

Award No. 823

Docket No. 726

2-ACL-FT-'42

**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. 42, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (FEDERATED TRADES)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That the carrier violated Rule 16, paragraph "b," of the current agreement after restoring furloughed forces in the coach shop at Rocky Mount, North Carolina, January 6, 1941, by continuing a minimum forty (40) hour weekly assignment.

That all employees affected and listed in Appendix No. I hereto attached be compensated for four (4) additional hours pay each week employed in the coach shop between January 6, 1941, and June 2, 1941, at their respective hourly pro rata rates as therein set out.

EMPLOYES' STATEMENT OF FACTS: Under date of December 16, 1940, and over signature of the master mechanic, Mr. W. B. Middleton, bulletin was posted reducing forces in the Rocky Mount, North Carolina, coach shop, a total of one hundred and fifteen (115) employees, including all classes and crafts therein. See Exhibit A.

On December 20, 1940, four bulletins addressed to the heads of the various departments, over the signature of the general foreman, Mr. H. H. Zerbach, were posted. These bulletins contained the names of all employees in each craft affected by the reduction, with copies to the respective local chairmen. See Exhibits B, C, D and E.

In the reduction of forces in the coach shop, December 20, 1940, some step-rate coach repairers, coach repairer apprentices, and painter apprentices were continued in the service in freight car department by reason of the apprentice ratio not being exceeded. Two sheet metal workers worked as helpers in the locomotive department. The electricians continued in the service by displacing junior electricians in other departments or subdivisions, and in most cases at lower rates of pay. The entire force in the coach shop was furloughed at the close of work on December 20, 1940, thus leaving no one on active duty in this subdivision of the car department.

On January 1, 1941, bulletin was posted, effective January 6, 1941, recalling all forces in the coach shop who were furloughed December 20, 1940. Copies of bulletin were furnished respective local chairmen concerned. See Exhibit F.

claim handled by individuals with their immediate foreman as to being put on forty-four (44) hours basis or as to pay of the difference between forty (40) to forty-four (44) hours.

Carrier contends that there has been no violation of the rules of the agreement, and respectfully requests the National Railroad Adjustment Board to deny 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 herein.

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

The evidence of record does not disclose any violation of the agreement.

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 October, 1942.