

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES) Brotherhood of Maintenance of Way Employees  
TO ) and  
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

"It is the position of the Brotherhood that:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 2-2 and Rule 5-1(a), when assignment was made on Advertisement No. 4-N, dated January 21, 1974, to junior employee T.R. Dilbeck and not to senior employee who also requested the job; namely Mr. R.E. Johnson.
- "II. Mr. R.E. Johnson be paid the difference in pay rate of laborer and machine operator's rate of pay for period February 4, 1974 to date that he is assigned as operator at the current rate of \$887.73."

FINDINGS:


On January 21, 1974 Carrier advertised for bids on a Ballast Tamper Operator Position. No employee with machine operator rights bid the position. Bids were received from Claimant with a seniority date of June 28, 1968 and another junior employee with a seniority date of July 15, 1970. Carrier assigned the junior employee to the position. Claim was filed by the Organization on behalf of Claimant contending that Claimant held machine operator rights and the junior employee did not.

The record shows that neither employee held machine operator rights at the time the assignment was made. The record further shows that Claimant was disqualified as a machine operator on November 3, 1969 despite the fact that he was used temporarily as a machine operator in December 1973.

Under the circumstances, the determination of an employee's qualifications, fitness and ability is solely that of Carrier.

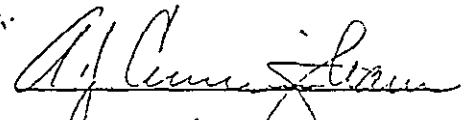
AWARD

Claim denied.

  
Neutral Member

  
Carrier Member

Date: March 18, 1977

  
Organization Member