

NATIONAL RAILROAD ADJUSTMENT BOARD
Second Division

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 26, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)
CENTRAL OF GEORGIA RAILWAY

DISPUTE: CLAIM OF EMPLOYEES.—That C. W. Weaver, machinist, be allowed the right to exercise his seniority over junior employes in reduction of forces and be paid for all time lost account of not being allowed this right.

POSITION OF EMPLOYEES.—That forces were reduced as per Bulletin 36-6. Rule 6 of present agreement, last two paragraphs, read:

"In case of reduction of forces, five days' notice shall be given.
"In reducing forces, seniority shall govern."

On March 28, 1936, C. W. Weaver made verbal request to Master Mechanic T. A. Johnson, Macon, Georgia, shops that he be allowed the right to exercise his seniority over J. M. Crossley, machinist, who was on a six day assignment and which assignment was not affected by the reduction of forces. Mr. Crossley's seniority dates February 1, 1926, while Mr. Weaver's dates July 16, 1925.

We further contend that in closing down the shops as per bulletin that same was a reduction of forces, and that the management so treated it and recognized the fifth paragraph of the agreement, Rule 6, and posted the bulletin five days before effective date. And, further, if forces had been reduced as per the last paragraph of Rule 6 of the agreement, Crossley would have been cut off; therefore, his position would have become vacant and subject to being filled by a senior employe, as per Rule 16 of the agreement.

We further claim that this was a reduction of forces and that Rule 6 is applicable to Weaver's claim.

Weaver's assignment was 5 days, 40 hours per week, 80¢ per hour. Crossley's assignment was 6 days, 48 hours per week, 85¢ per hour.

POSITION OF CARRIER.—A vacancy in the position of machinist supervisor, Macon shop, was created by the death of the incumbent. The position was in the preferential class, permitting the occupant to work six 8-hour days per week at the differential rate of 85¢ per hour. The position was advertised by the following bulletin:

"MACON SHOP—BULLETIN 34-53

"MACON, GA., June 25, 1934.

"*All Shop Employes:*

"There is a vacancy in the machine shop for a machinist supervisor in the Rod Gang to fill the position formerly held by Ernest Gill.

"Those desiring this vacancy will make application in writing within five days from date.

"A. J. FLOWERS,
"Master Mechanic.

"cy: Mr. C. L. DICKERT,
"Superintendent Motive Power."

The following machinists submitted a bid for the position:

J. M. Crossley, seniority February 1, 1926.
J. H. Grayson, seniority June 17, 1926.
Thomas E. Davis, seniority October 4, 1926.
J. D. Cowan, seniority October 7, 1926.
J. Potts, seniority March —, 1929.
H. P. Henderson, seniority July 1, 1934.

J. M. Crossley, having the necessary fitness and ability, was awarded the position on his seniority.

At the time the position of machinist supervisor was bulletined, on June 25, 1934, the shops were working 45 hours per week. On August 6, 1934, they were reduced to 32 hours per week. Since November 1, 1934, the shops have been on a 40-hour per week basis.

There has been no change in the working conditions of the position since June 25, 1934, when the present occupant was appointed, and until a vacancy does occur the position is not subject to bulletin under the terms of the shopmen's agreement.

Rule 16 of the shopmen's agreement reads as follows:

"When new jobs are created or vacancies occur in each respective craft, the oldest mechanic at point of vacancy shall be given preference in filling such new jobs or vacancies that may be desirable to them; fitness and ability to govern. The master mechanic or foreman in charge shall notify the local committeeman before filling such new jobs or vacancies. All new jobs or vacancies that occur shall be bulletined five days before permanently filling such jobs, and committeeman furnished a copy of bulletin."

C. W. Weaver has seniority rights as machinist as of July 16, 1925. He waived his right to bid on the position of machinist supervisor when it was placed on bulletin June 25, 1934. He made no claim for the position until March 30, 1936. As C. W. Weaver forfeited his rights to the position by his failure to make bid on it at the time it was bulletined, he is not entitled to consideration for the position until a vacancy occurs and the position is again placed on bulletin in accordance with the terms of the shopmen's agreement.

FINDINGS.—The Second Division of the National Railroad 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 provisions outlined in the agreement, to govern when forces or hours are reduced, were not complied with.

C. W. Weaver was improperly furloughed.

AWARD

Mr. Weaver will be compensated for two days lost, March 30 and 31, 1936.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. MINDLING
Secretary

Dated at Chicago, Illinois, this 13th day of August, 1936.