

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 9090
Docket No. 8867-I
2-C&O-I-'82

The Second Division consisted of the regular members and in addition Referee Carlton R. Sickles when award was rendered.

Parties to Dispute: { Russell W. Deal
 { Chesapeake and Ohio Railway Company

Dispute: Claim of Employees:

Abolishing Bid in Jobs, and posting overtime. The use of Elect. Helper to replace crane operators. Using helpers on overtime.

The specific remedy sought is. Payment for claims to Crane Operators for the dates below

Mr. Kie Lawrence	For January 22, 1979	6 hours	straight time
	" " " " " " 26, 1979	6 hours	" " " " " " "
	For February 2, 1979	6 hours	straight time
	" " " " " " 9, 1979	6 hours	" " " " " " "
		Total 4 days	
Mr. Gayheart	For January 18, 1979	6 hours	straight time
	" " " " " " 31, 1979	6 hours	" " " " " " "
		Total 2 days	
Mr. T. J. Black	For January 16, 1979	6 hours	straight time
	" " " " " " 24, 1979	6 hours	" " " " " " "
	" " " " " " 30, 1979	6 hours	" " " " " " "
	For February 6, 1979	6 hours	straight time
		Total 4 days	
Mr. D. L. Bills	For January 15, 1979	6 hours	straight time
	" " " " " " 23, 1979	6 hours	" " " " " " "
	" " " " " " 29, 1979	6 hours	" " " " " " "
	For February 5, 1979	6 hours	straight time
	Total 4 days		
Mr. Fraley	For January 17, 1979	6 hours	straight time
	February 7, 1979	6 hours	straight time
		Total 2 days	

Reclassify the Helpers or Trainee to the classification of crane operator before putting him on a overhead crane by himself.

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 waived right of appearance at hearing thereon.

The carrier has raised procedural objections to a claim, including among them the assertion that no conference was ever held on the property, in violation of the Railway Labor Act which provides in Section 2, Second as follows: "Second. All disputes between a carrier or carriers and its or their employees shall be considered, and, if possible, decided with all expedition, in conference between representatives designated and authorized so to confer, respectfully, by the carrier or carriers and by the employees thereof interested in the dispute".

Indeed, no conference was ever held on the property. In their letter of July 27, 1979, the claimants requested the meeting and specified the location to be the Huntington Locomotive Shop. The carrier representative in his letter of September 25, 1979, otherwise denying the claimant's grievances, agreed to a meeting in the Huntington area, but indicated that he had no immediate plans to be in the Huntington area but on his next trip to Huntington would arrange to meet with the claimants.

There is nothing in the record to indicate that the claimants disagreed with this procedure or felt that it was an unnecessary delay. There is no indication of any request to speed up the process, but rather the claimants filed a statement of claim with this Division on January 15, 1980 without there having first been a conference between the parties.

It has been consistently established that in order for this Board to take jurisdiction over a dispute the same must have been handled in accordance with the provisions of the working agreement and the Railway Labor Act. As indicated above, the conference between the parties is required by the Railway Labor Act before this Board will take jurisdiction. See Awards 4852, 6142, and 7155.

We have considered the fact that the conference was not held immediately after the request by the claimants and have concluded that under the facts herein, given the location requested by the claimants, that it was not unreasonable to delay the conference until it was convenient to the carrier as well as the claimants, particularly in light of the fact that this delay was not objected to by the claimants. For the foregoing reasons, we will dismiss the claim on the basis of the lack of a conference as required by the law.

Having decided this matter on the stated procedural issue, it is unnecessary to consider the other procedural issues raised or the substantive matter before this Board.

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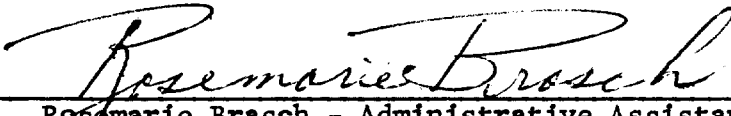
Claims dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 19th day of May, 1982.