Award No. 186
Docket No. 164
2-N&W-SM-'37

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee John P. Devaney when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L. (SHEET METAL WORKERS)

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: Request that seniority standing of C. L. Currin, pipefitter, East Radford, Virginia, be corrected by changing it from July 4, 1922, to September 20, 1933, at which time he was promoted from helper semi-skilled worker to pipefitter.

EMPLOYES' STATEMENT OF FACTS: The facts in the case are that one C. L. Currin entered the service of the company on July 4, 1922, a few days after the shopmen's strike became effective. It was discovered that he was unable to perform the work and was reduced to an apprentice under date of September 16, 1922, and worked as such until November 1, 1923. He was then given the status of a helper semi-skilled worker and these employes were later changed to the classification of shop hands. Evidence submitted indicates that these men were shown on the pipefitter helpers' seniority roster. Currin was continued on this roster until he was again promoted to the position of a mechanic on September 20, 1933, at which time he was also given seniority rights as a mechanic.

It appears that during the month of August, 1935, the then representative of the employes entered into an agreement with management to give Currin seniority as a pipefitter back to his original date of service.

POSITION OF EMPLOYES: Pipefitter Currin was employed as a pipefitter by the Norfolk and Western Railway Company at its East Radford, Virginia shops on July 4, 1922. He was unable to perform the work assigned to him as a mechanic and he was demoted to the classification of helper apprentice as of September 16, 1922. He worked thereafter at such demoted classification and assignment until November 1, 1923, at which time he was promoted to the classification of helper semi-skilled worker, who are now classified as shop hands, rate, seventy-three cents per hour, and which class of employes are carried on helper seniority list. We offer as Exhibit 1 the seniority list of sheet metal workers at Roanoke shops, Roanoke, Virginia.

Therefore, we claim that Mr. Currin's seniority should date from the time he received the basic rate of pay for mechanics, eighty (80¢) cents per hour, which has been the past practice on the Norfolk and Western Railway. We offer as Exhibit 2, page 20 of the current agreement:

OCCUPATION	RATES PER HOUR
Sheet Metal Workers (which includes pipefitters)	$0.80

seniority was improper under the rules. On the contrary, the question of fact presented by this case is controversial, and merit can be found on either side of the controversy.

The fact that a short time after the agreement was made, the right of representation of the employes was given to the Federated Shop Crafts cannot alter the situation. The only question to be here decided is whether or not the then representative had the authority to act in such a matter at that time. Obviously, he did have that right and we can find no basis for upsetting or overruling an agreement made between a duly authorized representative of the employes and the carrier.

There is nothing in the record to permit a finding of fraud or other misconduct in reaching the agreement respecting Currin's seniority.

The security of labor organizations rests on the principle of sustaining the decisions and actions of the duly authorized representatives of labor groups. Were we to begin reversing such decisions and making exceptions to this principle, we would be establishing precedents that would be detrimental to and that would eventually destroy the very structure of collective bargaining.

The claim of the employes must 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 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 matter here presented was settled and completely disposed of by the employes and the carrier in August, 1935, and there is no dispute pending and unadjusted before this Board.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 9th day of December, 1937.