

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 43158
Docket No. SG-43560
18-3-NRAB-00003-160301**

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:

Claim on behalf of all Signal employees on the Zone 4 Roster, for the cancellation and re-advertisement of the three Skilled Interlocking Repairman positions headquartered in Pine Bluff, Arkansas, account Carrier violated the current Signalmen’s Agreement, particularly Rules 3 and 62, when it stipulated in the November 28, 2014, advertisement of said positions that all applicants must possess a CDL/DOT Class A License and then assigned employees to the positions on that basis on December 22, 2014. Carrier’s File No. 1621630. General Chairman’s File No. S3, 62-1449. BRS File Case No. 15279-UP.”

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 employee 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 were given due notice of hearing thereon.

The Organization filed the instant claim on behalf of all Signal employees on the Zone 4 Roster, alleging that the Carrier violated the parties' Agreement by requiring a CDL/DOT Class A license for a job that does not involve driving a Class A vehicle. The Carrier denied the claim.

The Organization contends that the instant claim should be sustained in its entirety because the Carrier improperly and arbitrarily required a CDL license for the Skill Signal Interlocking Repairman positions at issue, because the duties of this position do not involve operating a Class A vehicle, because this improper requirement restricted the Claimants' ability to bid for these positions, and because there is no support for the Carrier's position.

The Carrier contends that the instant claim should be denied in its entirety because the Organization's initial claim was procedurally defective, because the Organization has failed to meet its burden of proof, and because the Carrier's actions were in accordance with its retained managerial rights.

The parties being unable to resolve their dispute, this matter came before the Board.

The Board has reviewed the record, and we find that the Organization has failed to meet its burden of proof that the Carrier violated the Agreement when it stipulated in its November 28, 2014, advertisement of certain positions that all applicants must possess a CDL/DOT Class A License and then assigned employees to the positions on that basis. Therefore, this claim must be denied.

The record reveals that on November 28, 2014, the Carrier posted three interlocking repairman position bulletins in Pine Bluff, Arkansas. One of the qualifications for the job was having a Class A DOT Five Ton and Large Vehicle License. Although the Organization asserts that there is no truck assigned to that location, it is fundamental that the Carrier has right to set the qualifications for the jobs that people perform on its property. That is part of the managerial rights of an employer. The Carrier was trying to make sure that it had at least one employee on each one of its four shifts who could operate the boom truck if it was needed. The Board finds that the Carrier's requirement was reasonable and narrowly tailored for what its requirements were.

Since the Carrier has a right to set the requirement for the employees to handle the jobs that are performed on its property, the Board cannot find that the Carrier acted in violation of the Agreement when it took the action that it did in this case. Therefore, this claim must be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 30th day of May 2018.