

Award No. 1092

Docket No. 1045

2-StL-SF-MA-'45

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 22, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

ST. LOUIS-SAN FRANCISCO & TEXAS RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That within the meaning of the former controlling agreement, particularly Rule 18, the carrier improperly granted H. S. Peavy 19 years and 4 months' service rights as a machinist at Sherman, Texas.

2. That the carrier be ordered to change the date of H. S. Peavy on the machinists' seniority roster at Sherman, Texas, from December 1, 1924, to April 1, 1944.

EMPLOYEES' STATEMENT OF FACTS: Mr. H. S. Peavy has served the carrier in the following positions—

- (a) Machinist at Fort Worth, Texas, during the period of February 28, 1923, to November 30, 1924.
- (b) Erecting foreman at Sherman, Texas, during the period of December 1, 1924, to January 1, 1925.
- (c) Machinist at Fort Worth, Texas, during the period of January 1, 1925, to July 31, 1925.
- (d) Night foreman at Fort Worth during the period of August 1, 1925, to January 1, 1926.
- (e) Foreman at Brownwood during the period of January 1, 1926, to May 31, 1930.
- (f) Roundhouse foreman at Sherman, Texas, during the period of June 1, 1930, to April 29, 1931.
- (g) Foreman at Brownwood during the period of May 1, 1931, to April 30, 1935.
- (h) Roundhouse foreman at Sherman during the period of May 1, 1935, to April 1, 1944.

When Mr. Peavy was removed as a foreman at Sherman on January 1, 1925, he returned to Fort Worth as a machinist where he originally held his seniority rights as such.

"In regard to the case of Mr. H. S. Peavy restoring Mr. Peavy's seniority in the Sherman Shop where he did not work as Machinist, only as foreman.

I am filing a protest of this case. My claim is that Rules 14 and 31 of Shop Craft Agreement were violated in giving Mr. Peavy his seniority from date first employed at Ft. Worth, Texas 12-1-24.

In the event you do not concur in my opinion, please set date for conference."

It is our position correct seniority date of Mr. Peavy as machinist at Sherman, Texas, is December 1, 1924.

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.

Under the provisions of the agreement, Machinist H. S. Peavy holds seniority at Fort Worth, Texas, unless he elects to remain at Sherman, Texas, in which event his seniority as a machinist at Sherman, Texas, will date from April 1, 1944.

AWARD

Claim disposed of as per the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling,
Secretary

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