

SPECIAL BOARD OF ADJUSTMENT NO. 293

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

STATEMENT OF CLAIM:

- (1) The Carrier violated the effective Agreement when, on February 11, 1957, it denied Machine Operator Charles Charneski the right to displace a junior machine operator.
- (2) Machine Operator Charles Charneski now be allowed the exact amount of monetary loss suffered because of the violation referred to in Part (1) of this claim.

OPINION OF BOARD:

The controlling agreement in this dispute is the contract dated June 1, 1941. Claimant Charneski's position as Bulldozer Operator was abolished on February 8, 1957. Claimant thereupon made request to displace a junior employe (Stewart) who was working as a Swingloader Operator. Both of these employes held seniority roster rating as Machine Operator. Claimant was refused the requested displacement on the ground that he was not qualified to operate the swingloader. Claimant subsequently was given a brief trial on the operation of this machine, following which the Carrier affirmed its original disqualification.

We deem it unnecessary to review other details involved in this dispute, or to set forth the respective contentions of the parties. Examination of the entire record leads us to conclude that in view of the Claimant's previous experience, this was not a case of entrusting to unskilled hands an operation requiring special skill. The Claimant was entitled to be given a test on the swingloader before being disqualified for its operation. He also was entitled to a brief familiarization in connection with this test. Since the Carrier did not comply with the procedure just outlined, the claim must be sustained.

A W A R D

Claim sustained.

(s) Lloyd H. Bailer

Lloyd H. Bailer, Neutral Member

(s) A. J. Cunningham

A. J. Cunningham, Employe Member

(s) C. S. Strang

C. S. Strang, Carrier Member

Jersey City, N. J.
November 30, 1959