

Award No. 245

Docket No. 256

2-B&M-BM-'38

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 18, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)
BOSTON AND MAINE RAILROAD**

DISPUTE: CLAIM OF EMPLOYEES: (1) That the Boston and Maine has wrongfully abolished certain portion of work performed by Joseph A. Dubois, boilermaker inspector, I. C. C., since the year 1922, and especially since the year 1927.

(2) That Boilermaker Joseph A. Dubois be allowed to work 48 hours per week (the schedule of working hours at his point), 52 weeks per year, performing such work as he has performed since July 6, 1922.

(3) That a combination job be posted for bid as per Rule 168, Old Agreement M. E. A., and Rule 26, New Agreement A. F. of L.

(4) Request is made that Mr. Dubois be compensated for all time lost due to the wrongful action of the railroad in depriving him of a portion of his employment.

EMPLOYEES' STATEMENT OF FACTS: Joseph A. Dubois entered the service of the Boston and Maine Railroad as a boilermaker July 6, 1922, and is so listed on the seniority roster of employes at the Middlesex engine house, Lowell, Massachusetts.

Seniority of machinists at Middlesex engine house, Lowell, Massachusetts:

Joseph A. Dubois, Boilermaker I. C. C.	7- 6-22
William A. Cox, Machinist	7- 7-22
Ralph E. Bickford, Machinist	7-17-22
John F. Cassidy, Machinist	12- 4-22
Thomas Ramsay, Machinist	9-24-32

From July 6, 1922, and especially since November, 1927, to June 28, 1936, Mr. Dubois, besides performing boilermaker work, has also performed work of machinist, welder, blacksmith, and other as required by his foreman.

On June 28, 1936, the job of boilermaker was abolished and Mr. Dubois was told he would be called in when needed to do boilermaker work. Since then, Mr. Dubois has been performing the same kind of work, i.e., boilermaker, machinist, welder, blacksmith, etc., on part-time employment.

The Boston and Maine Railroad declines to give Mr. Dubois a full week of 48 hours, although Mr. Dubois is the oldest mechanic employed at this point.

The number of days worked by Mr. Dubois since the position was abolished are as follows: From June 28, 1936, to January 1, 1937, worked 91 days out of 157 working days. From January 1, 1937, to January 1, 1938,

abolished on June 28, 1936. He further alleges that by this procedure he would be afforded an opportunity to exercise his seniority rights as a boiler-maker to this position, thereafter he would perform machinist's work in conjunction with his former work as boilermaker.

To comply with this proposal would require the railroad to lay off the second senior machinist as the junior regularly employed machinist would not be affected for he is the only qualified Diesel mechanic employed at this point and would have to be retained to perform this specialized class of work.

The railroad has declined to comply with the complainant's request on the ground that it would be a violation of the afore-mentioned rules, and at the same time having in mind the serious complications with other crafts which would certainly arise as a result thereof.

The agreement covering the crafts involved in this dispute is between System Federation No. 18, Railway Employees' Department, A. F. of L., and the Boston and Maine Railroad.

The accredited representatives of System Federation No. 18 have been made acquainted with this case of Dubois and agree with the management that there was no violation of rules in the manner in which the case was handled.

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 waived right of appearance at hearing thereon.

The facts of record do not support the claim in the instant case.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 8th day of July, 1938.