

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13384

Docket No. 13277

99-2-97-2-50

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

**(Brotherhood Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Chesapeake and
(Ohio Railway Company)

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Chesapeake and Ohio Railroad Company (CSX Transportation, Inc. (hereinafter referred to as ‘carrier’) violated the controlling Shop Crafts Agreement specifically Rule 153, when the carrier placed and allowed Mr. M. Angelone on the boni fide (sic) carman’s seniority roster at Walbridge, Ohio, without him serving the required apprenticeship or having met the four years of practical experience criteria.**
- 2. Accordingly, the Carrier be instructed to remove Mr. Angelone from he (sic) boni fide (sic) carman’s seniority roster at Walbridge, Ohio, and place accordingly on the tentative carman’s seniority roster at Walbridge, OH.”**

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Parties to said dispute were given due notice of hearing thereon.

The Carrier hired Claimant as a Carman to do Carman's work, and afforded him a seniority date as a full-fledged Carman as of the first day he worked.

Although some minor disagreement arose concerning whether the requirement for four years practical experience was reduced to three years (see Second Division Award 13394), the dispute centers upon the Carrier including toward the basic number of days worked to qualify as a Carman, those days worked as a Foreman or Supervisor for a company other than a railroad. The Organization cited three Second Division Awards in support of its position. In two of the Awards, the Organization's arguments were persuasive enough to convince the Board that unless the prerequisite years of practical experience were railroad work, it could not be counted. In the third Award, the Board found that based on the Rules in effect on that property, days worked as a Foreman of the craft could not be counted towards the 732 days required to complete an apprenticeship.

The Board does not agree that the phrase "years practical experience at car work" is restricted solely to work performed on a railroad. In this day and age there exists a number of car repair and/or car rebuilding firms that employ personnel to build and repair rail cars. On the property, a Leadman who functions as a working Foreman, and has less than the 732 days, has those days counted towards the 732. The advice from the Claimant's former employer was that he functioned as a working Manager. It is noted from information furnished the Board by the Organization that two other individuals the Carrier hired as Carmen were recognized as Carmen by the Organization, even though they had time worked as Leadman and/or working Foreman.

The Board rejects the Organization's inconsistent behavior in accepting time served as a working Foreman with at least two other individuals and the rejection of the Claimant. The Organization did not furnish sufficient evidence to overturn the Carrier's employment of the Claimant as a Carman with a Carman's date awarded on the first day of service.

**Form 1
Page 3**

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AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 12th day of April 1999.