

Award No. 652
Docket No. 661
2-McC-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 80, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

MAINE CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Richard Moran, machinist, be compensated for eight hours at punitive rate for machinist work performed by machinist helper, working in place of Machinist Clifford DeYoung while Moran was available November 17, 1940.

That George Grant, machinist, be compensated for eight hours at punitive rate because a machinist helper performed machinist work in place of Machinist Clifford DeYoung while Grant was available November 16, 1940.

EMPLOYEES' STATEMENT OF FACTS: There is an agreement in effect between the parties to this dispute. The effective date of that agreement was February 10, 1938. The following rules are included:

Rule 24 reads in part:

"ASSIGNMENT OF WORK

None but mechanics or apprentices regularly employed as such shall do mechanics' work as per the special rules of each craft, except foremen at points where no mechanics are employed.

This rule does not prohibit foremen in the exercise of their duties to perform work."

Rule 48:

QUALIFICATIONS

Any man who has served an apprenticeship, or 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 whatsoever, shall constitute a machinist.

On Friday, November 15, Clifford DeYoung, machinist at Bangor engine-house, with assigned hours 7:00 A. M. to 3:00 P. M., relief day Monday, was taken ill and released at 11:30 A. M., his job not being filled for the balance of the day. It was filled Saturday November 16 by H. W. Clark, machinist helper and on Sunday November 17 by H. A. Sanborn, machinist helper.

The opening caused by the promotion of Messrs. Clark and Sanborn was filled by L. V. McInnis, furloughed machinist helper.

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.

Rule 12 of the existing agreement may have been intended to provide method and procedure for the filling of new positions or vacancies in existing positions within the respective seniority groups.

However, the makers of this agreement, within less than thirty (30) days from the time it became effective, interpreted it to the effect that helpers, who have mechanics' qualifications, may be used as mechanics to fill vacancies of less than thirty (30) days' duration.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 17th day of November, 1941.