

Award No. 969
Docket No. 878
2-C&NW-EW-'43

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 12, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Harry Hall be compensated the difference between pay received and what he should have received if he had been permitted to retain position as electrician at California Avenue Coach Yard, Chicago, Illinois, from August 31 to December 29, 1942.

EMPLOYES' STATEMENT OF FACTS: On July 6, 1942, Harry Hall, employed as electrician helper at California Avenue coach yards, was advanced to the position of electrician at California Avenue coach yards under the provisions of memorandum of agreement effective August 16, 1941, between the Chicago and North Western Railway Company and System Federation No. 12, Railway Employees' Department, A. F. of L., covering the promotion of apprentices, helper apprentices and helpers for the duration of the present emergency.

On August 29, 1942, Harry Hall was given verbal notification by Supervisor A. E. Robinson that he was demoted to the status of electrician helper effective September 1, 1942, and continued to be classified and compensated as electrician helper from September 1, 1942 until December 29, 1942, when he was again restored to position of electrician.

POSITION OF EMPLOYES: That Harry Hall should be compensated the difference between electrician helper's rate of pay and electrician's for the period he was arbitrarily reduced.

Effective August 16, 1941, the carrier and System Federation No. 12 entered into a memorandum of agreement to provide a method whereby apprentices and helpers of the several crafts might be advanced to mechanics during the emergency. We submit memorandum of agreement between the Chicago and North Western Railway Company and System Federation No. 12, Railway Employees' Department, A. F. of L., as Exhibit A.

On June 17, 1942, Mr. A. E. Robinson, car lighting foreman at California Avenue coach yards, requested a conference with myself (general chairman), Messrs. Carl Pritchard and John L. Webber, local committeemen at the point, and during said conference he advised us that he was unable to fill a vacancy in his department and requested us to agree to the promotion of Electrician Helper Harry Hall to position of electrician in accordance with the provisions of special agreement covering the promotion of appren-

trician Pritchard. Upon Pritchard reporting for service September 1, 1942, Helper Hall was returned to position of helper, in line with provisions of Item 7 of agreement of August 7, 1941 (Railway Company Exhibit A) reading:

When qualified mechanics are available for hire they will be employed, displacing first, advanced helpers and then advanced apprentices, such displacement to be in reverse order of temporary advancement to mechanic class. The General Chairman of the craft involved will approve the men to be displaced.

POSITION OF CARRIER: It is the position of the railway company that Helper Harry Hall having been temporarily promoted to position of electrician solely for the purpose of filling vacancy created by absence of Electrician Pritchard, his return to the helper class upon Pritchard reporting for service was proper, and claim that he should have been continued in the class of electrician or compensated differential between helper's and electrician's rate for period August 31 to December 29, 1942, is not supported by any rules or agreement between the railway company and the federated craft organizations.

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

The evidence of record does not, in the circumstances of this proceeding, disclose any violation of the memorandum agreement of August 16, 1941.

See Award No. 905.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 3rd day of November, 1943.