

Award No. 2907

Docket No. 2466

2-B&LE-CM-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee James P. Kiernan when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 57, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

BESSEMER AND LAKE ERIE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That on March 14th and 25th, 1955 the Bessemer and Lake Erie Railroad Company issued bulletins Nos. 200 and 202 in violation of the current agreement.

2. That the Bessemer and Lake Erie Railroad Company be ordered to:

a) Cease and desist from the inclusion on said bulletins for positions of Carmen improper qualifications such as:

"Applicant must have an automobile properly registered under Pennsylvania Registration and Inspection Codes, must be qualified to operate an automobile and have a Pennsylvania operator's license."

b) Cease and desist from the inclusion on said bulletins for positions of Carmen improper qualifications such as:

"Applicant must be qualified to operate an automobile and have a Pennsylvania operator's license."

c) Make employes of the Carmen's Craft whole who are damaged by virtue of such aforesaid bulletins.

"Please be advised that your decision in this case is not acceptable by us and that we do not consider the case closed."

Without conceding that the carrier has violated the agreement, it is the carrier's position that it has offered to remove the qualification as to having an automobile from advertisements but holds that when an employe makes application for and is awarded an advertised position working at more than one work location, it will be his responsibility to report at the various work locations and he will be compensated under the agreement on the basis of:

1. Passenger fare on train or bus.
2. Automobile mileage allowance where private automobile is used.

No employe has suffered any damage or loss of time and any affirmative award cannot be justified.

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 bulletins complained of contained therein requirements in excess of the scope, classification or qualification of Carmen's Special Rules Nos. 121 and 122 of the controlling agreement. Claimants should be made whole for any loss of compensation by reason of said bulletins.

AWARD

Claim sustained as per findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of July, 1958.