

Award No. 4252
Docket No. 4234
2-AT&SF-EW-'63

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Curtis G. Shake when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. — C. I. O. (Electrical Workers)**

**ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
(Western Lines)**

DISPUTE: CLAIM OF EMPLOYES:

1. That under the current controlling agreement, Electrician Apprentice, Dennis Smith was unjustly dealt with and the provisions of the current agreement were violated when the Carrier promoted Electrician Apprentice, W. A. Thornton, January 11, 1960.

2. That under the current controlling agreement, Electrician Apprentice, Dennis Smith was unjustly dealt with and the provisions of the current agreement were violated when the Carrier refused to compensate Dennis Smith the difference in the rate of pay between an electrician apprentice and an electrician's, from January 11, 1960, forward, until corrected.

EMPLOYEES' STATEMENT OF FACTS: Electrician Apprentice Dennis Smith, hereinafter referred to as the claimant, was indentured as an electrician apprentice, by the Atchison, Topeka and Santa Fe Railway System, hereinafter referred to as the carrier, in their mechanical department at Albuquerque, New Mexico, May 15, 1956. The claimant is regularly employed on an hourly basis, Monday thru Friday, Saturday and Sunday days of rest. The claimant is one of several electrician apprentices employed by this carrier in the mechanical department of the Western Lines Grand Division, which Albuquerque is a part.

February 24, 1959, Mr. W. A. Thornton, an electrician apprentice, was transferred from La Junta, another point on this same Grand Division. He was indentured at La Junta, May 19, 1952.

to which transferred will begin on date of transfer. Employees will not be compelled to accept a permanent transfer to another point.

and Rule 35(g) quoted on page 3 hereof.

Rule 18 concerns seniority of permanently transferred employees holding seniority under the Shop Crafts' Agreement, and has no application to apprentices, who have no seniority as such, but are ranked in accordance with their indenture dates. The fourth paragraph of the letter of understanding of October 21, 1949, is controlling in this case as it was formulated for the purpose of clarifying the status of permanently transferred apprentices. Rule 35(g) is not involved in this case, as it applies only to temporary transfers for special training. Thornton was transferred under the clear provisions of the fourth paragraph of the letter of October 21, 1949, on a permanent basis, and was entitled to maintain the same status as though he had completed his apprenticeship at La Junta. In accordance with the reasoning of this Board in Awards 3605 and 3606, this included being listed on the list of electrician apprentices at Albuquerque in accordance with the date of his original indenture at La Junta.

The carrier reasserts that the employees' claim is entirely without support under the governing Agreement rules or interpretations thereof and should be denied in its entirety.

Carrier is uninformed concerning the arguments and evidence that might be presented by the employees in this claim, and accordingly reserves the right to submit such additional facts, evidence and argument it might conclude are necessary in reply to the ex parte submission of the employees in this dispute.

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.

Parties to said dispute were given due notice of hearing thereon.

For the reasons stated in Award No. 4250 (Docket No. 4232), the Board finds that Electrician Apprentice W. A. Thornton was properly placed on the roster of apprentices and that Electrician Apprentice Dennis Smith was properly furloughed on January 11, 1960.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 24th day of June, 1963.