

Award No. 201

Docket No. 205

2-MP-MA-'38

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Machinist R. B. Mosely, Little Rock, Arkansas, be compensated at regular foreman rate for service performed while assigned to fill vacancy of F. W. Beckstrom, work equipment foreman, North Little Rock shops.

EMPLOYEES' STATEMENT OF FACTS: Machinist R. B. Mosely was, during June, 1937, assigned to duties of supervisor in work equipment department, in vacancy of Foreman F. W. Beckstrom, who was on vacation, being compensated at lead machinist rate (86¢ per hour).

POSITION OF EMPLOYEES: We contend that management, in their failure to compensate Machinist R. B. Mosely at regular established rate of position to which assigned, violated Rule 30 of wage agreement.

"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."

Attention of the Board is respectfully directed to Exhibit A (letter) wherein Mr. Clements states that Mr. Mosely was lead machinist in gang over which Foreman Beckstrom has supervision, etc. The facts are that Mr. Mosely is a regularly assigned machinist at 81¢ per hour and was assigned to vacancy of Foreman Beckstrom for duration of Mr. Beckstrom's vacation, being compensated at lead machinist rate of 86¢ per hour for duration of Mr. Beckstrom's vacation.

It is our contention that under Rule 30, previously quoted, Machinist Mosely is entitled to compensation in amount equal to regular established rate of position to which he was assigned.

CARRIER'S STATEMENT OF FACTS: It is our practice to grant mechanical department supervisory foremen who have been in service as such one year or more, fourteen (14) calendar days per year as a vacation.

There are normally 250 positions of this class on the Missouri Pacific Railroad, some of which it is necessary to fill during the absence of the regular foreman; in other instances the work of the absentee is absorbed by the other foreman during the vacation period.

In the Little Rock back shops there is a subdepartment known as "work equipment," directly under the supervision of Foreman F. W. Beckstrom, who in addition to acting as foreman of this particular department in the shops, also has charge of the work equipment, such as steam shovels, locomotive

cranes, etc., and this necessitates his traveling over the road supervising the work of such equipment. This work equipment department in the Little Rock shops is under the jurisdiction of the general car foreman and is composed of the following employes (normal force):

1 Foreman	1 Boilermaker Helper
1 Lead Machinist	1 Pipefitter
9 Machinists	1 Pipefitter Helper
4 Machinist Helpers	1 Carman
1 Boilermaker	1 Carman Helper

Mr. Mosely was assigned to the lead machinist job March 8, 1937; Mr. Beckstrom, foreman, was off on his vacation May 26 to June 1, 1937, during which period the back shops were closed and June 17 to 23 (19th and 20th, Saturday and Sunday, shops closed). Mosely's regular duties are to take the lead in making repairs, assembling work on clam shells, wreckers, work equipment machines, in accordance with Rule 27 of wage agreement.

During Mr. Beckstrom's absence on vacation, or other periods when away from Little Rock shops supervising work equipment, the work equipment department is supervised by the general car foreman, Mr. Carpenter.

POSITION OF CARRIER: The employes contend that during Mr. Beckstrom's absence on vacation, Mosely, the lead machinist, should be compensated at the foreman's rate, citing Rule 30 to sustain their contention. The rule reads:

"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."

Mr. Mosely was not assigned to fill the place of the foreman, and his duties as a lead machinist during Foreman Beckstrom's absence were in no manner whatsoever different from what they were when he was on the job, as during his absence the general car foreman, Mr. Carpenter, fulfilled his duties.

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 evidence in this case does not show that Machinist Mosely was assigned to Foreman Beckstrom's duties.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 5th day of January, 1938.