NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L. (CARMEN)

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That J. Boling, carman, Bush, Illinois, be compensated for all time lost account of being displaced by junior employe J. E. Milford on January 25, 26 and 27, 1936.

EMPLOYES' STATEMENT OF FACTS: On January 24, 1936, account of regular assigned Carman J. Salyers not reporting for duty, Carman J. Boling, the senior laid-off employe, was called to fill the temporary vacancy. Carman Boling, on completion of assignment at 4:00 P. M., the regular quitting time, checked out in the usual manner.

The following morning, January 25, Carman Salyers again did not report for duty, and it being necessary to fill his place, Carman J. E. Milford, a junior employe to Carman Boling, was called, Carman Milford's employment continuing for a period of three days, viz.: January 25, 26 and 27.

Carman J. Boling........seniority date 1-10-25
Carman J. E. Milford....   "   "   10-6-26

CARRIER'S STATEMENT OF FACTS: J. Salyers, car inspector, Bush, Illinois, assigned hours of service 8:00 A. M. to 4:00 P. M., laid off on completion of his assignment at 4:00 P. M., January 23. James Boling, laid-off carman, seniority date January 10, 1925, worked from 7:00 A. M. to 4:00 P. M. on January 23, relieving Carman Meadows. On January 24, he worked from 8:00 A. M. to 4:00 P. M., relieving Carman Salyers. He did not report for duty on January 25, 26 and 27; however, on January 28 and subsequent dates during the month of January he worked extra each day.

Mr. Salyers, as stated above, laid off upon completion of his assignment at 4:00 P. M., January 23; he reported for duty 8:00 A. M., January 28; he was relieved on January 24 by Mr. Boling. Another laid-off carman, J. E. Milford, seniority dating from October 6, 1926, worked on January 24, relieving Carman Taylor on an assignment 7:00 A. M. to 4:00 P. M. Milford reported for work January 25 and when Boling did not show up to protect vacancy created by Salyers' continued absence, Milford worked on this date as also on Sunday, January 26—extra job not occasioned by Salyers laying off, and on January 27, Milford again worked on the vacancy caused by Salyers being off. On January 28 and subsequent dates during the month of January, Milford worked on an extra job.

POSITION OF EMPLOYES: That Missouri Pacific Railroad violated provision of seniority Rule 25 (a), (c) and (e) of wage agreement, dated November 1, 1934, and in effect up to and including June 30, 1936—Missouri Pacific agreement effective November 1, 1934:

to 4:00 P. M.; Boling also reported during the afternoon and he was used on an extra job on 4:00 P. M. to 12 midnight trick. Attention is called to the fact that J. M. Robinson is senior to Milford; however, he did not report on any of these days, hence he was given none of the extra work.

There is no rule nor past practice to support the employes' claim.

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.

During the disturbed economic conditions prevalent in recent years, many practices have developed which are inconsistent with the rules.

It appears that the policy followed at Bush, Illinois, is a case in point, and while the Division feels that the rule provides the senior man available should be used in filling vacancies created by absentees, due to circumstances in this case no penalty is assessed.

AWARD

Claim disposed of in accordance with the aforesaid findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
         Secretary

Dated at Chicago, Illinois, this 11th day of June, 1937.