



Award No. 18662
Docket No. MS-19230

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert A. Franden, Referee

PARTIES TO DISPUTE:

ONEY J. OILER

NORFOLK AND WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of our intentions to file an ex parte submission on March 19, 1971, covering an unadjusted dispute between me, several (17) other employees and the Norfolk & Western Railway Company, involving the question:

1. Job discrimination
2. Violation of seniority rights
3. Discrimination in rates of pay on positions covering identical duties in the same office.
4. Discrimination in advertisement of clerks' bulletined positions.
5. Violation of Rules No. 1, 2, 3, 5, 6, 10, 11, 12, 13, 14, 15, 18, 36, 38, 39, 49 and 65 of the Master Agreement.

The carrier on the date of February 4, 1971, re-advertised several clerks' positions (17) in the Portsmouth, Ohio Scale Office and broke a long established practice of the method in which bulletined positions were advertised. In doing so, the carrier discriminated against a certain few employees on certain positions. Rates of pay were affected, rights of seniority were violated (Mr. G. W. Russell was allowed to place an employee on certain positions regardless of seniority). Intimidating remarks were made to employees, in regards to violations of work rules by the carrier.

On the date of February 10, 1971, at 3:00 P.M. a meeting was held in the office of Assistant Superintendent, Clifford Maynard, with Local Chairman, V. G. Jones, and several employees of the Portsmouth Scale Office, in regards to this discrimination and violations, but there was no progress made at that meeting.

Please find enclosed copy of protest to various officers of the Norfolk & Western Railway Company on the date of February 5, 1971. Also a copy of the letter to Mr. C. L. Dennis, International President.

OPINION OF BOARD: A review of the record in this docket clearly shows that the claim Petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim is barred from consideration by the Division and will be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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 claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1971.