

Award No. 257
Docket No. 284
2-CRI&P-CRI&G-CM-'38

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)**

**THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY
COMPANY**

**THE CHICAGO, ROCK ISLAND AND GULF RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYEES: Does Roy L. (William Leroy) Scott hold seniority as a carman on the Chicago, Rock Island and Pacific Railway at Trenton, Missouri?

JOINT STATEMENT OF FACTS: William Leroy Scott entered the service of the Rock Island at Trenton, Missouri, October 18, 1922, as a car repairer-helper. On November 18, 1922, he was transferred to position of car repairer, and on March 15, 1925, was transferred to position of air brake test rack operator, which, under the agreement then in effect and the revised agreements of March 1, 1927, and July 1, 1929, constituted a separate seniority classification, but in force reduction, while carmen from one classification could not exercise seniority rights to displace junior carmen in other classifications, they could bid on future vacancies or new positions that were created, and if successful in securing the position, carried their full carmen seniority with them.

Roy L. Gilmore entered the service as a car inspector-repairer at Trenton, Missouri, October 12, 1922. He was transferred to air brake repairer in the train yard September 12, 1930, and under the rules and interpretations in effect took his original carman's seniority date with him. When the air brake force was reduced on February 1, 1933, Mr. Scott, being junior to Mr. Gilmore, was displaced and Mr. Gilmore continued to handle the air repair work.

Vernon N. Bell entered the service as a car repairer-helper at Trenton, Missouri, November 6, 1922, and was advanced to position of car repairer November 20, 1922, and on May 9, 1931, was transferred to mill shop as mill machine operator. By agreement with the representatives of the shopmen in May, 1933, it was agreed that since there was not sufficient work to assign a carman exclusively to mill shop work, and the carmen took their work to the mill shop when necessary to make use of the mill, that there would be no separate seniority for "wood-working machine operators in

cers of the management until in January, 1938, and the local supervisory force of 1933 is now retired or deceased. Mr. Scott should be privileged to indicate his desire to protect his seniority and if he failed to return, then his name could be properly dropped from the roster and his record closed. The fact that he did indicate on April 2, 1938, that he was ready to return to service, but desired time in which to qualify, is construed as being within the provisions of Rule 26 of the agreement.

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.

Rule 24, paragraphs 4 and 5 of the agreement read:

“When the force is again increased, the men last laid off will be given re-employment, seniority to govern, provided the employe keeps his employing officer informed of his address and any change in same and that he reports for service within thirty (30) days from date of notification.

Employes laid off for a period of one year will be dropped from the seniority roster.”

Paragraph 5 of Rule 24 was changed by agreement between the committee and the management effective April 21, 1934, providing that employes laid off after January 1, 1930, had until October 1, 1934, before being dropped from the seniority roster. After October 1, 1934, employes laid off would have three years in which to return to service before being dropped from the seniority roster.

The record indicates that Mr. Scott failed to keep his employing officer informed of his address as provided for in paragraph 4 of Rule 24, and as he was furloughed February 1, 1933, and did not return to service prior to October 1, 1934, he should have been dropped from the seniority roster in accordance with the provisions of revised paragraph 5 of Rule 24.

AWARD

Claimant lost his seniority when he failed to return to service prior to October 1, 1934.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 12th day of September, 1938.