

Award No. 1779
Docket No. 1720
2-PRR-URRWA(CIO)-'54

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

UNITED RAILROAD WORKERS OF AMERICA, C. I. O.
THE PENNSYLVANIA RAILROAD COMPANY—
Eastern Region

DISPUTE: CLAIM OF EMPLOYES: 1. It is respectfully submitted that within the meaning of the Controlling Agreement, the Pennsylvania Railroad Company has failed to comply with the provisions thereof.

2. Therefore, the Union claims the Pennsylvania Railroad Company should be ordered to advertise common laborer positions designated as preferred positions, as provided for in Regulation 2-A-1.

EMPLOYES' STATEMENT OF FACTS: There is an agreement between the parties hereto, dated July 1, 1949, which is on file with the Board and is, by reference hereto, made a part of this statement of facts.

At Altoona, Pa., Altoona Works, the Pennsylvania Railroad Company—hereinafter referred to as the carrier, employes a force of common laborers.

The United Railroad Workers of America-CIO, representing the above-mentioned craft and class, will hereinafter be referred to as the employes.

This dispute was presented to the superintendent, locomotive shops, July 30, 1953, and denied by him July 31, 1953, which evidence is submitted herewith and identified as employes' Exhibit A.

A joint submission was entered into by and between the parties to the dispute which is submitted herewith as employes' Exhibit B.

A hearing was had at the works manager's level, October 22, 1953, and denied under date of November 2, 1953, which is in evidence as employes' Exhibit C.

The works manager, Altoona Works, is the highest officer of the carrier designated to handle such disputes, as provided for in the current agreement.

POSITION OF EMPLOYES: It is respectfully submitted the instant dispute is predicated upon the carrier's non-compliance with Regulation 2-A-1, reading as follows:

REGULATION 2-A-1.

“(a) In filling new positions or vacancies, seniority in accordance with Regulations 3-A-1, 3-B-1, and 3-B-3 shall govern.

organization there is no possible basis for a sustaining award; and that on the present facts of record the carrier is not required under the provisions of Regulation 2-A-1 to advertise the common laborer positions at the locomotive shop, Altoona Works.

Therefore, the carrier respectfully submits that your Honorable Board should deny the request of the organization 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 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 waived right of appearance at hearing thereon.

The claimants contend that when the laborers were re-assigned at Altoona Shops the positions in question should have been bulletined as preferred jobs. It is the contention of the carrier that no conferences were held on this question in accordance with the controlling agreement. Regulation 2-A-1 reads in part:

“Common Laborer positions, designated as preferred positions by agreement between the proper Division Officer and the Local Union Committee, and Coach Cleaner positions will be advertised in like manner.”

It does not appear from the record that efforts were made to confer and agree on any positions that might be designated as preferred labor positions.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 10th day of June, 1954.