

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
ILLINOIS CENTRAL SYSTEM

DISPUTE: CLAIM OF EMPLOYEES.—Was the Illinois Central Railroad Company within its rights under the schedule in employing William Cardwell as regular machinist apprentice?

JOINT STATEMENT OF FACTS.—Regular machinist apprentice William Cardwell entered the service on January 4, 1928, as regular machinist apprentice at about seventeen years of age. He resigned on June 12, 1929, to enlist in the United States Navy. He was reemployed May 14, 1933, as laborer in the power house, promoted to sheet metal worker helper apprentice on June 5, 1934, and was removed from this service on April 18, 1935, at the request of the Sheet Metal Workers' Association. He was re-employed as regular machinist apprentice on April 21, 1935, at twenty-four years of age to afford him an opportunity to complete his machinist apprenticeship. His seniority dates from April 21, 1935. All of his service with this company has been at Paducah, Kentucky.

POSITION OF EMPLOYEES.—We contend that William Cardwell should not have been re-employed April 21, 1935, and given opportunity to complete his apprenticeship that he started January 4, 1928, under schedule Rule 44 which reads in part:

"Apprentice shall not be dismissed, or leave the service of his own accord, except for just and sufficient cause before completing his apprenticeship."

Cardwell resigned his apprenticeship of his own accord on June 12, 1929. By re-employing Cardwell, the management has deprived the son of an employe the opportunity of an apprenticeship.

POSITION OF CARRIER.—Regular machinist apprentice William Cardwell was born April 2, 1911, and is the son of Egbert K. Cardwell, who has been in the service of the Illinois Central System since September 1, 1927, and is now employed as chief engineer in the power house at the Paducah shops.

The employes' representatives requested that this employe be removed from the service as regular machinist apprentice, it being their contention: first, that he resigned from the service without "just and sufficient cause" before completing his apprenticeship, in violation of Rule 44 of the schedule agreement, effective April 1, 1935; second, because he was more than twenty-three years of age when re-employed as regular machinist apprentice, in violation of Rule 42 of the schedule agreement, effective April 1, 1935.

The employes' request was declined by the carrier on basis that leaving the service to enlist in the United States Navy and serve his country is "just and sufficient cause", and that affording him an opportunity to complete his machinist apprenticeship does not constitute a violation of either Rule 42 or 44 of the schedule agreement, effective April 1, 1935. * * *

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.
The following is contained in Rule 42 of the current agreement:

"* * * Applicants for regular apprenticeship shall be between 16 and 23 years of age * * *."

AWARD

No.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 27th day of April, 1936.