

The Second Division consisted of the regular members and in addition Referee T. Page Sharp when award was rendered.

(Ben Mar and Ronald Hessler
Parties to Dispute: (
(Burlington Northern Railroad Company

Dispute: Claim of Employees:

QUESTION: Interpretation of the Agreement between Burlington Northern Inc. and its Mechanical Employees, represented by System Federation No. 7, where it pertains to Rule 26 (g) section 4, Rule 76, Rule 15 (a), and amended Rule 38, dated November 15th, 1974.

DISPUTE: Petitioners contend that upon the aquisition (sic) of a mechanics card, an employee voluntarily transfers to the electricians roster and gives up all rights held in other classes prior to the aquisition (sic) of the card. We further contend that the carrier is attempting to institute a composite mechanic.

Dispute began in January of 1982 when the carrier attempted to place carded electricians on the 40 ton and under crane. Greivance (sic) was filed at that time and accepted by the carrier as having validity. Submission will elaborate. In March of 1982, after said greivance, (sic) the carrier began placing carded electricians on the 40 ton and under cranemans roster, contending that they hold those rights. Petitioners want all carded electricians removed from the 40 ton and under cranemans roster, and pray for a ruling from the 2nd Division that the company is in error in placing these men on said roster and that the institution of a composite mechanic is a blatant violation 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 employes 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 waived right of appearance at hearing thereon.

Claimants are Crane Operators and are also on the Electrician Helper's Roster. When some Journeymen Electricians appeared on the Craneman's Roster, Claimants raised the current grievance to have them removed. They allege violation of Rules 15(a), 26(g)(4) and 39(e) and 38. The Claim is made that the operation of the 40-ton and under crane is a Helper position, thus

the Journeymen would not be eligible to hold such a position. The Carrier states that the operation of 40-ton and over cranes and 40-ton and under cranes are properly held by employees on the Craneman Rosters. Therefore a Journeyman holding seniority is able to bid for a position or bump into a position operating a crane.

Some of the Rules cited by Petitioners have no bearing on the issue. However, Rule 26(g) is relevant and holds in pertinent part:

"(4) Crane operators now holding seniority as such will be carried on separate rosters covering the entire district, and will have prior rights to any vacancies as crane operator."

The remainder of the Rule describes the bid procedure and the awarding of seniority.

Rule 38(h) is also relevant to this case. It states:

"(h) Apprentice Seniority: Apprentices who hold seniority in other classes under agreements with any of the parties hereto, will retain and accumulate that seniority during their training period; but all such seniority shall automatically terminate upon acquisition of a mechanic's seniority date. Apprentices will hold seniority as such, separated by crafts, on the seniority district where their training commenced, as of the first day worked as apprentice. . . "

This portion of the Rule govern the continuation of seniority, the point in dispute in this case.

Several Awards have interpreted this section. One is Award No. 9150, Second Division. This Award concerned Coach Cleaners, employees from another class and craft, who had become apprentices. The Award held that the apprentice could not have his name removed from the seniority roster until he had completed his apprenticeship. This Interpretation was of the first part of sentence one of the Rule. Consistent with this Interpretation is Award No. 10095, Second Division, which concerned Helpers who were in apprenticeship status.

Although the two Awards concerned apprentices who had their names removed from the Roster, they are by indirection dispositive of the issues here. The principle is that Electrical Apprentices who hold seniority in another craft retain such seniority until they obtain Journeyman status. Nowhere in the Rule is there a requirement that Cranemen who become Journeymen Electricians forfeit their Craneman's Seniority.

We do not assume to write provisions into the Rule. To do so would exceed our authority. Therefore, we hold that the Carrier is not obliged to remove the names of Journeyman Electricians from the Craneman's Seniority Roster. These Journeymen have the right to exercise whatever rights their seniority entails for Cranemen positions.

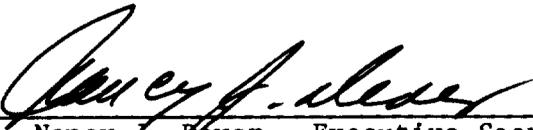
Inasmuch as we have disposed of this matter on its merits, we need not consider the procedural issues raised by the Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of May 1986.