

Award No. 3149

Docket No. 2966

2-L&N-CM-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 91, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That under the terms of the current agreement the son of Coach Carpenter M. E. Shepherd is entitled to employment with the Carrier as an apprentice.

2. That accordingly the Carrier be ordered to grant W. E. Shepherd an opportunity to serve an apprenticeship under the terms thereof.

EMPLOYES' STATEMENT OF FACTS: Carman (coach carpenter) M. E. Shepherd, hereinafter referred to as the claimant, was employed by the carrier as such on September 10, 1935 and has continued in this classification since that date.

In the early part of November 1956, the claimant sent his son, W. E. Shepherd, age 19, to the carrier's employment office at Louisville, Kentucky for the purpose of obtaining a position as an apprentice. He (W. E. Shepherd) first made an application for an apprenticeship in the electrical workers' craft. Upon learning that the carrier was in need of sheetmetal worker apprentice, he made application for an apprentice position in that classification.

The application of the son of Claimant Shepherd was rejected by the carrier with a notation made upon the carrier's employment registration card "Do not Consider". The only explanation for such action of the carrier given the employees in the handling of this dispute on the property by the carrier, was that the applicant did not meet the unilateral "Standards" set up by the carrier for employment in the respective classification.

The employees made request upon the carrier in writing under date of March 8, April 30 and May 2, 1957, and oral request during conference

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.

Parties to said dispute were given due notice of hearing thereon.

The provisions of Rule 39(i), for preference to sons of employes in the selection of regular apprentices, does not entitle them to be so employed if they do not meet the regularly established qualifications for that job. The evidence here does not show that claimant's son even met the minimum requirements set forth in Rule 37(b) so the claim must be denied .

Claim denied.

AWARD

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 25th day of March, 1959.