

The Second Division consisted of the regular members and in addition Referee Martin I. Rose when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International
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(Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated Rule 17 of the current agreement when it failed to identify and specify, for bidding purposed the position what was advertised on February 4, 1974.
2. That the Norfolk and Western Railway Company be ordered to bulletin all jobs properly identified as to either Tinner or Pipefitter as was the former practice in order that the employees who bid will be able to determine the jobs and duties of same.

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.

Petitioner contends that Carrier violated Rule 17 of the applicable agreement by posting Bulletin No. 27, dated February 4, 1974, which advertised a job vacancy as follows:

"Sheet Metal Worker or Tinner, second shift, Diesel Shop, general metal work consisting mainly of diesel locomotive repair work..."

According to Petitioner, this description was inadequate under the rule in that it lacked sufficient information as to the type of work to be performed by reason of the failure to specify whether the vacancy was a tinner or pipefitter job. Petitioner argues that the existence of separate tinner and pipefitters roster for many years and the past practice establish that such job specification is required under the rule.

Carrier maintains that the job specification claimed by Petitioner is not mandated by Rule 17, that this contention is supported by Rule 84 which classifies tinning and piping as sheet metal workers' work, and that no probative evidence supports the assertion that past practice was violated by the disputed bulletin.

Rule 17 reads in part, as follows:

"When new jobs are created or vacancies occur in the respective crafts, the oldest employees in point of service shall, if sufficient ability is shown by trial, be given preference in filling such new jobs or any vacancies that may be desirable to them. All vacancies or new jobs created will be bulletined.

Bulletins must be posted five (5) days before vacancies are permanently filled...

An employee who bids in a job should, in a general way, be familiar with it..."

After careful consideration, we find that the disputed bulletin did not violate this rule. No wording in the rule required the bulletin to specify whether the vacancy advertised was either a tinner or pipefitter job.

Rule 17 is silent with respect to the nature and extent of the job description which must be stated in a bulletin advertising a vacancy for bidding pursuant to its terms. The suggestion in the fourth paragraph of the rule that the bidder should, "in a general way," be familiar with the job does not establish any additional informational obligation on the part of the Carrier, and, at most, serves as a caveat to bidders in connection with the trial requirement.

The long standing existence of separate rosters of tanners and pipefitters offers no persuasive probatory consideration on the issue. We are not referred to any rule which establishes these job titles as positions, and Rule 84 classifies tinning and pipefitting as sheet metal workers' work.

The record does not reveal the proof necessary to establish the past practice relied on by Petitioner. While, in the past, some bulletins have advertised job vacancies as pipefitter, there have also been bulletins posted with job descriptions substantially similar to the description in the disputed bulletin. These differences in bulletins issued under Rule 17 demonstrate that there has not been the historical regularity and uniformity which is essential for a finding of past practice.

Our conclusion that this claim must be denied is consistent with prior awards which have determined substantially similar issues (See Second Division Awards 6069, 6160, 6161, 6162).

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 3rd day of December, 1976.