

**Award No. 673**

**Docket No. 658**

**2-B&M-MA-'41**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

---

**PARTIES TO DISPUTE:**

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

**BOSTON AND MAINE RAILROAD**

**DISPUTE: CLAIM OF EMPLOYEES:** That John Laventure, machinist, Concord, New Hampshire, back shop should be compensated for work performed at his home point, February 22, 1940, by a machinist from another seniority district.

That all men employed within a given seniority district are entitled to all the work of their respective classification in said district.

That employes should not be called from another seniority district if there are employes available to perform the work in the district where the work is to be done.

---

In Award No. 599, rendered March 27, 1941, this dispute was remanded to the parties, "without prejudice to the right of resubmission in the event settlement is not made" in accordance with the following finding:

"The parties should decide the nature and extent of such work as they can agree may be performed by enginehouse mechanics during periods when shop forces are not working."

Because of failure to reach such a settlement, the proceeding is once more before the Division.

**JOINT STATEMENT OF FACTS:** This dispute was submitted to the Second Division, National Railroad Adjustment Board jointly, was given their Docket No. 590. Hearing was held November 14, 1940 and Award No. 599 issued March 27, 1941.

The findings of the Second Division outside the standard findings read as follows:—

"The record of this case shows there is a back shop and an enginehouse adjacent thereto at Concord, N. H. However, the men employed in the back shop have separate seniority from those assigned to the enginehouse.

On February 22, 1940, one of the legal holidays named in Rule 3, the back shop forces were not employed. On this same date a

The enginehouse and shop forces at Concord should be one seniority district. The matter of making them so has been progressed with the Officers of System Federation No. 18 without results. They take the position that it is a craft matter and we could reach no accord with the general chairman of the machinists' committee about consolidating the seniority districts.

It would be helpful if an understanding could be reached as to the nature and extent of work which might be performed by enginehouse mechanics during periods when shop forces are not working in the Concord back shop until such time as the seniority districts are combined.

**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.

The evidence of record supports the conclusion that, however desirable it may be to effect a special arrangement for the future in the circumstances prevailing at the enginehouse and back shop at Concord, there was a violation of the existing agreement on February 22, 1940, and Machinist John Laventure is entitled to compensation as claimed.

#### AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

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