

Award No. 2472

Docket No. 2270

2-MP-FO-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Firemen and Oilers)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1—That the Carrier violated provisions of Rule 11, particularly Paragraph (a) thereof when they failed to show classification of employees listed in Subdivision B of controlling Firemen and Oilers' Agreement dated September 1, 1949 on 1955 seniority rosters at all points on the system.

2—That accordingly the Carrier be ordered to make up seniority rosters in accordance with Rule 11, Paragraph (a) of controlling agreement dated September 1, 1949 and subsequently amended.

EMPLOYEES' STATEMENT OF FACTS: Prior to January 1, 1955, seniority rosters were prepared on this carrier's property under the terms of the firemen and oilers' agreements showing name, classification, seniority date, etc., which is confirmed by the attached exhibits as follow:

Exhibit A—Seniority Roster—	Hoisington, Kansas	—January 1, 1938
	Colorado Division	
Exhibit B—Seniority Roster—	Colorado Division	—January 1, 1940
Exhibit C—Seniority Roster—	McGehee, Arkansas	—January 1, 1941
Exhibit D—Seniority Roster—	Ewing Avenue	—January 1, 1942
Exhibit E—Seniority Roster—	Hoisington, Kansas	—January 1, 1948
	Colorado Division	
Exhibit F—Seniority Roster—	Alexandria, La.	—January 1, 1951
Exhibit G—Seniority Roster—	Pinckneyville, Ill.	—January 1, 1952
Exhibit H—Seniority Roster—	Bush, Illinois	—January 1, 1952
Exhibit I—Seniority Roster—	Gale, Illinois	—January 1, 1952
Exhibit J—Seniority Roster—	Dupo, Illinois	—January 1, 1952
Exhibit K—Seniority Roster—	St. Louis, Mo.	—January 1, 1953
	Ewing Avenue	
Exhibit L—Seniority Roster—	Poplar Bluff, Mo.	—January 1, 1954

Many more are here available if the Board should desire to see them.

Seniority rosters dated January 1, 1955 were compiled by some master mechanics as attached as exhibits as follows:

Your attention is also directed to the following language contained in Rule 10 (c) of the laborers' agreement:

"Rule 10. (c) Laborers will not be considered as permanently employed and their seniority rights will not apply until they have been continuously employed for six (6) months."

Here again Laborers are recognized as a single Classification.

In view of the foregoing, we think it must be conclusive there are no separate classifications within the classification of laborers, and that the classification now being shown on all seniority rosters of employees subject to the laborers' agreement is the only correct way it can be shown.

There is no basis for the request of the employees and it should be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 11—Seniority Rosters, is as follows:

"(a) Seniority rosters of employees of each subdivision, by seniority districts, at each point will be separately compiled and show name, classification, date of employment and date of promotion.

(b) Seniority rights of employees covered by this agreement will be confined to point employed and to the following subdivisions:

- (A) Stationary Engineers
Stationary Firemen
Power Plant Laborers
- (B) Fire Knockers
Fire Builders
Flue Blowers and Borers
Engine Watchmen
Sand Dryers
Rod Cup Fillers
Supplymen
Acetylene Generator Attendants
Inside Hostler Attendants
Tractor Operators
Gang Leaders
- (C) Back Shop Laborers
Repair Track Laborers
Roundhouse Laborers
Front End and Fire Box Blackers
Engine Wipers and Washers

(c) Rosters will be compiled and posted as of January 1 each year and copy furnished local and general committees. Seniority dates will be considered permanently established if not protested within ninety (90) days from time of first posting.

(d) Employees promoted or transferred from one subdivision to another as established in Section B, shall retain their seniority in the

subdivision from which promoted or transferred. In event of displacement for any cause in a position to which he may have been promoted or transferred after having exhausted his rights in the particular class in which employed, may then exercise his rights over junior employees in the class from which promoted or transferred."

The dispute herein concerns the manner of preparing seniority rosters. In an effort to have some uniformity the carrier prepared on January 1, 1955 seniority rosters which did not designate the particular classification for each employe but listed the alphabetical designation used in the agreement. Thus, although there are some eleven (11) different classifications in part (B) they are all shown on the roster by their alphabetical designation. This is a deviation from past practice. Previous rosters included the classification title or designation, which was approved by and satisfactory with the organization. Although it appears from the record that the carrier unilaterally made the change in good faith, it nevertheless appears that the change is not satisfactory with the organization. It seems to us that such a change is properly a matter for collective bargaining. The rule clearly states that the roster will show classification. We think the parties meant by "Classification" the classification titles or job titles enumerated in the rule. We find that the carrier has breached the agreement by eliminating the classification from the seniority rosters.

AWARD

The employes' claim is sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 5th day of June, 1957.