

Award No. 1238
Docket No. 1166
2-CRI&P-MA-'48

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Machinists)**

**CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY
COMPANY**

(Joseph B. Fleming and Aaron Colnon, Trustees)

DISPUTE: CLAIM OF EMPLOYEES: That since about August 24, 1946, the carrier has violated the collective agreement, particularly Rule 15 thereof, by declining to bulletin four machinists' jobs created in the Diesel gang as Silvis back shop, and that accordingly the carrier be ordered to bulletin these jobs in accordance with the terms of said agreement.

EMPLOYEES' STATEMENT OF FACTS: The Carrier maintains at Silvis, Illinois, the largest back shop on the Railroad, and in which a force of machinists and helpers are regularly assigned in what is called the Diesel gang. This Diesel gang is under the direct supervision of General Diesel Foreman Mortell. Both are subject to instructions and orders of the Superintendent and the assistant superintendent of this shop, and this is affirmed by the copy of letter submitted identified as Exhibit 1, dated August 31, 1946, and signed by L. D. Richards, superintendent shops.

About August 24, 1946, the carrier increased the force to this Diesel gang by assigned thereto Machinists Elvin Johnson, E. J. Carrol, R. W. Karohl and Walter Budd, on which assignments they have remained.

The local chairman of the machinists' craft addressed a letter, dated August 24, 1946, to R. W. Harter, assistant superintendent of shops, wherein he requested that these four newly created jobs in the Diesel gang be bulletined, in order to thus permit the senior machinists preferring such jobs to make application therefor, which is affirmed by copy of said letter, submitted and identified as Exhibit 2. This request was declined by both the assistant superintendent of shops and the superintendent of shops.

This dispute has been handled in accordance with the current agreement, effective September 15, 1941, up to and with the highest designated officer to whom such matters are subject to appeal, with the result that such officer has declined to adjust it.

POSITION OF EMPLOYEES: It is submitted that this dispute arises out of the refusal of the carrier to bulletin jobs created in the Diesel gang, and the facts described above and the actual operation facts in this shop proves without any question of doubt that the Diesel gang was regularly

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 carrier maintains at its Silvis shops a force of machinists assigned to the repair of Diesel locomotives, which assignments prior to August, 1946, were bulletined as vacancies under the provisions of Rule 15.

On or about August 24, 1946, the force in the Diesel gang was increased by four men (which positions were not bulletined) and these men have since remained on this assignment.

Where work is specialized and assigned to a man or group of men, as was done in the instant case, all such new positions or vacancies thereby created should be bulletined in accordance with the provisions of Rule 15.

In the circumstances described, these positions should be bulletined.

AWARD

Claim of the employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 9th day of February, 1948.