

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24093
Docket Number MW-23694

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employes
{ Seaboard Coast Line Railroad Company

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

(1) The Carrier violated the Agreement when it assigned and used A. Hicks instead of P. A. Boles to fill vacation vacancies of welder at the Savannah Rail Welding Plant beginning in July 1978 (System File C-4(36)-PAB/12-8(79-20) J).

(2) Claimant P. A. Boles shall be allowed the difference in what he received as welder helper and what he should receive at the welder's rate of pay beginning in July 1978 and continuing until October 1, 1978."

OPINION OF BOARD: An individual who was junior to the Claimant was used to fill a temporary position of Welder at the Savannah plant.

The position at issue was a vacation relief vacancy and the junior employee was used because the Claimant was not qualified to operate the welding machine at that period of time. Further the Carrier disputes the basis for the claim on the grounds that the vacation relief position is not a training position.

While the matter was under review on the property, the Carrier indicated that the Claimant did not seek to perform work unless absolutely necessary because of a physical condition and that after he became qualified to operate the welding machine he has been used for relief in that regard.

The Organization insists that the Claimant was not qualified to perform work on the welding machine in question because the Carrier had never afforded him the opportunity to qualify even though, according to the Organization, the Claimant made known his desire to be qualified.

We have considered the Award cited by the Organization and have paid particular attention to Third Division Award No. 16960 which held that training of personnel to handle new equipment is a joint responsibility and that the initiation must come from management. Nonetheless, in order to sustain a claim such as this there must be a showing that the Carrier refused to take reasonable steps to qualify the senior employee under all of the circumstances of record. The Carrier has given rather plausible reasons for the fact that a junior employee qualified prior to the senior employee and we find no basis to rule that there was a contractual violation in this particular case, under these facts of record.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of January 1983.

