

Award No. 2850

Docket No. 2752

2-C&WC-SM-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 60, RAILWAY EMPLOYES'
DEPARTMENT, AFL (Sheet Metal Workers)**

**CHARLESTON & WESTERN CAROLINA RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement Sheet Metal Workers B. C. Mitchell and J. T. Mosley were improperly assigned on April 4, 1956.
2. That accordingly the carrier be ordered to assign Sheet Metal Workers B. C. Mitchell and J. T. Mosley to their proper positions.

EMPLOYEES' STATEMENT OF FACTS: At Augusta, Georgia the carrier maintains a shop in which there are four (4) sheet metal workers employed, assigned by bulletin as follows:

One (1) Seven-day job Running repairs, Saturday and Sunday rest days.

One (1) Five-day job Heavy repairs, Saturday and Sunday rest days.

One (1) Five-day job Tin Shop, Saturday and Sunday rest days.

One (1) Relief job Running repairs, Monday and Tuesday rest days.

The tin shop is located some little distance from the diesel shop, and referred to as the old shop. Mr. B. C. Mitchell, employed as a sheet metal worker, was assigned job under Bulletin No. 328, copy of which is submitted herewith as Exhibit 1.

Mr. J. T. Mosley, employed as a sheet metal worker, was assigned job under Bulletin No. 334, copy of which is submitted as Exhibit 2. Sheet Metal

In their discussion, the organization also argued that as Mr. B. C. Mitchell was the older in seniority, he should be permitted to take over the assignment of Mr. Mosely. Such action would have been in violation of Rule 44, which reads:

"The exercising of seniority to displace junior employes, which practice is usually termed "bumping" will not be permitted."

It is unfortunate that Mr. B. C. Mitchell and Mr. Tabb cannot work in harmony; however, carrier cannot be expected to violate the agreement in order to permit Mr. Mitchell to take over an assignment which was awarded by bulletin to Mr. Mosely, and carrier respectfully asks that your Board so find.

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 appears from the record that Grievant B. C. Mitchell is senior to J. T. Mosely. Mitchell was successful bidder on Bulletin No. 430 for the heavy repair pipefitter job as of June 9, 1952. Mosely at that time was on the running repair pipefitter job and had been so assigned since May 11, 1951.

Neither bulletin refers to any assisting to be done at the tin shop. Late in 1952 after conference it was arranged that Mr. Mosely would be the one to help out at the tin shop. In 1956 at Mosely's request the arrangement was cancelled and Mitchell was assigned to help as needed at the tin shop.

The present claim has arisen chiefly because none of the bulletins reflect the tin shop duties. When the original oral understanding on this detail was reached, all parties were in agreement. To change it now at the request of the junior man violates the 1952 understanding. The logical and proper way to resolve the present dispute would be to prepare and post complete detailed bulletins according to the schedule and award the jobs as therein provided.

AWARD

Claim sustained

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 12th day of May, 1958.