

Award No. 1448

Docket No. 1375

2-B&O-F&O-'51

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 30, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Firemen & Oilers)**

BALTIMORE & OHIO RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: Request that senior employes on the Firemen & Oilers' seniority roster at East Salamanca, N. Y., be permitted to exercise displacement rights on the acetylene generator attendant's position in accordance with the provisions of Rules 14 and 15 of the current rules agreement between the Baltimore & Ohio Railroad Company and the International Brotherhood of Firemen and Oilers.

JOINT STATEMENT OF FACTS: In the settlement of a jurisdictional dispute between the Brotherhood of Railway Carmen's Organization and the International Brotherhood of Firemen and Oilers, the acetylene generator attendant positions on the Buffalo division of the Baltimore and Ohio Railroad became the work of the Firemen & Oilers' craft, on and after April 16, 1942. Prior to and during the settlement of this dispute, Firemen & Oilers' employe L. G. Riggs was assigned to the position of acetylene generator attendant at East Salamanca, which position he continues to hold at this time.

POSITION OF EMPLOYEES: We contend that the acetylene generator attendant position at East Salamanca, New York, is covered by the same rules as applied to all other positions coming within the scope of the current rules agreement and the senior employes should be permitted to exercise their seniority rights on this position without restriction.

Submitted herewith, and hereafter identified as Exhibit A, is copy of a letter dated April 23, 1942, addressed to Mr. C. H. Spence, master mechanic, by General Chairman L. E. Blackmon, wherein Mr. Blackmon notifies the management of the settlement of the jurisdictional dispute and proposes a method of effecting the required consolidation of seniority, also requesting that certain protection be extended to those attendants who were on these positions at the time, to prevent their being displaced as a result of the consolidation or intermingling of seniority on the firemen and oilers rosters.

Submitted herewith and identified as Exhibit B is a copy of letter dated June 29, 1942, addressed to the supervision on the Buffalo division, having reference to the letter identified as Exhibit A, which authorizes the consolidation of the seniority of the attendants with the firemen and oilers' and provides that L. G. Riggs will be continued with his original seniority date. This in no respect constituted an agreement, amending or changing the

manca as well, the present attendant at East Salamanca being already included on the Firemen and Oiler roster.

We recognize, of course, that Mr. Blackmon was the General Chairman of the Firemen and Oilers, but in view of the fact that two crafts are involved in this particular question, if you approved of the request, please furnish a letter to this office to that effect, so that we might handle further with the Assistant to Vice President for final decision."

Under date of May 27, 1942, Mr. Galloway addressed a second letter to President Odell, stating in part:

"If you approve of the above, kindly let us have letter to that effect for handling further with the Assistant to Vice President for final decision."

Then under date of June 16, 1942, dated at Killbuck, N. Y., President C. H. Odell, addressed the following letter to Mr. A. K. Galloway:

"Referring to your letters of May 13th and 27th regarding the consolidation of the Firemen and Oilers and the acetylene generator attendants.

This is to advise you that System Federation No. 49 indorses the consolidation of these rosters on the Buffalo Division and concurs in such action."

Once it had been approved, the carrier took the necessary steps to effect the consolidation, accepting in full the stipulated conditions recited in the general chairman's letter.

It is, therefore, the position of the carrier that Mr. L. G. Riggs still has prior rights to the position of acetylene generator attendant at East Salamanca and as such cannot be displaced by older employes in point of seniority in the firemen and oilers' group.

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

The carrier or carriers and the employe or employes 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.

The facts of record and the evidence submitted at the hearing of this case do not support the claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 4th day of May, 1951.