

Award No. 729

Docket No. 718

2-P&PU-CM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee R. F. Mitchell when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

PEORIA AND PEKIN UNION RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: (a) That Carman Lester Minch was entitled to be assigned to the position as car inspector on the joint inspection bureau, in accordance with Rule 12 (c) and Rule 13 (a), in preference to Carman Wm. Mees.

(b) That Carman Lester Minch is entitled to compensation for all wages lost from April 27, 1941, until restored to his rights or justifiably disqualified under Rule 32.

(c) That furloughed Carmen Leonard Swan and Daniel Clark be given reasonable opportunity to establish qualifications for new or vacant positions occurring for car inspectors on the joint inspection bureau in accordance with Rule 32.

EMPLOYEES' STATEMENT OF FACTS: Two separate seniority rosters for carmen are maintained. A roster which includes all carmen employed on the Peoria and Pekin Union Railway, except the inspectors on the joint freight car inspection bureau. A separate roster is maintained for all car inspectors on the joint inspection bureau. A separate roster is maintained for all carmen helpers. Helpers promoted to carmen retain seniority as helpers and may displace junior helpers when cut off in force reduction of carmen.

On August 29, 1940, Carman Brooks Crosswell, whose name appears on the repair track seniority list as No. 25 with a seniority date of November 20, 1923, was cut off in a force reduction. On November 10, 1940, a new position as car inspector was added on the joint inspection bureau and there being no furloughed employees from the joint inspection bureau roster, Mr. Crosswell, who was the senior furloughed carman from the repair tracks roster, was assigned to the new position on the joint inspection bureau, establishing his position on this roster where his name appears as No. 30 with a seniority date of November 10, 1940.

On February 25, 1941, there was a further reduction in force on the repair tracks and Carmen Minch, Clark and Swan were cut off. Carmen Clark and Swan having seniority rights as helpers exercised their rights and displaced others on the helpers' seniority roster. Minch, having no seniority rights as a helper, was furloughed.

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.

There is no dispute in this record but that separate rosters are and have been maintained as between carmen and car inspectors, a seniority roster which includes all carmen employed on the Peoria and Pekin Union Railway except the inspectors on the joint freight car inspection bureau. A separate roster is maintained for all car inspectors on the joint inspection bureau. There is nothing in the current agreement that gives to employes furloughed from one roster a craft seniority equity to any positions established on the other. The note to Rule 13 of the present current agreement definitely makes an exception as to joint inspection bureau.

AWARD

Claims (a), (b) and (c) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 30th day of March, 1942.