

Award No. 460

Docket No. 493

2-ACL-MA-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 42, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That work belonging to the machinists' craft is being performed by other than machinists at Pinners Point, (Portsmouth) Virginia, in violation of Rule 27 of the agreement; therefore, the senior furloughed machinist applying for this work should be compensated for any wage loss attaching to and dating from his application until such irregular practice is discontinued.

EMPLOYEES' STATEMENT OF FACTS: Only blacksmiths and sheet-metal workers are omitted from the roster covering mechanical forces employed at Pinners Point. Employees of the machinists' and boilermakers' crafts are as follows:

NAME	SENIORITY DATE	NAME	SENIORITY DATE
Machinists		Boilermakers	
F. T. Briggs	10- 9-22	G. E. Cherry	8-17-22
G. H. Ellis	3-13-39		
Machinist Helpers		Boilermaker Helpers	
F. T. Briggs	10- 9-22	G. E. Cherry	8-17-22
W. B. Bowen	9- 1-28	Jerry Freeman	6- 4-23
G. H. Ellis	3-13-39		
W. G. Ange	9- 4-39		

According to the seniority roster of January 1, 1940, there are twenty carmen actively employed; three coach cleaners and seven shop laborers. The services of two machinists and two machinist helpers are regularly required seven days each week in meeting operating requirements in the handling of running repair and inspection of locomotives at Pinners Point. The present assignment of forces, however, provides relief one day each week for each machinist and machinist helper. The boilermaker and boiler-maker helper are regularly assigned to perform work five days each week, two of which days are in the performance of machinists' and machinist helpers' work, inasmuch as the assignment of forces is so arranged that on Thursday of each week Boilermaker Cherry relieves Machinist Briggs commencing at 7:00 A. M. and likewise on Friday of each week he relieves Machinist Ellis whose shift commences at 3:00 P. M. Engine Box Packers Bowen and Ange are similarly relieved on their respective shifts by Boilermaker Helper Freeman one day each week.

Since this subject, "Work belonging to machinists' craft is being performed by other than machinists at Pinners Point, Va." has been brought to the attention of the carrier, carrier has placed the machinists on seven (7) days per week assignment, which gives to the machinist all work coming within the machinist classification.

Without a grievance being started by an individual affected as required by Rule 19, paragraph A, the case has not progressed through Rule 19.

Neither has any employe in this classification made application for the work as claimed, and neither has any employe made a claim as shown in the claim by the machinists' organization, and inasmuch as there is no grievance case from a machinist who feels he has been unjustly treated, we request the National Railroad Adjustment Board, Second Division, to dismiss this claim.

The carrier reserves the right if and when it is furnished with the petition filed ex parte by the petitioners in this case, which it has not seen, to make such further answer and defense as it may deem necessary and proper in relation to all allegations and claims as may have been advanced by the petitioners in such petition and which have not been answered in this its initial answer.

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.

It is not permissible, under the terms of the agreement, to assign other than mechanics of a craft to the work of mechanics of that craft, except as provided for in Rule 27.

Pinners Point, Virginia, has not been mutually agreed upon as an outlying point within the meaning of Rule 27.

It is proper for representatives of the employes to take up and progress grievances or violations of the terms of the agreement.

Furloughed employes are permitted to exercise their seniority for work at other points when men are needed as provided for in paragraph (i) of Rule 16.

The circumstances in the instant case do not justify claim for time lost.

AWARD

Claim sustained, but claim for time lost by Machinist C. H. Schulken is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 23rd day of May, 1940.