

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(Southern Railway Company

Dispute: Claim of Employees:

1. That the Derrick Engineer's position at Atlanta was improperly bulletined and Carman D. A. Davis' rest days were improperly changed from Saturday and Sunday to Sunday and Monday.
2. That accordingly the Carrier be ordered to change Carman D. A. Davis' rest days back to Saturday and Sunday.

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.

On November 1, 1978, the Carrier issued a bulletin soliciting bids for a position described as "Car repairing and inspecting when not working as Derrick Engineer" with designated rest days of Saturday and Sunday. The Carrier cancelled the bulletin on November 20, 1978 and one day later posted a new bulletin advertising the same position except the rest days were specified as Sunday and Monday. Claimant was the successful bidder under the second bulletin and was awarded the position. Subsequently, in September, 1979, Claimant became fully qualified for the position and he then demanded that the rest days of the position revert back to Saturday and Sunday. The Carrier refused. The Claimant instituted this claim on October 1, 1979 and he urges us to immediately compel the Carrier to change the rest days on this position back to Saturday and Sunday.

The Organization makes two arguments. First, it contends the position in controversy is a five day a week position that has had Saturday and Sunday rest days for at least twenty years prior to November, 1978. Rule 2(B) of the applicable agreement states:

"(B) Five-day Positions - On positions the duties of which can reasonably be met in five days, the days off will be Saturday and Sunday."

Second, the Organization states that the Carrier revoked the November 1, 1978 bulletin to arbitrarily and capriciously change the work week. Rules 20 and 26(a), the Organization reasons, prohibited the Carrier from issuing the second bulletin without first properly abolishing the position covered by the November 1, 1978 bulletin. Further, when Claimant was the successful bidder under the second bulletin, the Master Mechanic ostensibly promised the Claimant that he would change the rest days back once Claimant became qualified in the position.

The Carrier specifically denies that the Master Mechanic led Claimant to believe that the rest days would be adjusted after he became qualified. While the Carrier acknowledges that there is no relief derrick engineer, it asserts that Claimant's other duties on the repair track are part of a three shift, seven day a week operation. Rule 2(D) states:

"(D) Seven-day Positions = On positions which have been filled seven days per week any two consecutive days may be the rest days with the presumption in favor of Saturday and Sunday."

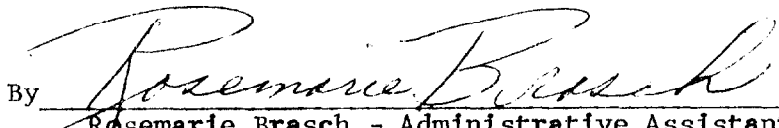
The Carrier's revocation of the November 1, 1978 bulletin and the alleged violations of Rules 20 and 26(a) are not relevant to this dispute since the propriety for changing the rest days on the position in dispute is determined by applying Rule 2. The test concerning whether a position is a seven day position is whether the particular operation must be conducted seven days a week. Second Division Award No. 1883 (Bailer). The position Claimant occupied is integrally related to the continuous, seven day a week car inspection and repair activities on the repair track. He only sporadically performed his duties as a derrick engineer. Thus, the position in question is governed by Rule 2(D). The Carrier could reasonably exercise its discretion to change the rest days for this position to Sunday and Monday.

A W A R D

Claim denied.

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 10th day of March, 1982.