

Award No. 2560
Docket No. 2186
2-C&EI-CM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when the award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 20, RAILWAY EMPLOYES'
DEPARTMENT, AFL (Carmen)

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

(1) That under the controlling agreement, the Carrier is violating the provisions thereof, particularly Rule 101, by refusing to assign car inspectors as members of the regularly assigned wrecking crews.

(2) That the assignment of carmen helpers as regularly assigned members of the wrecking crew is in violation of Rule 101 of the current agreement.

EMPLOYEES' STATEMENT OF FACTS: At Evansville, Indiana the carrier maintains a wrecking outfit and a regularly assigned wrecking crew. On May 10, 1954, the general car foreman posted a bulletin No. 26 (Exhibit A), advertising a vacancy on the Evansville wrecking crew. On May 12, 1954, Car Inspector Mr. D. E. Leach placed a bid on the above-mentioned wrecking crew job (Exhibit B), which was denied by general car foreman, Mr. Kerchief on May 17, 1954 (Exhibit C). Also, on May 17, 1954, General Car Foreman Kerchief posted bulletin No. 26 (Exhibit D), stating no bids received on bulletin No. 26.

On May 14, 1954, carman helper, Mr. Tony Vasser, placed bid on wrecking crew job as advertised in bulletin No. 26 (Exhibit E), and although general car foreman did not assign carman-helper to this job, he has constantly used him on the wrecking crew whenever wrecking crew is called out to a wreck.

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 were given due notice of hearing thereon.

It does not appear that there is any dispute between the parties upon part (2) of the claim because the carrier has not assigned carmen helpers as regularly assigned wrecking crew members except upon concurrence by the committee.

With respect to part (1) of the claim it appears that Rule 11 contemplates holding but one regularly assigned position. Thereby, if a car inspector is the senior bidder for a wrecking crew assignment, he should be assigned thereto but is not entitled to retain his assignment as a car inspector.

To sustain the claim would mean that an employe could hold two assignments at one time.

AWARD

Claim disposed of in accordance with the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 17th day of July, 1957.