

Award No. 680

Docket No. 686

2-B&M-MA-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

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

BOSTON AND MAINE RAILROAD

DISPUTE: CLAIM OF EMPLOYES: That Philias Simoneau should be restored to the leader's job on link and motion work.

That the aggrieved party should be compensated the difference between the minimum rate paid machinists and the rate paid leaders, from the time that he was removed from the leader's job to the time that he is restored to that position.

JOINT STATEMENT OF FACTS: Philias Simoneau entered service of the Boston and Maine Railroad at Billerica shop as machinist on July 18, 1922. For many years he was leading machinist in the tool room.

He had previously been employed as machinist for Currier Needle Co., at Wilson Street, Manchester, New Hampshire, for about five years, June, 1917, to May 10, 1922.

On October 10, 1938, vacancy as leading machinist on link and motion job at Billerica shop was bulletined. Simoneau was the senior bidder and was placed in the position October 17, 1938, by the shop superintendent, after conference with local committee who had protested his not being promptly assigned.

Simoneau remained on leading machinist job until April 22, 1940, when he was disqualified by shop superintendent and was removed from leader's job and placed on machinist's job.

Simoneau protested his removal and filed claim for difference of five cents (5¢) an hour (91¢ on leader's job, 86¢ on machinist's job he went on) on April 25, 1940.

Committee filed grievance. Shop superintendent granted hearing May 15, 1940. Simoneau present with Committee. Shop superintendent, at close of hearing, told Committee man was removed from job for poor work, delayed work, and not cooperating with foreman.

This decision of shop superintendent was not acceptable and case was advanced in proper order to last officer designated by the carrier to handle such cases, whose decision sustained the other officers. Therefore, case is referred to Second Division, National Railroad Adjustment Board.

There is in full force and effect an agreement dated April 1, 1937 between the parties to this dispute.

3620—radius bar sent to erecting floor with 1½" offset in same, had to be corrected.

3649 reverse shaft bearing sent to erecting shop with bushing pressed in wrong end to.

3620 reverse shaft bearing machined out of line, had to be sent back for correction.

3671—same thing.

A Pacific engine, of which no record was made in the above list of work had link delivered to erecting floor and applied to the engine as finished and it was found cracked at time of racing. Another link had to be applied to the engine. At the time of the hearing in shop superintendent's office, May 15, Simoneau stated he had nothing to do with that link as the foreman gave orders to have the link closed in on the press. Apparently the closing operation cracked the link. It appears that Simoneau knew nothing about it but washed his hands of the job because the foreman got in on the job.

Leader's position on link and valve motion job was advertised after Simoneau was removed; bid in by Machinist L. Crandall, and very soon after he was assigned a decided improvement was noticed in the work and the morale of the employees.

Because of the fact that Machinist Simoneau was allowed eighteen (18) months to make good and completely failed, we are convinced that the action taken in the case was justified and will be sustained by the Board.

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 record in this case shows that Machinist Philias Simoneau was given a fair trial.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 13th day of January, 1942.