

Award No. 539

Docket No. 519

2-StLSW-BM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (BOILERMAKERS)**

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Rule 13-1 of agreement between the aforesaid parties is being violated by the carrier in working locomotive department boilermakers and helpers in the roundhouse at Pine Bluff, Arkansas, when all roundhouse boilermakers and helpers are working, and that in lieu of this a boilermaker's and helper's job should be bulletined in the roundhouse, as a new job has been created.

POSITION OF EMPLOYEES: It is our position that Rule 13-1, which reads as follows is being violated:

13-1. "When new jobs are created or vacancies occur in positions paying a differential in the respective crafts, or in the roundhouses, they will be bulletined at the point involved and the oldest employe at such point making application will be assigned, if competent. Bulletins on such positions will be posted five (5) days and successful applicants will be assigned five (5) days thereafter." (Emphasis ours.)

You will notice that Rule 21-1 of our agreement has two subdivisions of seniority:

- | | |
|---------------------|--------------------------|
| "* * * Boilermakers | 1. Locomotive Department |
| | 2. Roundhouse.* * * |

We are asking that a boilermaker and helpers' job be bulletined in the roundhouse at Pine Bluff, Arkansas, as a new job has been created.

During December, 1939, there were twenty-six days worked in the roundhouse at this point by locomotive department boilermakers, and twenty-six days worked by locomotive department helpers. These days were worked by nine (9) boilermakers, one (1) apprentice, and ten (10) helpers. In every month from December, 1939, to the present date there have been from twelve (12) to fifteen (15) days worked in the roundhouse by locomotive boilermakers and helpers. In the month of March, 1940, the locomotive department only worked fifteen days out of the entire month, and fifteen of those days were worked in the roundhouse by locomotive boilermakers and their helpers, while all roundhouse forces were working.

Your attention is directed to letter from Mr. W. J. Miller, superintendent of motive power, under date of January 29, 1940 (Exhibit No. 5 in submitted correspondence.), wherein he claims that this is extra work according to Rule 21-2. We are contending that Rule 21-2 defines the status of sen-

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 parties to this dispute should carefully canvass the requirements at Pine Bluff to determine if additional forces are required in the round-house.

Where new jobs are created or vacancies occur, they should be filled in accordance with provisions of Rule 13-1 of the current agreement.

AWARD

The contending parties are directed to endeavor to come to an agreement on the point stated in the Findings. Failing to reach a settlement, the case may be resubmitted to this Division with additional evidence.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 10th day of January, 1941.