

Award No. 776

Docket No. CL-807

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

FLORIDA EAST COAST RAILWAY

(W. R. Kenan, Jr., and S. M. Loftin, Receivers.)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that—

"The General Chairman and the Local Chairman are entitled to and shall be furnished with copies of bulletins or other notices issued in lieu of bulletins, covering assignments and changes in assignments as provided for in Rule 15 of the Agreement."

EMPLOYEES' STATEMENT OF FACTS: "For some time after the effective date of the current agreement (January 1, 1938), Carrier's representatives furnished to the General Chairman and Local Chairmen copies of bulletins or letters addressed to the employees when making a change in assigned hours, meal periods, or changing from six to seven-day assignment, or vice versa, but some time during the month of March, 1938, this practice was discontinued and the employees' representatives are handicapped in checking to see that assignments are changed in accordance with provisions of the agreement."

CARRIER'S STATEMENT OF FACTS: Carrier's statement of facts recites that the current agreement became effective January 1, 1938, and quotes the following rules from said agreement:

Rule 9

"(a) Except as otherwise provided in this rule, and in Rule 7 (b), all new positions and vacancies (except those of less than thirty (30) calendar days duration) will be promptly bulletined on bulletin boards accessible to all employees affected, for a period of six (6) calendar days (General Offices two (2) calendar days) in the seniority roster where they occur, bulletin to show location, title, and description of position, rate of pay, assigned hours of service, assigned meal period, and if temporary the probable or expected duration. Employees desiring such positions will within six (6) calendar days (General Offices two (2) calendar days) of date of posting of the bulletin, file their applications with the official whose name is signed to the bulletin. A bulletin of assignment, listing the names of all applicants and designating the successful applicant, shall immediately be posted for a period of six (6) calendar days (General Offices two (2) calendar days) at all places where the position was bulletined."

Rule 15

"Copies of all vacancy and assignment bulletins will be mailed to the General Chairman and Local Chairman of the district in which vacancy occurs."

The carrier also includes as a part of its statement of facts, as Exhibits 'A' to 'F' inclusive, certain letters exchanged between Local Chairmen and General Chairman, on the one hand, and officers of the carrier on the other, which it is not necessary to quote here in full. Suffice it to quote in part from two letters from General Chairman Howard which state his reasons for requesting copies of bulletins other than those furnished him. In a letter to Superintendent Pooser of April 27, 1938, after quoting Rule 15, he said:

"We feel that under proper construction these words, particularly in view of the use of the word 'all,' should include not only the original bulletin which advertised vacancies and announced assignments, but also subsequent notices which are modifications or supplements to the original bulletin."

And again in his letter of May 21, 1938, addressed to General Superintendent Beals, he said in part:

"It necessarily follows that when changes in the established or recorded classification, rates of pay and hours of service are made, they should be and are made a matter of bulletin record, because they represent and are modifications of bulletins previously issued."

POSITIONS OF THE PARTIES: Positions of both parties are set forth in the submissions at some length, which would serve no useful purpose reproduced here, unless to show rather extreme views on opposite sides of a comparatively simple question.

OPINION OF BOARD: A reasonable interpretation of Rule 15 requires that the General Chairman and Local Chairmen be furnished with copies of bulletins or other notices issued in lieu of bulletins, covering assignments and changes in assignments.

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 Local and General Chairmen should be furnished copies of bulletins or notices issued in lieu of bulletins covering assignments and changes in assignments.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of December, 1938.