 127-p of the General Rules for Safety and Personal Conduct. Blaskovich was suspended for a period of four weeks. He was required to enter the Inland Program for Problem Drinkers as a condition precedent to his subsequent return to work. Blaskovich was informed that he would be prohibited from operating a Crane or any other piece of mobile equipment until Inland's Medical Department would certify that Blaskovich no longer had an alcohol abuse problem. An oral complaint discussion was held. Blaskovich contended that the action taken by the Company was unwarranted and improper. He asked that the discipline letter be removed from his file and that he be reimbursed for all moneys lost as a result of the suspension.

Blaskovich did participate in the Inland Program for Problem Drinkers. At a later point in time Blaskovich was informed that he would not need clearance from the Company's Medical Department before he could be returned to work, and he was no longer required to participate in the Inland Program for Problem Drinkers. Upon the completion of the suspension, Blaskovich returned to the position of Craneman.

A grievance was filed on Blaskovich's behalf on April 28, 1981. The grievance charged a violation of Article 3, Section 1, and Article 13, Section 2, of the 1980 Collective Bargaining Agreement. That

grievance was processed through the steps of the grievance procedure and the issue arising therefrom became the subject matter of this arbitration proceeding.

#### DISCUSSION

Blaskovich was charged with a violation of Rule 127-p of the General Rules for Safety and Personal Conduct. That rule is hereinafter set forth as follows:

"127. The following offenses are among those which may be cause for discipline up to and including suspension preliminary to discharge:

"p. Use of profane, abusive, or threatening language towards subordinates or other employees or officials of the Company, or any non-Inland personnel."

Blaskovich and a fellow employee named Gallegos were sitting in a booth some eight to 10 feet from where General Foreman Mills and two other Company General Foremen were seated at a table. Blaskovich was facing Mills. Although Blaskovich contended that his words were directed toward Gallegos and not toward Mills, the fact remains that Blaskovich had direct eye contact with Mills when he uttered a series of threats in a voice loud enough to be heard several feet away from the table where Mills was seated.

The evidence would conclusively indicate that the words uttered by Blaskovich were, in fact, directed toward Mills. That became evident when he looked directly at Mills and said, "Do you hear me? Do you hear me?" Mills made a direct response when he said, "Yes, I hear you." The only other response made by Mills was to the statement made by Blaskovich to the effect that Mills made him wear his glasses even when he (Blaskovich) was on break. Mills did respond to Blaskovich when he said, "If you wore your glasses, I wouldn't bother you."

The two General Foremen who were with Mills testified that they heard Blaskovich call Mills a "rotten son of a bitch." They testified that they heard Blaskovich threaten Mills when Blaskovich said to Gallegos, "I'm going to go over to his table and kick the shit out of him." They testified that they heard Blaskovich threaten Mills with bodily harm when Blaskovich threatened to "get Mills on the outside," and they heard Blaskovich say "I have a better idea; I'll wait until I'm on 31 Crane and smash him with a coil."

Gallegos testified that he and Blaskovich had gone to John's Place and arrived there some time around 8 a.m. He testified that they had been drinking beer and shots for several hours. Blaskovich had left John's Place for a period of time and returned and resumed drinking with Gallegos.

Gallegos testified that he did hear Blaskovich refer to Mills as a "rotten son of a bitch," and he testified that he did not recall hearing any other statements attributed to Blaskovich that could be considered to be a threat directed toward Mills. Gallegos did not deny that the statements were made by Blaskovich; he testified only that he had no recollection of those statements having been made. Gallegos testified that the bartender came over to their booth and spoke to Blaskovich, asking him to keep his voice down since he was disturbing other customers in the restaurant.

At the initial hearing Blaskovich denied having made any threatening statements to Mills and he stated that he had no recollection of having addressed any remarks to Mills. He could not recall calling Mills any names or uttering any threats directed toward Mills. In the later steps of the grievance procedure Blaskovich conceded that he did call Mills a "rotten son of a bitch," but he insisted that he simply could not recall having used any other statements that could be characterized as a threat of bodily harm. Blaskovich stated in the grievance procedure that he had been drinking heavily and simply had no recollection of everything that had transpired in the restaurant.

There can be no question but that the threats and the profanity directed toward Mills were "work related." Blaskovich was obviously angry with Mills because on several occasions Mills had reminded Blaskovich that he must wear his glasses even when he was on break. He believed that Mills had on one occasion spoken to him sharply and he resented that fact since Mills was not his direct supervisor. Every statement uttered by Blaskovich that was intended to be heard by Mills and the two supervisors seated with Mills was clearly and without question "work related." It was the aftermath of situations which had occurred in the Plant and it is evident that the profane remarks and threats directed toward Mills were the outgrowth of incidents that had occurred in the Plant.

The Company concluded that Blaskovich had, in fact, made the statements attributed to him by Mills and by the two other members of supervision. The Company correctly concluded that Blaskovich had violated Rule 127-p when he used profane, abusive and threatening language directed toward a General Foreman that had to be considered to be work related. Under those circumstances the Company was completely justified in imposing appropriate disciplinary measures consistent with the degree of the committed offense. Rule 127-p calls for the imposition of discipline "up to and including suspension preliminary to discharge." The subject matter of threats directed toward members of supervision was fully and completely

discussed by this Arbitrator in Award Nos. 634, 639, 653 and 673. Additionally, former Umpire Cole had issued awards wherein he found that termination from employment could be an appropriate penalty when the facts and circumstances justified the imposition of the penalty of termination for the offense of directing profanity or threats of bodily harm against a member of supervision.

The Union does not contend that a work related threat directed toward a member of supervision made outside of the Plant would not justify the imposition of disciplinary measures. The Union contended that in the instant case Supervisor Mills exercised poor judgment and, if he believed that Blaskovich was serious, Mills should have complained to the proprietor of the restaurant and asked for protection or he could have registered a complaint with the police department in the community where the incident occurred. The Union also argued that Blaskovich had no intention of carrying out the "threat" since the words were spoken under circumstances where Blaskovich was obviously somewhat under the influence of intoxicants. To support the latter contention the Union pointed to the fact that Blaskovich is considered by the Company to be an excellent employee with no record of any prior disciplinary offenses.

The Company contended that it had decided not to invoke the penalty of termination from employment only because Blaskovich was somewhat inebriated and he did have an otherwise good record of work performance free from incidents of discipline.

Blaskovich was a good employee with a good work record. He made no overt attempt to carry out any of the threats that he had uttered. He embarrassed and humiliated a supervisor in a public restaurant in the presence of patrons and two other members of supervision, and he threatened a supervisor to a degree where the supervisor justifiably was concerned for his safety and well-being. The threats were uttered under circumstances where they were directly "work related" even though the threats were made away from the Company premises. It is evident that Blaskovich had resented being reminded by Foreman Mills on several occasions that he must wear his safety glasses. A reminder of that nature is not only the province of a supervisor, it is his obligation to make certain that employees observe the safety rules and to correct violations of safety rules that take place in his presence.

Foreman Mills exercised admirable restraint when the incident occurred in John's Place. He showed rare good judgment when he did not argue with Blaskovich at a time when Blaskovich was obviously somewhat inebriated. His judgment was eminently sound when he and the other two members of supervision finished eating as quickly as possible and quietly left the restaurant. To have raised an issue concerning Blaskovich's conduct in the restaurant could only have inflamed the situation a time when sound judgment dictated that Mills and the other two supervisors separate themselves from the presence of Blaskovich.

The incident in question might never have occurred if Blaskovich had been completely sober and in full control of his faculties. The Company obviously took that into consideration when it decided to impose a suspension from employment of four weeks instead of suspending Blaskovich from employment preliminary to discharge.

From an analysis of all of the evidence in the record, the Arbitrator must conclude that Blaskovich did direct profane, abusive and threatening language toward a member of supervision under circumstances where the acts were clearly work related. Even though Blaskovich may have been inebriated, his profanity directed toward Mills, his threat to commit bodily harm to Mills, and his threat to drop a coil on Mills, could not be disregarded by the Company. The penalty of a four-week suspension must be considered to have been imposed for proper cause.

For the reasons hereinabove set forth, the award will be as follows:

AWARD NO. 721

Grievance No. 28-P-32

The four-week suspension from employment imposed against Mike Blaskovich was for proper cause. The grievance is hereby denied.