

Award No. 1621

Docket No. 1528

2-PULL-EW-'53

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carroll R. Daugherty when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 122, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Electrical Workers)**

THE PULLMAN COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That under the current agreement the Carrier on February 19, 1951 improperly promoted Electricians W. Verlin and E. Speece who were in seniority positions No. 37 and No. 39, respectively, on the 1951 electrical seniority roster.

2. That accordingly the Carrier be ordered to:

- (a) Promote Electricians L. J. Lawrence and J. McGill who are senior qualified electricians to Electricians W. Verlin and E. Speece.
- (b) Compensate Electricians L. J. Lawrence and J. McGill the difference in pay from what they did earn as electricians and what they could have earned as supervisors, retroactive to February 19, 1951.
- (c) Give Electricians L. J. Lawrence and J. McGill a seniority date as supervisors as of February 19, 1951.

EMPLOYES' STATEMENT OF FACTS: Electricians L. J. Lawrence and J. McGill, hereinafter referred to as the claimants, were in seniority positions No. 19 and No. 24 and Electricians W. Verlin and E. Speece were in seniority positions No. 37 and No. 39 respectively, on the 1951 electricians' seniority roster of the Penn Terminal District, a copy of which is submitted herewith and identified as Exhibit A.

The carrier on February 19, 1951, promoted Electricians W. Verlin and E. Speece to supervisory positions.

The agreement effective July 1, 1948, as subsequently amended, is controlling.

POSITION OF EMPLOYES: It is submitted that the action of the carrier in the instant dispute is contrary to the provisions of the current

that the practice was within the purview of the contract, and the intention of the parties. Such practical construction of a contract should not be brushed aside by any tribunal. This tribunal may only determine the question of where the parties have placed themselves by their own agreement."

The company submits that the instant claim for the reasons above stated should be denied.

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.

Effective February 19, 1951, electricians W. Verlin and E. Speece, respectively Numbers 37 and 39 on the electricians seniority roster of the carrier's Pennsylvania Terminal District at that time, were promoted to supervisory positions in the Sunnyside Yards of that District.

The organization's claim is in behalf of electricians L. G. Lawrence and J. McGill, who stood respectively Numbers 19 and 24 on the above-mentioned roster on the above-mentioned date.

Applying to the facts of the instant case the principles and reasoning set forth in our Award No. 1600, we find here no violation of the parties' agreement by the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 7th day of January, 1953.