

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 294

Case No. 294

Parties · Brotherhood of Maintenance of Way Employees  
to and  
Dispute Union Pacific Railroad Company  
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the current working agreement, especially Agreement Rules 1, 2 and 11 when on January 2, 1986, Machine Operator/Helper jobs were bulletined to employees holding Eastern District Tie Gang seniority in Bulletin Nos. 1-34. The Memorandum Agreement of March 19, 1981, establishing a district tie gang does not provide for the support gangs to be bulletined as those of the District Tie Gang.

(2) Carrier also violated the above-quoted rules in that several machine operator/helper bulletins were posted without the machine numbers on such bulletins. These bulletins were Nos. 5, 10, 11, 15, 16, 17, 18, 19, 20, 25, 30 and 31.

(3) They are therefore requesting that these bulletins be canceled and readvertised to the employees on the respective division and not the district tie gang, and also have the machine operator/helper bulletins re-advertised showing the machine numbers.

Findings: This Board has jurisdiction by reason of the Parties Agreement of January 5, 1979.

This is the second of the series of the cases referred to in our Award 288 the findings of which by reference is incorporated herein. Item 1 of this case refers to Bulletins 1 through 34 that were bulletined on January 2, 1986. In Item 2, Bulletins 5, 10, 11, 15, 16, 17, 18, 19, 20, 25, 30 and 31, cover the complaints which therein were similar as to that in our Award No. 288.

The Board here finds the same as in our Award No. 288. The Carrier is not prohibited from moving an employee from one machine to another. However, of course, there must be a reason therefor.

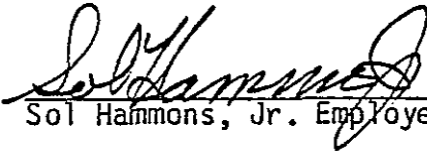
Rule 11 - Bulletin, does not, as alleged, provide for machine identification. However, the Carrier should, as customary with the past practice, provide some means for identification of the type or machine involved by bulletining

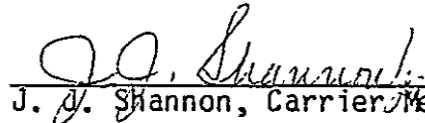
a machine identification number. Exclusivity thereof is not being conferred thereby.

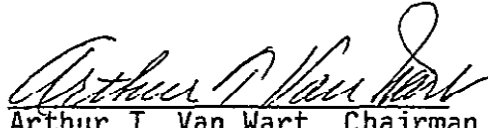
It was alleged that Bulletins 1 through 11 and 21 through 34, improperly bulletined work for Tie Gangs which work belonged to Division Gangs. We do not agree. That is the type of work that may be bulletined to either.

The Board finds no violation of the Agreement of March 19, 1981 or of Agreement Rules 1-2 and 11 as was alleged.

Award: Claim denied as per findings.

  
Sol Hammons, Jr. Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued July 19, 1989.