

Award No. 576

Docket No. 594

2-B&M-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 18, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

BOSTON AND MAINE RAILROAD

DISPUTE: CLAIM OF EMPLOYEES: Management was without right to place the name of Paul C. Dunn on the machinists' seniority roster at Billerica shops.

Mr. Dunn has acquired no rights as a journeyman and his name should, therefore, be removed from the seniority roster.

JOINT STATEMENT OF FACTS: There is an Agreement between the parties to this dispute, the effective date of which was April 1, 1937. Included in that Agreement are the following rules:

Rule 14—Promotion to Positions of Foremen

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

When vacancies occur in positions of gang leader, men from the respective crafts will have preference in promotion. Gang leaders shall receive five (5) cents per hour above minimum rate paid mechanics of the craft.

Foremen or supervisors returned to the ranks of shop craft mechanics through no voluntary action of their own may take the position held by any junior mechanic of his craft at point where their seniority, as a mechanic, was acquired.

When foremen or supervisors are returned to the ranks of shop craft mechanics at their own request, they will only have the right to displace the junior mechanic at points where their seniority, as a mechanic was acquired.

Rule 33—Apprentices

There will be three recognized classes of apprentices, namely, regular, helper and special.

All apprentices must be able to speak, read and write the English language and have a grammar school education.

the service, even though at the time of this retroactive date mechanics may have been laid off.

The management is not claiming in the case of Dunn that he should have a date a year prior to July 11, 1939, although it would be only consistent with what other apprentices are given to so claim.

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 shows that Paul C. Dunn was assigned to a supervisory position upon completion of his apprenticeship; he therefore did not establish machinists' seniority in accordance with the provisions of Rule 36 of the agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of February, 1941.