

Award No. 557

Docket No. 503

2-B&Ar-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 102, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

BANGOR & AROOSTOOK RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the names of V. L. Ladd and L. E. Smith should be removed from the machinists' seniority roster at Derby shop.

EMPLOYEES' STATEMENT OF FACTS: There is an agreement in effect between the parties to this dispute, the effective date of which was October 18, 1938. This agreement covers machinists, boilermakers, sheet metal workers and blacksmiths.

Prior to the signing of the present contract, seniority rosters were not corrected or re-posted every year. The roster which was posted last, prior to the signing of the present contract, was dated 1925 at Derby Shops.

After the agreement with System Federation No. 102 was signed, the following list of employes was given by the management to the committee for the purpose of arriving at a mutual understanding as to seniority rights.

Exhibit A

**BANGOR AND AROOSTOOK RAILROAD COMPANY
MECHANICAL DEPARTMENT**

STANDING FORCE AS OF OCTOBER 18th, 1938

MACHINISTS (27 & 1 ENG. INS.)		MACHINIST HELPERS (13)	
Sargent, J. B.	7-10-22	Curtis, D. C.	7-24-22
Mooers, R. P.	7-14-22	Nichols, L. D.	8-14-22
Perry, R. A.	7-17-22	Dorr, O. P.	9- 5-22
Hughes, W. R. Jr.	7-18-22	Dugas, R. A.	1-10-23
Sawyer, E. P.	7-18-22	Stinchfield, S. H.	1-30-23
Hathorne, G. N.	7-20-22	Tobin, E. H.	9-11-23
Carleton, G.	7-24-22	Osgood, W. I.	9-29-24
McCorquindale, P. R.	7-28-22	Adams, E. H.	4-18-27
Carlson, C. O.	7-31-22	Stevens, F. A.	6- 9-27
Cotes, H. C.	8- 8-22	Cote, O. I.	4-28-30
Johnson, E. F.	9- 1-22	Parker, J. L.	5-13-30
Covel, E. J.	9- 9-22	Barker, T. D.	10-19-36
Gray, L. C.	10- 9-22	Austin, C. E.	11- 9-36
Stephens, G.	11-21-22	Henderson, L. F.*	2-25-37

*Extra

It is apparent that inadvertently the definition of the position to which Mr. Smith was promoted on July 24, 1933, was not correctly stated on the records, for the express authorization was for a machinist crane operator, while the records were noted simply crane operator. Since July 24, 1933, Mr. Smith has been carried as crane operator.

The management claims that Mr. Smith was promoted to the position of a machinist on July 24, 1933, which was his final set up; that he has ever since performed this work—sometimes in the operation of the wrecking crane and sometimes as machinist, according to the work required of the wrecking crane,—and that the date which has been given him on the seniority list is correct and should not be disturbed.

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 waived right of appearance at hearing thereon.

Rule 39 of the agreement provides:

“* * *

If an apprentice, or helper apprentice is retained in the service upon completing the apprenticeship, his seniority rights as a mechanic will date from the time of completing his apprenticeship.

* * *”

Rule 16 provides:

“An employe covered by this agreement who may accept a supervisory or an official position in the service of the Railroad, or who may be exclusively employed by the Railway Employees' Department, American Federation of Labor, will, in either case retain his seniority rights at the point from which promoted.”

The record in this case shows that Ladd had not served his apprenticeship when he was appointed a bonus supervisor.

The evidence submitted as to Smith shows he established his seniority rights as a machinist on July 24, 1933.

AWARD

Claim as to V. L. Ladd sustained.

Claim as to L. E. Smith denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 29th day of January, 1941.