

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

Parties to Dispute: { Wendell L. Strain
{
{ Missouri Pacific Railroad Company

Dispute: Claim of Employees:

Mr. Strain has advised that he is interested in the following if he is eligible to train as a Fireman:

1. To enter the program with his seniority date of June 1975.
2. Compensation for all money from 1975 to the time he enters the Firemen's Training Program.
3. A guaranteed job when he finishes the program.

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.

Petitioner, Mr. Wendell Strain, comes before this Board alleging that he has not been considered for transfer from his position of laborer to that of locomotive fireman, from where he would be eligible to enter the training program for locomotive engineer.

The Board lauds the effort of any employee to improve his status with his employer as is evidenced in this matter. However, by statute, this Board's jurisdiction is limited to the interpretation of existing collective bargaining agreements. A carrier's policy with respect to hiring of employees in a particular craft is just that -- a policy -- and it is not encompassed by the collective bargaining agreement. Consequently, we do not have jurisdiction and are powerless to grant the relief sought.

The substantial record indicates every effort by his organization to further the petitioner's interests but, unfortunately, the problem is not susceptible of solution under the collective bargaining agreement.

This Board is without jurisdiction to consider Petitioner's request and it is therefore dismissed. Nevertheless, we were impressed with the Petitioner's extensive and his able presentation and would suggest that he continue his efforts to improve his position. Perhaps the Carrier may give this matter further consideration.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 27th day of September, 1979.