

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States and Canada
(
(Louisville & Nashville Railroad Company

Dispute: Claim of Employees:

1. That the Louisville and Nashville Railroad Company failed to properly advertise the Crane positions by Crane numbers at the Carriers South Louisville Shops, and
2. Accordingly, the Louisville and Nashville Railroad Company should be ordered to re-advertise the Cranes at South Louisville Shops by Crane numbers.

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 employes 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.

On October 1, 1980, the Carrier placed Job Bulletin No. 4 on all bulletin boards at its South Louisville Shop facility located at Louisville, Kentucky, which bulletined a Crane Operator position in the Scrap Yard vacated by Carman P. M. Banet. Bulletin No. 4-A issued on October 13, 1980 cancelled Bulletin No. 4. The Carrier then abolished the two existing Crane Operator positions in the Scrap Yard with Bulletin No. 5, also dated October 13, 1980. Also on October 13, 1980, the Carrier placed on all bulletin boards a copy of Bulletin No. 6 and Bulletin No. 7, each of which was for a Crane Operator position in the Stores Department's Scrap Yard.

The Organization contends that when the Carrier placed Bulletin No. 5 on the bulletin boards at the Carrier's South Louisville Shops, the Carrier violated the provisions of Rule 18(a). The Organization contends that Mr. Jarboe's position was abolished and rebulletined for no apparent reason other than to change a long standing practice of placing a crane number on the bulletins, and that the same was true of the other crane position that was vacated by Carman P. M. Banet. The Organization contends that the Carrier does not have the right to change the long established practice of bulletining the positions without the designated crane number. The Carrier disagrees with the Organization's contentions. The Carrier contends that there has been no violation of Rule 18(a). And, the Carrier contends that the Organization has not met its burden of proof that the crane number has always been shown by Bulletin.

Rule 18(a) of the Agreement states:

"18(a) When new jobs are created or permanent vacancies occur in the respective crafts the senior employees in point of service shall, if sufficient ability is shown by trial, be given preference in filling such jobs. All new jobs or vacancies will be bulletined. Copy of bulletin to be given the local chairman. Bulletin must be posted 5 days before new jobs or vacancies are filled. Bulletins will be posted immediately when it is known a position is to be vacant or new job is to be created."

The handling on the property reveals that there are two Crane Operator positions and three cranes in the Scrap Yard. It is apparent that the Carrier did not want to restrict its Crane Operators to specific cranes by its Bulletins in the interest of the efficient operation of the Stores Department Scrap Yard. We find no rule violation in the Carrier organizing its work in such a manner; that is, bulletining two Crane Operator positions in the Scrap Yard which contains three cranes, so that the two Crane Operators would not be restricted to a specifically designated crane. We find no contractual requirement that the crane positions be bulletined with a designated crane number. And, the evidence of record does not support a finding that an exclusive system wide past practice requires that crane positions be bulletined with a designated crane number. We shall deny this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 30th day of January 1985.