

SPECIAL BOARD OF ADJUSTMENT NO. 132

PARTIES:

THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 89

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when through intimidation and coercion Mr. E. H. Thompson, Chief Dispatcher, caused or forced D. E. First, W. R. Seng, J. W. O'Neal and J. R. Bays to cancel their applications for the position of Agent at Middletown, Ohio, and assigned the position to O. A. Frahlman, the youngest applicant for the position.

2. That carrier be required to re-advertise the Agency position at Middletown, Ohio, or assign Mr. D. E. First, the senior qualified applicant to the position and pay him the difference, if any, between what he would have earned had he been placed on the agency position Middletown, Ohio, and what he has earned since that time.

FINDINGS:

Five employees filed applications for the agency position at Middletown, Ohio. The four senior employees withdrew their applications and the second junior of the five was appointed to the position.

It is asserted by the employees that the Chief Dispatcher intimidated and coerced the four senior employees into withdrawing their bids.

It would serve little purpose to outline in detail the facts of record herein. The record reveals that the Chief Dispatcher's conduct in connection with obtaining the cancellation of the bids of the senior employees was open to suspicion. We find nothing wrong in any supervising officer explaining the difficulties of a given position to a man whom he thinks is not qualified provided that no threats or intimidating intimations are made. We cannot say that the evidence here fully warrants a finding that the senior men were threatened, intimidated or coerced into withdrawing their bids but it does show that the Chief Dispatcher's conduct indicated an overly zealous desire to secure the withdrawal of their bids. We would say that he acted improperly in the situation. On the other hand, the employees involved did not exhibit a firm desire to let their bids stand. Clearly, if they or any one of them were sincere in bidding and confident of ability to hold down the job they would and should have insisted that their bids stand. Their agreement in Article 6 and Article 8 affords them considerable protection against improper disqualification by a supervisor.

We find no basis for a sustaining Award but that Finding should not be considered as approval of the conduct of the Chief Dispatcher in this instance for the reasons heretofore stated.

AWARD

Claim denied.

/s/ Francis J. Robertson
Francis J. Robertson
Chairman

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member

Dated at Baltimore, Maryland this
26th day of April, 1957.

/s/ T. S. Woods
T. S. Woods
Carrier Member