

Award No. 2689

Docket No. 2437

2-L&N-MA-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Thomas C. Begley when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 91, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement W. J. Denneler, Machinist, was improperly assigned to fill temporarily the position of a Gang Foreman, August 27 to September 19, 1955.

2. That accordingly the Carrier be ordered to compensate Fred Chelf, Machinist, the difference between the rate of pay for a Machinist and that of the Gang Foreman.

EMPLOYEES' STATEMENT OF FACTS: Gang Foreman, J. A. Downs, South Louisville Shops, was on vacation from August 27, to September 19, 1955.

Machinist W. J. Denneler was assigned to fill Down's vacancy, and was compensated at the higher rate paid gang foremen.

Denneler was employed as a machinist, October 2, 1946, and started working in the crane gang November 18, 1952.

Fred Chelf, hereinafter referred to as the claimant, was employed as a machinist May 1, 1942, and started working in the crane gang in 1944. He was assigned to supervise the crane gang for six (6) weeks in 1946 while Foreman Downs was ill, and he supervised the gang every Saturday, foreman's day off, from September 3, 1949 to April 1, 1950. In 1951 and 1953 he supervised the gang while the foreman was on vacation. And in 1954, though no one was assigned to supervise the gang during the foreman's vacation, he did supervise all the work that was performed.

The claimant is the senior employe in point of service.

"I will repeat that Chelf is well qualified as a mechanic, and we welcome his application for overtime work in this department as a mechanic, because, frankly, he is the best experienced mechanic of anyone in the shop to do emergency work such as we are called on to do from time to time in this department."

This is indeed a tribute to Mr. Chelf's ability as a mechanic. But in this dispute it is not a question of Mr. Chelf's ability as a mechanic and his bidding rights to a position as machinist. It is the matter of his qualifications as a supervisor and his rights to a position not covered by the agreement. It is recognized that an employe's ability to perform outstanding work as a member of his craft serves as no criterion that he likewise would be outstanding as a supervisor.

Employees further contend that the assignment of Denneler was improper and in violation of Rule 19(a), i.e., Chelf's seniority and his outstanding qualifications for the assignment were not regarded on this occasion.

Carrier denies that Mr. Chelf was not given consideration on this occasion. When it came time to fill this vacancy, discussion was had concerning Mr. Chelf, other machinists, and the assignment of some other foreman to look after the work. After due consideration by those responsible of all the circumstances involved, it was agreed that Mr. Denneler was best qualified to be assigned to Mr. Downs' vacancy. Obviously, the carrier expects its local officials to select the individual best qualified to act as supervisor. These officials are charged with the responsibility of getting the work done in the most efficient manner. It is, therefore, to their own interest to select the individual best qualified to progress the work to a satisfactory conclusion.

Selection of competent supervisors is one of the most important functions which railroad management has to perform. Recognizing its responsibility, this management has just recently inaugurated a program of requiring those being given consideration for promotion to positions as foremen to undergo a series of tests—prepared by leaders who have devoted a considerable amount of time and performed extensive research in the field of supervision—as an aid in determining whether they possess those qualities required to qualify them to exert the type of leadership needed to enable them to solve the many problems with which a supervisor is confronted.

In conclusion carrier asserts there has been no violation of the shopmen's skilled agreement in using Mr. Denneler to fill the vacancy of Foreman Downs. Claim of employees is, therefore, without merit and should be denied. Awards 1600, 1618, 1619, 1620, and 1621 of this division support carrier's position.

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.

The employes claim that the carrier violated Rule 19(a) when it assigned Machinist W. J. Denneler, who is junior to the claimant, to fill Gang Foreman J. A. Downs' position while he was on vacation from August 27 to September 19, 1955.

The employes state that the claimant, Fred Chelf, was employed as a machinist on May 1, 1942 and started working in the crane gang in 1944, that the claimant was assigned to supervise the crane gang for six (6) weeks in 1946 while the foreman was ill and he supervised the gang every Saturday, the foreman's day off, from September 3, 1949 to April 1, 1950. The claimant supervised the gang during the foreman's vacation in 1951 and 1953, and acted as supervisor in 1954 when the vacation period of the foreman was not filled. The claimant is senior to Denneler, having eleven (11) years' experience to Denneler's two (2) years and eight (8) months.

Rule 19(a) reads as follows:

"Mechanics in service will be given preference to positions of foremen, qualifications to govern, with due regard being given to seniority."

The rule gives to the carrier the right to select the machinist who in its opinion is the best qualified to perform the work and under this rule the carrier is not bound to select the claimant even though the claimant had been assigned by it to fill the vacancy in the past. Therefore this claim must be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 2nd day of December, 1957.