

Award No. 278
Docket No. 294
2-DL&W-MA-'38

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

SYSTEM FEDERATION No. 78, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)

DELAWARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Anthony Curcio, a machinist helper employed at Carrier's Scranton enginehouse, was assigned and classified as a machinist on March 14, 1937, in violation of Rule 56, quoted below, of the Agreement:

"MACHINIST—QUALIFICATIONS

Rule 56. Any man who has served an apprenticeship or has had four (4) years' experience at the machinists' trade and who, by his skill, and experience, is qualified and capable of laying out and fitting together the metal parts of any machine or locomotive, with or without drawings, and competent to do either sizing, shaping, turning, boring, planing, grinding, finishing or adjusting the metal parts of any machine or locomotive shall constitute a machinist."

EMPLOYES' STATEMENT OF FACTS: Mr. Curcio's service record in the employ of the Carrier, from initial date of employment as a laborer until date of his assignment and classification as a machinist as above set forth, is:

Started as laborer.....	6-12-23
Machinist helper	7-23-23
Engine inspector	12- 1-23
Machinist helper	5- 9-25
Grease cellar man.....	7-16-25
Machinist	12- 1-26
Grease cellar man.....	2-19-27
Resigned	5-18-34
Rehired—grease cellar man.....	6-26-34
Machinist helper	11- 1-36
Machinist	3-14-37

System Federation No. 78, Railway Employees' Department, American Federation of Labor, has been the duly authorized representative of the shop crafts on the Carrier since September 14, 1934, when it was certified as such by the National Mediation Board. The existing agreement between the Carrier and said System Federation, which voids and annuls all former agreements and practices within its scope upon the property, became effective November 1, 1935.

experience, or have not served an apprenticeship, will advise it was not the purpose of the rules to cause the removal of any employe from the service who has been properly employed, and as men employed prior to July 25, 1918, were properly employed, even though they had not served an apprenticeship or had four years' experience, they cannot now be removed from the service.

Yours very truly,

(Signed) FRANK McMANAMY,
Assistant Director."

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 record does not show that Anthony Curcio had four years' experience at the machinists' trade as provided for in Rule 56 of the Current Agreement.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 14th day of November, 1938.