

Award No. 1054

Docket No. 1016

2-MP-CM-'45

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That on and since October 21, 1943, the carrier has been persistent in violating the controlling agreement and particularly Rules 26 and 116 by the improper employment of U. G. Lloyd as a passenger truck carman at Ranken Tract, St. Louis, Missouri.

2. That in consideration of the aforesaid violation the carrier be ordered to—

(a) Discontinue the services of U. G. Lloyd as passenger truck carman.

(b) Delete the name of U. G. Lloyd from carmen's seniority roster Subdivision No. 6.

EMPLOYEES' STATEMENT OF FACTS: On January 11, 1929 U. G. Lloyd was employed as shop laborer Chouteau Avenue shops, St. Louis, serving in that capacity up to the time Memorandum Agreement, Decision No. 91-1 was negotiated between carrier and System Federation No. 2 and thereafter until he was promoted to machinist helper, under the provisions and terms of said memorandum agreement.

Effective October 21, 1943, U. G. Lloyd was transferred from machinist helper to the position and pay of passenger truck carman at Ranken Tract passenger shop and yard, St. Louis.

POSITION OF EMPLOYEES: In presenting this case for the consideration of the Honorable Board the employees desire to first direct attention to the applicable rules of controlling agreement, viz., Rules 26 and 116 thereof, as set forth below:

Assignment of Work

Rule 26 (a) None but mechanics or apprentices regularly employed as such shall do mechanic's work as per special rules of each craft, except foremen at points where no mechanics are employed.

Carmen's Special Rules—Qualifications

Rule 116. Any man who has served an apprenticeship, or who has had four years' experience as a carman, and is capable of performing car work, and who with the aid of tools with or without drawings can lay out, build or perform the work of his craft or occupation in a mechanical manner within a reasonable length of time, may qualify as a carman.

The above quoted rules are clear and understandable and definitely obligate the carrier not to assign or employ any individual to perform mechanic's work unless such employe can show proof that he is a qualified carman (mechanic) by either having served his apprenticeship or worked at the carman's trade for four or more years.

“The War Production Program has created a shortage of skilled mechanics in the railroad industry and the normal application of rules governing the working conditions, etc. of Maintenance of Equipment Department employes—mechanics, helpers and apprentices—dated July 1, 1936, require certain modifications to cope with the situation.”

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.

U. G. Lloyd was promoted from machinist helper to passenger truck carman. Lloyd never had previous experience as a mechanic, and was not eligible nor was he advanced under the memorandum of agreement covering upgrading of helpers. He was, therefore, improperly advanced and should be returned to his former position.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of March, 1945.