

Award No. 1573

Docket No. 1505

2-PRR-CIO-'52

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

UNITED RAILROAD WORKERS OF AMERICA C. I. O.

THE PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: (1) That the carrier violated the effective Agreement when it arbitrarily removed A. Coppotelli, R. A. Franklin, and M. J. Varadin from their regularly assigned bulletined positions of Car Inspectors and forced them to exercise seniority on other positions.

(2) That M. Certich was denied the opportunity to exercise his seniority as a Car Inspector upon his return from sick leave.

(3) That L. L. Largent, K. E. Christopher, K. E. Fornshell, W. C. Bone, J. L. Thiel, and R. L. Franklin were displaced from their assigned positions of Car Inspectors, by being displaced by others equally improperly displaced as indicated in item (1) of the Statement of Claim, and being forced to exercise seniority in a lower class.

(4) That D. Muffo, F. Coppotelli, A. Muffo and Ordie Bryant, Car Repairmen, Rose Lake, Illinois, were denied the right to participate in the distribution of extra work on Sundays and holidays.

(5) That accordingly the carrier be ordered to reimburse A. Coppotelli and R. A. Franklin each an additional eight (8) hours for each date they are being deprived of their regularly assigned positions, as per item (1). M. Varadin be reimbursed at time and one half rate for May 5 to 31, 1949, inclusive, as per item (1).

(6) That M. Certich be compensated an additional eight (8) hours' pay each date account of being denied right to displace junior car inspector upon returning from sick leave, as per item (2).

(7) That L. L. Largent, et al, be additionally compensated at Carmen Helpers' rate for May 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, and 31, 1949, account of series of displacements brought about by improper displacement of M. J. Varadin, as per item (3) above.

(8) That D. Muffo and F. Coppotelli be compensated eight (8) hours at punitive rate for May 15, 1949, and A. Muffo and Ordie Bryant be each compensated eight (8) hours at punitive rate for May 8, 1949, account of being denied the right to participate in the distribution of Sunday and holiday work, as per item (4).

EMPLOYEES' STATEMENT OF FACTS: The following employees A. Coppotelli, R. A. Franklin, M. Varadin, M. Certich, L. L. Largent, K. E.

III. Under the Railway Labor Act, the National Railroad Adjustment Board, Second Division, is Required to Give Effect to the Said Agreement and to Decide the Present Dispute in Accordance Therewith.

It is respectfully submitted that the National Railroad Adjustment Board, Second Division, is required by the Railway Labor Act to give effect to the said agreements, which constitute the applicable agreements between the parties, and to decide the present dispute in accordance therewith.

Therefore, the carrier respectfully submits that your Honorable Board should dismiss the claims of the employees in this matter.

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 employees 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 Division is unable to determine from the record whether the regulations have been violated.

AWARD

Claim remanded as per above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois this 27th day of October, 1952.