

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21653  
Docket Number SG-21538

David C. Randles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(The Chesapeake and Ohio Railroad Company  
( (Pere Marquette District)

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood  
of Railroad Signalmen on the former Pere Marquette  
Railroad:

(a) Carrier violated and continues to violate the current Communication Agreement, particularly Rules 505(c) and 506(a), when it issued Bulletin No. 8 - N.R. dated October 10, 1974 which was not in accordance with Rule 506 - Forms for Bulletin. As a result,

(b) Carrier re-issue Bulletin No. 8 - N.R. showing information in accordance with Rule 506(a).

(c) Inasmuch as this is a continuing violation, said grievance to continue until Carrier takes necessary corrective action to comply with the violation cited in parts (a) and (b) above.

/General Chairman file: 74-57-PM. Carrier file: SG-405/

OPINION OF BOARD: The claim of the Organization involves the issuance of Bulletin No. 8 - N.R. dated October 10, 1974, advertising for bid permanent position of Electronic Repairman.

Under same date, General Chairman of the Organization filed a grievance relative to a violation of Rules 505c and 506a of the Communications Agreement.

"RULE 505--BULLETINING AND FILLING NEW POSITIONS,  
PERMANENT AND TEMPORARY VACANCIES

\* \* \*

(c) Bulletins will be prepared in accordance with forms prescribed in Rule 506 and will be sent to the headquarters of maintainers and gangs for posting for a period of ten (10) days. A copy of bulletins will be furnished each local chairman and general chairman."

RULE 506a is the form to be used in advertising positions.

The Organization further cites the Carrier for a violation of the Agreement by placing on said bulletin the requirement that the "applicant must have 2nd class or better radio/telephone license, and a motor vehicle operator's license." Additional violations charged by the Organization were: "Headquarters" being shown instead of "Home Station", "Rest Day or Days" not being shown and that a copy of the bulletin was not sent to local chairmen as required by Rule 506.

Subsequently on the property, the Organization withdrew its claim except the aforementioned section relative to the requirement that the applicant must have a 2nd class, or better, radio/telephone license.

The question before this Board is whether or not the Carrier has the right to specify qualifications necessary to perform the requirements of this position.

✓ The Organization contends that there is no place on the bulletin as set forth by Rule 506a for the listing of requirements for a position; and, furthermore, by stipulating said requirements for Electronics Repairman, the Carrier is adding to Rule 701 of the Agreement.

✓ The Carrier notes that it has the right to include in advertising bulletins requirements relative to licenses which are necessary to perform the assigned duties of the position being advertised.

✓ The present claim contends that the Carrier violated Rules 505(c) and 506(a). We find nothing in these rules that can be construed as prohibiting the listing of employee qualifications on a bulletin; neither do Rules 103 and 701, cited by the Petitioner, proscribe such listing.

----- The question, as indicated above, goes to Carrier's right to list qualifications on a bulletin; our decision here is confined to that narrow issue under the rules cited as violated, and we decide no other question. We must deny the claim.

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;

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 be dismissed.

A W A R D

Claim dismissed for failure of proof.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Executive Secretary

Dated at Chicago, Illinois, this 18th day of August 1977.