

Award No. 200

Docket No. 206

2-MP-MA-'37

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Machinist J. R. Gott be compensated in amount equal to difference between his regular rate of 81¢ per hour and regular established rate of roundhouse foreman at Council Grove, Kansas, for all time this position was filled by Carman Helper Taylor or employes other than mechanics during month of June, 1937, and all times so handled subsequent to that month.

EMPLOYES' STATEMENT OF FACTS: During month of June, 1937, and month subsequent to that time, Carman Helper Taylor and possibly employes other than mechanics were used to fill vacancy of roundhouse foreman at that point.

POSITION OF EMPLOYES: It is our contention that in assigning employes other than mechanics to fill vacancy of roundhouse foreman, the management violated Rule 14 of wage agreement.

"Rule 14. Mechanics in service will be considered for promotion to positions of foremen."

It is also our contention that various helper rules embodied in wage agreement set forth specific duties of helper, and it is our contention that helpers will perform only such duties as set forth in these rules.

Consequently, in view of these facts, we are claiming compensation as set forth in claim.

CARRIER'S STATEMENT OF FACTS: It is our practice to relieve mechanical department supervisory foremen two days per month whose tour of duty consists of seven days per week.

Council Grove, Kansas, is an engine terminal, at which the following mechanical force is employed under normal conditions:

- 2 Foremen
- 1 Lead Carman
- 2 Car Repairers
- 3 Car Helpers
- 1 Truckman
- 6 Laborers
- 1 Fire Knecker

There being no mechanics employed at Council Grove, an employe named H. L. Taylor, regularly employed and holding seniority at this time as a car-

man helper, having the necessary qualifications to fulfill the duties of a roundhouse foreman, is assigned to relieve the regular roundhouse foreman on the two days each month that the foreman is relieved.

POSITION OF CARRIER: In presenting this case, the employes charge violation of Rule 14 of wage agreement, reading:

"Mechanics in service will be considered for promotion to positions of foremen."

and file claim in favor of a machinist at Osawatomie, Kansas, located some 93 miles east of Council Grove for the time allowed Mr. Taylor for services performed as foreman at Council Grove, Kansas.

There are but two rules in our wage agreement with the shop employes that have any bearing whatsoever upon the filling of positions of foremen, viz.: Rule 14, reading:

"Mechanics in service will be considered for promotion to positions of foremen."

and Rule 30:

"Should an employe be assigned temporarily to fill the place of a foreman he will receive the established rate of the position and be governed by working conditions and rules of such position."

As to Rule 14: There is no obligation upon the carrier to send a mechanic from one point to another to relieve a foreman temporarily. Note there are no mechanics employed at Council Grove, Kansas.

As to Rule 30: The employe who was assigned to fill the place of this foreman was compensated at the established rate of the position to which he was assigned.

There is no rule under our wage agreement with the shop employes to sustain their contentions in this case.

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 employes cite Rule 14 to support their claim. Their submission does not contain supporting evidence in the instant case.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of December, 1937.