

Award No. 444
Docket No. 478
2-D&RGW-BM-'40

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

SYSTEM FEDERATION No. 10, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)

THE DENVER AND RIO GRANDE WESTERN
RAILROAD CO.

DISPUTE: CLAIM OF EMPLOYEES: That Mr. L. L. Taylor be given his proper position on the seniority roster and be compensated for the wage loss as provided in Rule 33 (i) current shop crafts' agreement.

JOINT STATEMENT OF FACTS: Seniority roster for journeymen boilermakers issued January 1, 1939, with respect to the individuals involved in this dispute, carried the following dates:

Edward Peterson	3-10-1936
Geo. Rommel	3-16-1936
W. A. Neil (1)	5-23-1936
R. A. Kale (2)	5-23-1936
G. L. Boss (3)	5-23-1936
F. J. Malone (4)	5-23-1936
L. L. Taylor (5)	5-23-1936

Boilermaker L. L. Taylor requests the roster be revised as follows:

Edward Peterson	4- 9-1936
Geo. Rommel	4-17-1936
L. L. Taylor	5-23-1936
W. A. Neil	6-26-1936
R. A. Kale	6-25-1936
F. J. Malone	8-19-1936
G. L. Boss	8-29-1936

which request has been denied by the management.

POSITION OF EMPLOYEES: The facts in this case are:

Edward Peterson was set up from a specialist to journeyman mechanic	3-10-1936
Geo. Rommel—from specialist to journeyman	3-16-1936
W. A. Neil—do	5-23-1936
R. A. Kale—do	5-23-1936
G. L. Boss—do	5-23-1936
F. J. Malone—do	5-23-1936
L. L. Taylor—hired as journeyman	5-23-1936

W. A. Neil	6-26-1936
R. A. Kale	6-25-1936
G. L. Boss	8-29-1936
F. J. Malone	8-19-1936
L. L. Taylor	5-23-1936

From the above, Messrs. Peterson and Rommel would still appear on the list ahead of Mr. Taylor. W. A. Neil has been retired on account of physical disability, so that even on the basis of Mr. Taylor's contention, the only dates he could find objection to are those of Messrs. Kale, Boss and Malone.

As stated to you, it is my position so long as these men are cut off in force reduction and elect to take the lay-off and not revert back to the specialists' list, they did not break the continuity of their service as journeymen and are, therefore, entitled to a date one year after the first day they worked as a journeyman."

Similar situations have arisen in the past involving the other shop craft organizations and were settled in the same manner as this case. Furthermore, the local shop committee was conversant with and agreed to the seniority dates as they now appear on the roster.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

A proper interpretation of the rules of agreement does not sustain the employes' position.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 27th day of March, 1940.