

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24057
Docket Number CL-24289

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: {
{ Brotherhood of Railway, Airline and Steamship Clerks,
{ Freight Handlers, Express and Station Employees
{ The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-9501) that:

(1) Carrier violated the Agreement between the Parties when, on July 17, 1979, it assigned Clerk-Typist position C-328, Elkins, West Virginia, to a junior employee (Miss S. L. McIntyre) thereby excluding senior employee Mr. J. A. Jones, (hereinafter referred to as Claimant) who submitted a bid for the position in accordance with said Agreement, and

(2) As a result of such impropriety, Carrier shall be required to assign Claimant J. A. Jones to Clerk-Typist position C-328, Elkins, West Virginia, as of July 17, 1979, and compensate him eight (8) hours' pay (\$65.36) per day commencing July 17, 1979, and continuing each and all subsequent work days until the violation is corrected.

OPINION OF BOARD: This is a dispute in which Carrier bulletined a Clerk-Typist position at Elkins, West Virginia, and awarded the position to a clerical employe who was junior to the Claimant. Carrier declined to award the bulletined position to Claimant for the reason that he had failed two (2) separate typing tests.

We need not linger long on the issues of fitness and ability or the relative merits of individual testing of employes seeking assignment to bulletined positions. Both of these issues have been repeatedly resolved by this and other Boards of Adjustment. (Award No. 90-SBA 192, 3rd Division Award Nos. 15002, 21710, 21773 among others). In this case Claimant had two tests given just two weeks apart and he failed both even after his Supervisors had urged him to prepare for the tests. Such tests are mechanical and are a simple method of determining the number of words per minute an employe can type. They are neither unreasonable nor beyond the right of Carrier to employ.

There is no evidence in the record of this case to support Petitioner's allegations of a violation of Rule 30 or any other Rule of the Agreement. The claim must be denied.

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of December 1982.

