

Award No. 2741
Docket No. 2471
2-IGN-CM-'58

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Harry Abrahams when the award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 14, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)

INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Mr. C. B. Denson, employed at San Antonio, Texas, is entitled to be reimbursed in the amount of \$356.50 for expenses incurred while filling temporary vacancy of Car Inspector H. A. Rust at New Braunfels, Texas, during September and October, 1955.

2. That, accordingly, the Carrier be ordered to reimburse Mr. C. B. Denson in the amount of \$356.50.

EMPLOYEES' STATEMENT OF FACTS: C. B. Denson, hereinafter referred to as the claimant, is employed by the International Great Northern Railroad Company, hereinafter referred to as the carrier, and holds seniority as a carman at his home seniority point, San Antonio, Texas.

Mr. H. A. Rust was regularly assigned to a car inspector's position at New Braunfels, Texas. Mr. Rust laid off sick during the latter part of August, 1955. On August 31, 1955, the carrier posted Bulletin No. 70, copy submitted herewith and identified as Exhibit A, advertising a car inspector's position at New Braunfels, Texas, in the place of H. A. Rust. New Braunfels, Texas, is an outside point, the men assigned to work there hold seniority at San Antonio, Texas.

On September 7, 1955, the carrier posted Bulletin No. 70-A, copy submitted herewith and identified as Exhibit B, assigning the claimant to the car inspector's position at New Braunfels, Texas, on the 8:00 A.M. to 12 Noon, 1:00 P.M. to 5:00 P.M. shift, Tuesday through Saturday, with Sunday and Monday as rest days.

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.

On August 31, 1955, the position of Car Inspector at New Braunfels was bulletined for bids in the place of H. A. Rust. The said bulletin did not state whether the position was a temporary or a permanent one. C. B. Denson was the successful bidder for the said position of Car Inspector as he was the senior applicant in point of service. On September 6, 1955, Denson went to work as said Car Inspector. Denson now claims that he is entitled to be reimbursed in the amount of \$356.50 for expenses incurred while filling the temporary vacancy of Car Inspector H. A. Rust during September and October, 1955.

Said H. A. Rust left on his vacation from July 12, 1955 through July 31, 1955, and due to ill health did not return to work but instead, on November 8, 1955, applied for his annuity effective as of October 1, 1955. During the month of August, 1955, and to and including Monday, September 5, 1955, the said position of Rust was worked by Carman M. A. Nolen. Before August 31, 1955, H. A. Rust in the presence of C. B. Denson told L. R. Bell, the General Car Foreman, that he would not return to work but would draw sick benefit until such time as he would retire.

The carrier contended that Rule 24 applied, and the employes contended that Rule 14 applied.

Rule 14 deals with Temporary Vacancies. Rule 24 deals with the filling of Vacancies or New Positions. The NOTE included in Rule 24 states that temporary vacancies of 15 days or more will be bulletined and that employes filling such temporary vacancies will be returned to their former positions at the expiration of the temporary position. Rule 24 definitely covers the bulletining of permanent vacancies. The first sentence in paragraph (b) in Rule 24 states that an employe exercising his seniority rights under this Rule will do so without expense to the Railroad. Rust's position as Car Inspector was bulletined for bids under Rule 24 as a Permanent vacancy to the knowledge of C. B. Denson. Said Denson bid on said position as a permanent vacancy exercising his seniority rights and therefore cannot seek any expense from the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 6th day of February, 1958.