

Award No. 901

Docket No. 824

2-ACL-SM-'43

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Herbert B. Rudolph when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (SHEET METAL WORKERS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That on and since February 20, 1942, the carrier has persistently violated the controlling agreement and Rules 301 and 27 (a) thereof by—

- (a) The employment of T. L. Everett who is not a qualified sheet metal worker.
- (b) The arbitrary assignment of Sheet Metal Worker Helper T. L. Everett to perform sheet metal workers' work.

2. That in consideration of the aforesaid violations, the carrier be ordered to—

- (a) Discontinue the service of T. L. Everett as a sheet metal worker.
- (b) Delete the name of T. L. Everett from the coach shop sheet metal workers' seniority roster.

EMPLOYES' STATEMENT OF FACTS: At Waycross, Georgia, the carrier maintains a force of sheet metal workers, apprentices and helpers in the coach shop, on a one shift basis from 7:30 A. M. to 4:00 P. M.

On August 7, 1941, T. L. Everett entered the service as sheet metal worker helper in said coach shop and he remained in the service as such for about five and one-half months or until February 20, 1942.

On February 20, 1942, the carrier arbitrarily assigned Sheet Metal Worker Helper T. L. Everett to perform sheet metal workers' work in the aforesaid coach shop from 7:30 A. M. to 4:00 P. M. daily to date.

POSITION OF EMPLOYES: Rule 27 of the current agreement is herewith, in part, quoted:

"(a) Only mechanics and apprentices regularly employed as such will do the work as per special rules . . ."

"(e) Helpers when used in any way in connection with mechanics' work shall in all cases work under the orders of the mechanic . . ."

part of the general chairman of the pipefitters and a few of the pipefitters in Waycross shops who seem to resent a mechanic working amongst them who has not served his time in a railroad shop. The general chairman of the pipefitters takes the attitude that no matter how proficient a man may be at his trade or how well he may satisfy his employer, unless the general chairman knows him personally he must show the organization absolute proof that he has served four years' apprenticeship or has had four years' experience in a railroad shop. He states that though an apprentice had served with a plumbing company, and implies that no matter what other experience or qualifications a mechanic may have, he would be ineligible as a pipefitter under Rule 301. The carrier does not agree with this interpretation of the rule.

Carrier contends the rules of the agreement have not been violated and there is no merit to this claim. Therefore, 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 record fails to show that Mr. Everett has the qualifications of a sheet metal worker as provided in Rule 301; he has neither served an apprenticeship, nor had four or more years experience at the various branches of the trade.

AWARD

Claim 1 (a and b) Sustained.

Claim 2 (a and b) Sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 7th day of June, 1943.