

The Third Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the National Railroad Passenger Corporation (AMTRAK):

Case No. 1

Protest of Bulletin No. 2205, dated March 7, 1986, that it be cancelled and rebulletined in accordance with the Agreement, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Exhibit No. 'A,' Letter No. 11 of the August 12, 1982 Agreement, when it changed the Classification, labeled and specialized positions in Bulletin No. 2205. Carrier file NEC-BRS-SD-256. BRS Case No. 7213

Case No. 2

Protest of Bulletin No. 2223, dated May 5, 1986, that it be cancelled and rebulletined in accordance with the Agreement, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Exhibit No. 'A,' Letter No. 11 of the August 12, 1982 Agreement, when it changed the Classification, labeled and specialized positions in Bulletin No. 2223. Carrier file NEC-BRS-SD-265. BRS Case No. 7219

Case No. 3

Protest of Bulletin No. 2229, dated May 22, 1986, that it be cancelled and rebulletined in accordance with the Agreement, account of Carrier violated the current Signalmen's Agreement, as amended, particularly, Exhibit No. 'A,' Letter No. 11 of the August 12, 1982 Agreement, when it changed the Classification, labeled and specialized positions in Bulletin No. 2229." Carrier file NEC-BRS-SD-266, BRS-Case No. 7220

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

These three Claims all deal with the bulletining of positions titled "Electronic Technician (Communications)" in 1986. The Organization protested the bulletining due to a change in the title of the position as well as new qualifications and examinations for the new positions. The Organization alleges that Carrier violated Exhibit A, Letter No. 11 of the August 12, 1982 Agreement between the parties by its actions. That letter provides in pertinent part as follows:

"A. The classification of Electronic Technician shall be included in the Scope of the Agreements dated June 1, 1943 and September 1, 1949, as amended, in effect between the National Railroad Passenger Corporation and its Communication and Signal Department Employees of the Southern and Northern Districts, respectively, of the Northeast Corridor represented by the Brotherhood of Railroad Signalmen.

B. The Work Classification Rules of the respective Schedule Agreements are hereby amended to include therein the following:

'Electronic Technician - An employee responsible for the installation, maintenance, adjustment, repair and replacement of electronic and electromagnetic components associated with C.T.C. code control systems, hot box detectors, motion sensors, presence detectors, broken flange and wheel detectors, switch lock overlays, high and wide load detectors, flood and slide detectors and any other similar systems in the Communications and Signal Department and the code line carrier systems associated with them.'

* * * *

D. Applicants for positions of Electronic Technician must be knowledgeable in electronic theory and must possess the requisite capabilities of successfully completing a training course. They will be given written tests and on the basis of such tests, as well as past work experience and individual qualifications, determination will be made by the Company as to whether applicants are qualified for training."

As a consequence of its actions, the Organization insists that the Carrier either rebulletin the positions within the purview of the Agreement or negotiate a separate Classification of "Electronic Technician (Communications)."

Carrier avers that it did not violate the Agreement since the incumbents of the bulletined positions would be working in the Communications section of the Communications and Signal Department.

The Board is of the opinion that the Organization is partially correct in its contentions. There was no basis for Carrier posting for a position adding the term "Communications" to the agreed upon title. Such change would require negotiation. However, Carrier was within its rights in expanding the duties of the position and, of course, could administer tests to verify the qualifications of the bidders. In terms of remedy, the Board sees no reason to rebulletin the positions. However, Carrier will immediately drop the added word "Communications" from the job title.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1989.