

Award No. 1230

Docket No. 1147

2-EJ&E-MA-'48

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee George A. Cook when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 88, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (MACHINISTS)**

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Machinist Helper Martin Teclaw was improperly laid off effective November 26, 1946, under the current agreement, and that accordingly the carrier be ordered to restore him to service with pay for all time lost retroactive to said date.

EMPLOYEES' STATEMENT OF FACTS: The carrier employed Machinist Helper Martin Teclaw, hereinafter referred to as the claimant, at Gary, Indiana in the Car Department, where he acquired a position as operator of drill press, bolt cutter, shear machine, punch machine, and repairing belts, effective April 6, 1920, and who remained in such position continuously in addition to being used temporarily to help out in the adjacent wheel shop until November 26, 1946, when he was laid off concurrently with the abandonment of the wheel shop machinery, which was transferred to Joliet, Illinois. In substantiation hereof, we submit copy of seniority roster marked Exhibit A, copy of letter dated November 25, 1946 marked Exhibit B, and copy of statement of the claimant dated November 29, 1946, identified as Exhibit C.

Subsequent to November 26, 1946, there have been from one to two carmen used daily to perform the work of operating the drill press, the bolt cutter, the punch machine, the shear machine, and the repairing of belts, which the claimant previously performed, and this is substantiated by copy of statement marked Exhibit D.

This dispute has been handled in accordance with the current agreement, effective April 3, 1922, up to and with the highest designated carrier officer to whom such matters are subject to appeal, with the result that this officer has declined to adjust it, except on July 2, 1947, there was an agreement made to restore the claimant to work in the wood shop with this former seniority as a machinist helper unimpaired, without prejudice as to his rights with pay for time lost. Copy of this agreement is submitted and identified as Exhibit E.

POSITION OF EMPLOYEES: This claimant was subject to all of the terms of the collective bargaining agreement, because he performed work specified in it since April 6, 1920. By virtue of the class of work which this claimant regularly performed in the car department, he was jointly recog-

boilermakers' committee, who is secretary-treasurer of System Federation No. 88, signed the agreement of July 2, 1947, which relieved the carrier from a jurisdictional dispute by allowing Machinist Helper Teclaw to do carman helper's work in the Gary wood shop proper when there was no longer need for a machinist helper in the Gary wheel shop, the carrier permitted Machinist Helper Teclaw to work as a carman helper in the Gary wood shop proper at machinist helper rate of pay.

6. The carrier has proven beyond any doubt that Mr. Teclaw was properly furloughed on November 26, 1946, when his primary job classification was abolished.

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.

Evidence in this case warrants a finding that Teclaw was wrongfully deprived of his position in wood shop from November 26, 1946, to July 5, 1947, when agreement was reached restoring him to work in the wood shop at Gary with seniority as machinist helper.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 15th day of January, 1948.