

Award No. 978

Docket No. 916

2-NYC-SM-'43

**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. 103, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (SHEET METAL WORKERS)**

THE NEW YORK CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: Management violated Rule 14 of the current New York Central Agreement when they arbitrarily set up the second headquarters in the same seniority territory,—namely, Rome, N. Y., and that the men so assigned should be compensated for all travel time since December 10, 1941.

JOINT STATEMENT OF FACTS: On June 3, 1932, a conference was held between System Federation No. 103 and Mohawk division, maintenance of way department, Albany, New York, for the purpose of setting up seniority districts.

The Utica seniority district covers the following territory: From and not including St. Johnsville, main line, west to end of division at Mile Post 280.25 at Kirkville. From and including South Little Falls on the west shore to end of division at Mile Post 267.86, Kirkville Junction, harbor connection, Little Falls and Dolgeville branch, Rome branch to Mile Post 41.5; Herkimer branch north to Mile Post 1, north of Herkimer.

As of December 1, 1941, all sheet metal workers and sheet metal worker helpers were working out of Utica as a home station for the Utica seniority district.

Rome water station, located thirteen miles west of Utica, is the largest water station on the Mohawk division. There are 9000 L. F. of track pans and the facilities supplying pans to be maintained.

On December 1, 1941, notice (Exhibit A) was sent to Plumber Foreman Hosey to lay off one sheet metal worker with headquarters at Utica.

On December 2, regulation bid notice (Exhibit B) was sent out for one sheet metal worker with headquarters at the new shop at Rome. On December 5 received bid (Exhibit C) for this job from Sheet Metal Worker Leo Griffin and on December 11 Sheet Metal Worker Leo Griffin was assigned (Exhibit D) to the job at Rome.

On December 20, Plumber Foreman Hosey was instructed to lay off one sheet metal worker and one sheet metal worker helper (Exhibit E).

At a meeting on June 3, 1932, between representatives of System Federation 103 and the maintenance of way department of the Mohawk division, the maintenance of way representatives raised the question with the system federation as to the setting up of various headquarters in one seniority district and in reply to that question the maintenance of way representatives were advised by System Federation 103's representatives that it was permissible to abolish positions at one location and advertise them in a new location within the same seniority district.

3. Travel time claim is unjustified.

In line with that understanding of June 3, 1932, and finding no restriction in the agreement otherwise, the Mohawk division maintenance supervisor, after providing shop facilities at Rome, advertised these jobs with headquarters at Rome, and the bids having been received and the assignments having been made in conformity with the rules, the men are now working out of Rome as headquarters and are not under the agreement entitled to travel time between Utica and Rome.

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 Rule 14 of the prevailing agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 3rd day of November, 1943.