

Award No. 462

Docket No. 440

2-Va.-BK-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 40, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (BLACKSMITHS)**

VIRGINIAN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Blacksmith Helpers E. C. Taylor and O. O. Shorter, formerly employed by the Virginian Railway Company in the blacksmith shop at Princeton, W. Va., but now on furlough account of a force reduction in the locomotive department, which was effective as of February 10, 1939, should be allowed to displace carmen helpers, now assigned to help blacksmiths in the blacksmith shop of the car department at Princeton, W. Va., and paid for all time lost since February 10, 1939, until adjusted.

EMPLOYES' STATEMENT OF FACTS: On February 10, 1939, a notice of reduction in force was posted over the signature of Shop Superintendent F. S. Tinder, by which these two blacksmith helpers were furloughed, who immediately requested through their General Chairman T. S. Pentruff, to Mr. G. T. Strong, superintendent of motive power, who has jurisdiction over both locomotive and car departments, that they be allowed to displace two carmen helpers who were then and now assigned to help blacksmiths in blacksmith shop located in the car department at Princeton, W. Va., and this request was then and is still denied them by management, see EXHIBIT A.

POSITION OF EMPLOYES: We claim that Rule 76 of the existing agreement (which is copied below) gives the work of helping blacksmiths to blacksmith helpers and to no one else.

"Rule 76

Helpers' work shall consist of helping blacksmiths, and apprentices, operating furnaces, heating, operating steam hammers, bulldozers, punches and shears, drill presses and bolt cutters, dismantling springs, straightening old bolts and rods, case and bichloride hardening; building fires; lighting furnaces and all other work properly recognized as blacksmith helpers' work."

(The underlined work in the above rule is that to which carmen helpers are now assigned.)

When E. C. Taylor and O. O. Shorter were placed upon furlough they, as blacksmith helpers, should, in harmony with Rule 26 of the agreement, have been allowed to replace carmen helpers then and now assigned to help blacksmiths in the blacksmith shop located in the car department, which Rule 76 (hereinbefore quoted) says is blacksmith helpers' work.

In connection with the employees' claim for time lost the carrier contends that it cannot be supported by Rule 1 (a) of the existing agreement, which reads:

"(a). Eight (8) hours shall constitute a day's work and eight (8) hours' work will be required for eight (8) hours' pay."

said rule requiring eight (8) hours' work for eight (8) hours' pay.

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.

The claimants in this dispute are blacksmith helpers who were furloughed February 10, 1939, and are now relying on the provisions of Rule 26 to secure blacksmith helpers' work as defined in Rule 76, claiming the employes now doing the work in the car department, which is a separate seniority group, are not entitled to the work inasmuch as they are classed as carmen helpers.

The rules of the agreement include the locomotive and car departments. The carrier's adherence to proper classification in accordance with these rules would do much to eliminate disputes as in the instant case.

AWARD

The work performed by Bradberry and Wright, whose positions are affected, is blacksmith helpers' work and if they are continued on these positions should be so classified. Vacancies occurring subsequent to date of this award shall be filled in accordance with provisions of rules of current agreement, including Blacksmiths' Special Rule 76.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 24th day of May, 1940.