

Award No. 489

Docket No. 518

2-B&M-EW-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 18, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (ELECTRICAL WORKERS)**

BOSTON AND MAINE RAILROAD

DISPUTE: CLAIM OF EMPLOYEES: Electrical apprentices on the Boston and Maine Railroad should receive training in "outside line work" as provided in Rule 104, Agreement of April 1, 1937.

Electrical Apprentice Howard R. Usher should receive this training.

JOINT STATEMENT OF FACTS: Howard R. Usher is a regularly assigned electrical apprentice. He has been denied the six (6) months of "outside line work" provided for in Rule No. 104 of the agreement of April 1, 1937, now in effect.

There is in the engineering department covered by the same agreement a crew which performs "outside line work" wherein this training can be given.

Rule No. 104 reads:

"Apprentices shall be given an opportunity of learning all branches of the trade. The various classes of work are designed as a guide and will be followed as closely as the conditions will permit.

- 12 months inside wiring and electrical repairing
- 6 months outside line work
- 6 months locomotive headlight work
- 6 months car lighting department
- 6 months armature winding
- 12 months general electric work

Helper apprentices will serve six (6) months on each classification of regular apprentices scheduled.

Apprentices shall not work on Autogenous Welding and Cutting until they are in their last year.

NOTE: Apprentices may use cutting torch after they have been qualified by Welding Supervisor. This pertains to Billerica and Concord Shops only."

Rule 34 reads:

"All apprentices must be indentured and shall be furnished with a duplicate of indenture by the company, who will also furnish every

"None but mechanics or apprentices regularly employed as such shall do mechanics' work, as per special rules of each craft." (Emphasis ours.)

If Usher or any other regular electrical worker apprentice was placed in the electrical crew of the signal-telegraph department, he could be required to do electrician's and linemen's work and as a result one of the craftsmen now in that electrical crew could be furloughed. The junior man in the electrical crew, other than one man employed because of leave of absence and sick leave, has been in the service of the railroad and has rating in the electrical crew of over 11 years.

Rule 34 of the agreement of April 1, 1937, provides:

"No apprentice will be started at points where there are not adequate facilities for learning the trade." (Emphasis ours.)

As there are not adequate facilities at Billerica shop for an apprentice electrical worker to learn outside line work, if the Board should decide that under Rule 104 an electrical worker apprentice must be put in the electrical crew for 6 months in order to literally comply with Rule 104, ignoring the conditions as above explained, then obviously the management will start no more apprentices to learn electrical work at the Billerica shop or elsewhere while Rule 104 reads as it does now for there is no point, and Rule 34 clearly refers to points, where there are adequate facilities for an apprentice to learn all different branches of the trade outlined in Rule 104.

The argument of the committee that Rule 104, where it says the various classes of work are designed as a guide and will be followed as closely as the conditions will permit, refers only to the relative order in which the various portions of the training will be given, is not tenable. As Mr. Frank McManamy, who interpreted the so-called "National Agreement" with shop crafts for the United States Railroad Administration, so often said in his letters of interpretation:—"The rule is clear as written;" when the rule says **classes of work** it cannot reasonably be construed as meaning **relative order** in which various portions of training will be given.

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 104 provides that electrical apprentices shall be given six months' training on outside line work as the conditions will permit.

Since "outside line work" may be intermittent, the parties should agree between themselves as to how an apprentice may serve such a period as may be considered fair in obtaining the necessary experience, bearing in mind that Rule 104 also states that:

"* * * The various classes of work are designed as a guide and will be followed as closely as the conditions will permit. * * *"

AWARD

Claim sustained, subject to mutual agreement in accordance with the aforesaid findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 29th day of July, 1940.