

Award No. 623

Docket No. 602

2-ACL-CM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John P. Devaney when award was rendered.

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the assignment of more than three (3) separate and distinct shifts of employees at any one point of employment, is a violation of Rule 2 of the existing agreements.

EMPLOYEES' STATEMENT OF FACTS: There are at present employed at Thomasville, Georgia, machinists, boilermakers, carmen and helpers of these respective crafts. They are divided into groups or shifts as follows:

Shift No.:	Employees involved:	Starting and Quitting time:
1.	2 Car Inspectors 2 Car Oilers and Packers	4:00 A.M. — 12:00 Noon
2.	2 Machinists 1 Machinist Helper 1 Boilermaker 1 Boilermaker Helper 1 Boiler Washer 1 Engine Box Packer	7:30 A.M. — 4:00 P.M.
3.	2 Car Inspectors 2 Car Oilers and Packers	12:00 Noon — 8:00 P.M.
4.	1 Car Inspector 1 Car Oiler and Packer	8:00 P.M. — 4:00 A.M.
5.	1 Machinist 1 Machinist Helper 1 Engine Box Packer	10:00 P.M. — 6:30 A.M.

This arrangement of the employees at Thomasville was made effective August 1, 1940. Prior to this date there had been some two (2) or three (3) additional shifts employed.

POSITION OF EMPLOYEES: The question of proper application of Rule 2 of the existing agreements has been in process of handling since October 30, 1939, as can be attested by the following letter which we quote:

The assignment of the shifts of carmen forces at Thomasville is arranged in accordance with the necessity of the service, and carrier contends that there is no violation of the agreement in existence prior to November 11, 1940, or the agreement, effective November 11, 1940.

Therefore, respectfully requests the National Railroad Adjustment Board to dismiss this claim.

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 here.

The parties to said dispute were given due notice of hearing thereon.

Under Rule 2 three shifts are permissible. It is also provided that the starting time of the shifts shall be arranged in accordance with the necessities of the service.

The carrier is not required to start the shifts of all employes at a particular seniority point at the same time but may start the shifts, not exceeding three, in each department so as to meet the necessities of the service.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 11th day of June, 1941.