

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13242

Docket No. 13176

98-2-96-2-80

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

**(Brotherhood Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE: (
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Springfield Terminal Railway Company (hereinafter ‘Carrier’) violated the collective agreement when they failed to award Bulletin No. C-95, Position No. C-20 (Relief Crane Operator) to James M. Greene (hereinafter ‘Claimant’) at Lowell, MA on April 10, 1995.**
- 2. That, accordingly, the Springfield Terminal Railway company be ordered to award Carman James M. Greene, Position C-20. Additionally, compensate Carmen Greene for any and all lost wages as a result of the Carrier’s actions.”**

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 April 4, 1995, the Carrier issued Bulletin No. C6-95, Position No. C-20 for Relief Crane Operator, duty station at its East Deerfield Engine House. The Claimant bid on the position, but was not selected by the Carrier. The Carrier states that the Claimant was not selected because the position required the incumbent to possess a Massachusetts Class B Hoisting License. It is undisputed that the requirement for the license was a legal requirement for the position.

The Organization contends that in the past, under similar circumstances, the Carrier has trained employees under a licensed operator. It asserts that it should have done so with respect to the Claimant.

In order to qualify for the Crane Operator position, the Claimant was required to hold a Massachusetts Hoisting License. This requirement is not under the control of the Carrier. Moreover, while it appears that the Carrier at various times in the past may have trained employees who did not possess the required license, absent Agreement support, the Board is not empowered to direct the Carrier in this respect. In summary, we find nothing in the record developed on the property (some of which was not legible and could not be read by the Board) that would form a basis to sustain the claim.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 30th day of March 1998.