

should be sufficient to guide both the employees and the supervisors.

In the instant case, the evidence does not support the charge that the foreman was performing the kind of work which Arbitrator Kelliher held to be bargaining unit work, as distinguished from the type which a supervisor may properly perform in directing and supervising employees. There was a full crew on duty, including two Loaders, and there would be no point in the foreman performing their work. The profanity charge seems to be in the nature of retaliation for the discipline imposed on the Craneman. In any event, on all the evidence the foreman's flat contradiction has not been overcome.

AWARD

This grievance is denied.

Dated: September 27, 1961 .

/s/ David L. Cole

David L. Cole
Permanent Arbitrator