

PROCEEDINGS BEFORE PUBLIC LAW BOARD

AWARD NO. 6

Case No. 7

Referee Fred Blackwell

Carrier Member: Robert O'Neill

Labor Member: Edward Fusco

PARTIES TO DISPUTE:

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION

vs.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

System Docket CR-2718 - Incident to claim in behalf of A. Marapodi, Sheet Metal Worker, Beacon Park, for eight hours pay per day at the pro rata rate commencing January 11, 1983 and continuing until restored to his former position account alleged violation of Classification of Work Rule, and Rules 3-A-1 and 3-E-3 of the Schedule Agreement.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

OPINION

This case arises at Allston, Massachusetts, where the Claimant held a Plumber-Leader position with the Beacon Park Bridge and Building Department which is headquartered at that point. In

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January 1983 the Plumber-Leader position held by the Claimant and two other Plumber positions at Allston, were abolished; a new Plumber-Leader position was advertised at the same location on January 4, 1983, under a stipulation that a motor vehicle driver's license was required in order to be awarded the position. The Claimant, who did not possess a motor vehicle license, bid on the Plumber-Leader position, but the award went to a junior Employee who had a driver's license. The Claimant was furloughed as a result of not having sufficient seniority to displace to another position, and he was on furlough status from January 7 to March 28, 1983.

Claim was filed in the Claimant's behalf, on the ground that the driver's license requirement was invalid under the parties' Agreement; and request was made that the Claimant be placed in the Plumber-Leader position and paid for all time lost.

After due study of the foregoing and the whole record the Board concludes that the information of record makes no showing that the Carrier acted improperly by requiring the incumbent of the Plumber-Leader position to possess a motor vehicle driver's license. Moreover, the record affirmatively reflects that the Carrier was instituting force reductions throughout the system, and that the licensing requirement was made a part of the require-

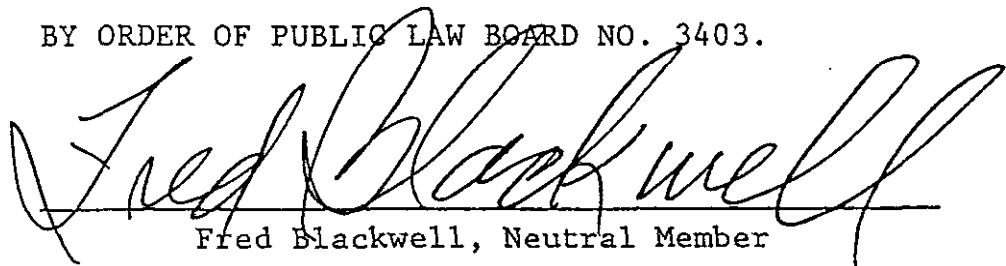
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ments of the position so that the Plumber-Leader would be able to drive himself to various work locations. Otherwise the Carrier would be forced to the inefficient and expensive alternative of finding a means of transporting the Plumber-Leader to his work sites. The record also indicates that although the Claimant was given notice in February of 1982 concerning the upcoming requirement for the incumbent of the Plumber-Leader position to possess a motor vehicle driver's license, he had not acquired a driver's license when the requirement was instituted in early 1983. Accordingly, in light of the record as a whole, the Board finds no basis on which to conclude that the Carrier's action of instituting the driver's license requirement was unreasonable or arbitrary, or in contravention of any cited rule or Agreement provision, inclusive of Article II (A), and Rules 3-A-1(a) and 3-E-3. The claim must therefore fail for lack of record support.

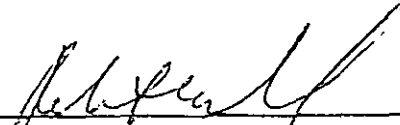
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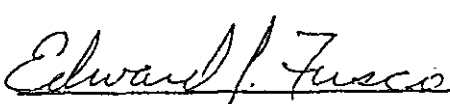
Claim denied.

BY ORDER OF PUBLIC LAW BOARD NO. 3403.


Fred Blackwell, Neutral Member

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Robert O'Neill, Carrier Member


Edward Fusco, Labor Member

Executed on Dec 2, 1985.