

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

FLORIDA EAST COAST RAILWAY

STATEMENT OF CLAIM: "Claim of Employees' Committee that because of the re-arrangement of mileage and changing of headquarters of Sections 21 and 22, the position of section foreman of these two sections shall be bulletined."

EMPLOYEES' STATEMENT OF FACTS: "Prior to May 1, 1939, the headquarters of Section No. 22 was located at Mile Post 177 plus 4874 feet. The headquarters of Section No. 21 was located at Cocoa."

"Effective as of May 1, 1939, the headquarters of Section 22 was changed to Cocoa and the headquarters of Section 21 was changed to City Point."

"When the change of the headquarters of these two sections was made, 896 feet of the main line mileage that had formerly been a part of Section 22 was added to Section 21 and the Cocoa yard which had formerly been a part of Section 21 was added to Section 22."

"Prior to May 1st, Foreman C. R. Barnes was in charge of Section 22 and Foreman T. N. Griffin was in charge of Section 21."

"When this change in headquarters was made the Carrier declared Section 22 abolished and notified Foreman C. R. Barnes that it would be necessary for him to exercise his seniority rights in some other section in conformity with Schedule Rule 15 (b). Foreman T. N. Griffin was assigned to Cocoa, the new headquarters of Section No. 22, and placed in charge of that section, thus transferred from Section No. 21 to Section No. 22 without the position being bulletined."

POSITION OF EMPLOYEES: "As stated in Statement of Facts, the mileage comprising each of Sections 21 and 22, as well as the headquarters of each of these two sections, were changed, effective May 1, 1939. It is difficult for us to more clearly define our position with respect to that transaction, than we did in our letter addressed to General Superintendent C. L. Beals, under date of September 1, 1939, copy of which we attach as Employees' Exhibit 'A,' and from which we quote in part:

'As stated to you in conference as well as through previous correspondence, we cannot agree with you that the headquarters of a section is the only means of its identification. Even if it were with respect to Sections 21 and 22 both the mileage of the two sections and the headquarters were changed. That is, the headquarters of Section 22 was moved from Bonaventure to Cocoa, and the headquarters of Section 21 was moved from Cocoa to City Point. Even though as you state, when section headquarters at Bonaventure was discontinued

"It is the position of the Railway that the requirements of the agreement were fully satisfied in the advertisement of the new position of foreman at City Point, and in accordance with the practice that has existed under the current agreement in the absence of definite rules supporting the contention of the General Chairman, and that the claim of the employees should, therefore, be denied."

OPINION OF BOARD: The rearrangement of Sections 21 and 22 resulted in the abolishment of headquarters of Section 21 located at Cocoa, and the establishment of new headquarters at City Point, and the abolishment of headquarters of Section 22 located at Bonaventure, and the establishment of new headquarters at Cocoa.

Carrier bulletined change in headquarters located at Bonaventure only. Section Foreman Barnes, in charge of Section 22, headquarters Bonaventure, bid in Section 21, headquarters City Point, under protest. Carrier permitted Section Foreman Griffin to remain at Cocoa, new headquarters Section 22, in charge of Section 22. Section Foreman Barnes is senior in service to Section Foreman Griffin.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the headquarters of both sections having been changed, both sections should have been bulletined under provisions of Rule 11 (a). Carrier having bulletined Section 21 shall now bulletin Section 22.

AWARD

Position of Section Foreman, Section 22, headquarters Cocoa, shall be bulletined in accordance with above Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 26th day of January, 1940.