

Award No. 759

Docket No. 692

2-T&P-CM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee R. F. Mitchell when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 121, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

THE TEXAS AND PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That the carrier is and persists in violating Rules 20 and 95, by rotating regular carmen apprentices through the pattern shop at Marshall, Texas.

EMPLOYES' STATEMENT OF FACTS: The carrier has arbitrarily promulgated a schedule of work whereby regular apprentices are required to serve 800 hours of their time in the patternmakers' trade.

POSITION OF EMPLOYES: That patternmakers is a trade; the same is true of upholsterers and painters; all are a separate trade. And in order for an apprentice to serve an apprenticeship, he must serve four years at the trade. Rule 20 sets out the sub-division of the carmen's craft which is as follows:

Carmen	No. 1	Patternmakers
"	No. 2	Upholsterers
"	No. 3	Painters
"	No. 4	Wood Mill Mechanics, Coach Builders and Locomotive Carpenters
"	No. 5	Carmen (Rule 82 (b))
"	No. 6	All other Carmen
"	No. 7	Apprentices

Rule 95, regular apprentices carmen's schedule of work reads:

The following schedule for regular apprentices, showing the division of time on the various classes of work, is designed as a guide and will be followed as closely as the conditions will permit. Where sufficient passenger car department work is not available without exceeding the regular ratio of apprentices in the passenger car department apprentices will complete their apprenticeship in the freight car department.

18 Months—General Freight work, wood and steel.
6 Months—Air brake work.
6 Months—Mill machine work.
18 Months—General Coach Work, wood and steel.

In closing must state that we have proven beyond any doubt (1), patternmakers are carmen; (2), carmen apprentices are also to serve in patternmakers' department in order to learn all branches of the trade in line with Rule 91. This in order that when he completes his apprenticeship that he will be in position to qualify as a carman under Rule 81; (3), the employes have agreed, as shown by Mr. Nichols' letter, that they do understand that carmen apprentices are to work in the pattern shop and the ones working in this department are to come under carmen apprentice schedule.

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 95 of the current agreement sets out the schedule for regular apprentices and said rule is violated by rotating regular apprentices through the pattern shop at Marshall, Texas.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of April, 1942.