

Award No. 967

Docket No. 861

2-ACL-MA-'43

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the carrier violated the terms of the current working agreement at Rocky Mount, N. C. as of August 7, 1942, by—

- (a) Employing T. C. Bridgers who is not a qualified machinist within the meaning of Rule 101.
- (b) Assigning Bridgers to perform work in the machinists' classification in disregard of the provisions of Rule 27 (a).

2. That the carrier be ordered to adjust and/or correct the said violations by—

- (a) Discontinuing T. C. Bridgers in the service as a machinist, and
- (b) Deleting the name of T. C. Bridgers from the machinists' seniority roster.

EMPLOYEES' STATEMENT OF FACTS: The carrier maintains a larger force of metal trades employes at Emerson shops, Rocky Mount, North Carolina, than at any point on the system, employing at present approximately ninety (90) machinists in locomotive department and roundhouse. A number of employes including machinists have in the past several months left the carrier's service both at Rocky Mount and other points to enter some branch of either civil or military service. The force has been further disturbed and to a greater extent of reduction by the loss of apprentices under the Selective Service Act. Some of the more advanced apprentices have also left the carrier's service to accept civil service positions, employment in outside industry or with other carriers as journeymen mechanics.

The carrier has found it difficult to replace such employes as have left the service and acknowledged as early as July, 1941, that it was then faced with an acute shortage of needed mechanics. However, the carrier has consistently declined entering into any form of understanding with the employes for meeting this situation by the mutual upgrading of apprentices and helpers to positions of mechanic. Carrier's indisposition in this connection is totally confined to the general superintendent motive power; and, when portending no

Carrier has also shown answer to letter of inquiry from Hoggard's Garage, Rocky Mount, North Carolina where Mr. Bridgers claimed to have worked as machinist from August 1935 to August 1942, as Exhibit E.

Carrier contends that this man has had four or more years' experience at the machinist trade and he has shown by his qualifications that he is capable of doing the work required as he has been assigned to the work covered in the rules of the current working agreement, Rule 102, Classification of Work Rule.

Carrier contends that by the record furnished in this submission and with the qualifications that Machinist Bridgers has and has proven by satisfactory service as a machinist, that the rules of the agreement have not been violated and respectfully requests the National Railway Adjustment Board to deny this claim.

Carrier reserves the right if and when it is furnished with the petition filed ex parte by the petitioners in this case which it has not seen, to make such further answer and defense as it may deem necessary and proper in relation to all allegations and claims as may have been advanced by the petitioners in such petition and which have not been answered in this its initial answer.

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 of record does not, in the circumstances of this proceeding, disclose any violation of Rule 101 or Rule 27 (a) of the prevailing agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 3rd day of November, 1943.