

Award No. 3659

Docket No. 3386

2-E-L-SM-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Lloyd H. Bailer when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 78, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Sheet Metal Workers)**

ERIE-LACKAWANNA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

(a) That provisions of the current agreement were violated when the Carrier improperly assigned Robert Carroll, Water Service Mechanic to work in Power House without bulletin.

(b) That the Carrier be ordered to bulletin the position and make assignment accordingly.

EMPLOYEES' STATEMENT OF FACTS: The carrier has three stationary boilers at the Long Slip Power House, Hoboken, New Jersey. Each year during the spring and summer months, the carrier makes repairs to pipework, valves, etc., to insure proper function of the boilers during the winter months.

The pipework on each boiler is dismantled and repaired separately. The time required to dismantle and make necessary repairs is estimated from past experience, and it is found that from three to five weeks time is required on each boiler.

Each year Robert Carroll, water service mechanic and a helper is assigned by the carrier (without bulletin) to perform the above stated work on the boilers.

The agreement effective December 3, 1935, is controlling.

POSITION OF EMPLOYEES: The employes contend that Robert Carroll is being unjustly dealt with by the carrier, when he is deprived of his right to exercise his seniority, and is compelled to accept the assignment in the power house without the job being bulletined. We respectfully ask, therefore, that the job be assigned in accordance with Rule 13 of the agreement.

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.

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

The basis of this claim is the contention that the Carrier has violated the agreement by assigning Water Service Mechanic Carroll to perform annual dismantling and repair work at the Long Slip Power House at Hoboken without having bulletined the position. We are unable to find any agreement violation. The work in question arises in the Claimant's seniority district, and falls within his craft and classification. The Claimant is instructed to do this work, along with other Water Service Mechanics on the roster, in accordance with a long-standing practice of making daily assignments to employes in this classification. No new job is created nor does a vacancy occur when the subject power house work arises. The bulletining requirement of Rule 13 therefore does not apply.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1961.