

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L.
(SHEET METAL WORKERS)
CHICAGO GREAT WESTERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES.—That Joseph H. Gerstenberger, pipe-fitter, be reinstated and paid for all time lost.

POSITION OF EMPLOYEES.—That Gerstenberger was unjustly discharged on November 29, 1931, because no evidence was produced to show that he had not performed a reasonable amount of work in the allotted time. It is unreasonable to judge a man's ability to perform work in the very limited time of one hour and fifteen minutes; however, on this occasion we are sure that a reasonable amount of work was performed.

We also contend that it was account of poor facilities and not lack of ability which caused Gerstenberger to burn the copper pipe for which he was removed from service on June 17, 1932. This is evidenced by the fact that the foreman himself, about four weeks later, burned a copper pipe under similar circumstances.

POSITION OF CARRIER.—That Pipefitter Gerstenberger consumed too much time in applying casing on valve chambers of engine 857, which included applying lagging, fitting casing to chamber, riveting one lug on one casing and applying two $\frac{3}{8}$ " bolts to each casing. He was also required to remove one casing from the valve chamber of engine 856. He consumed one hour and fifteen minutes for which he was removed from service on November 29, 1931. Reinstated April 5, 1932, without pay for time lost.

On June 17, 1932, he was again removed from service for burning a copper pipe while brazing the collar on same.

July 20, 1932, the superintendent of motive power offered to reinstate Gerstenberger, but offer was declined because it did not include payment for time lost.

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

The carrier and the employe 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.

We find that on various occasions the carrier offered to reinstate this man with full seniority rights, and that the foreman would assist him when called upon, instructing him in roundhouse work with which he was unfamiliar, and owing to all the circumstances surrounding this particular case he should be reinstated.

AWARD

Joseph H. Gerstenberger shall be reinstated with full seniority rights, but without pay for time lost.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 4th day of December, 1935.