

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

(Brotherhood Railway Carmen/Division of TCU
PARTIES TO DISPUTE: (
(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

1. That the N&W Railway Company violated current agreements, Rule 14, when on January 15, 1990 they began filling two previously abolished Carmen positions in North Kansas City Yards that were abolished in September 1989 without advertising these vacancies to the Carmen employed in Kansas City, MO Shops and Yards and they have, continually on a daily basis, filled the same jobs seven days per week by sending at least one Carmen to each previously abolished job in the Transportation Yard at North Kansas City, MO. The Carrier in doing so has in effect created new vacancies in North Kansas City Yard for Carmen that must be bulletined to the Carmen's Craft, as per Rule No. 14.

2. That the Norfolk and Western Railway Company be ordered to advertise or bulletin at North Kansas City Yards two Carmen jobs on the 4:00 p.m. to 12:00 midnight shift that they are now filling after they abolished the same jobs in September 1989, in accordance with Rule 14, Current Agreements, as amended.

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.

The record shows that the Carrier abolished two Carmen positions at its North Kansas City Yards and simultaneously established two Carmen positions at the same location. The only difference between the abolished positions and the new positions is the time and length of the meal period.

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Award No. 12382
Docket No. 12308
92-2-91-2-102


We find no evidence from the record developed on the property that Rule 14 has been violated. Therefore, the claim must be denied.

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 8th day of July 1992.