

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

ONEL POYNTER, L. B. JONES, B. H. HUMFLEET and
A. M. JONES—(Individuals)

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: (A) The employees contend that they were wrongfully and arbitrarily removed from their regular advertised positions as grease cup fillers by the management or the officials in charge of the L. & N. Shops, Corbin, Kentucky, in violation of the rules and practice of contract that governed them in their line of employment that they were and are the only employees at this point holding seniority as "grease cup fillers". They also claim that they were frozen on these jobs and denied any rights or privileges as given helpers, in regard to any other position of further promotion.

(B) They are now contending that they hold prior rights and are entitled to all classes of "locomotive oiling" on all types and classes of locomotives at all locations within the shop limits or enclosure; therefore, the said employees respectfully ask and request that they be reinstated and thereby be placed on this class of work and be paid the difference between the laborer's rate of pay and the rate now paid on grease cup positions; also be paid for all holidays and miscellaneous overtime as worked by machinist helpers at the overtime rate and all other loss sustained as a result of their arbitrary removal.

EMPLOYEES' STATEMENT OF FACTS: (A) In 1940 the American Federation of Labor affiliate craft unions won a bargaining election on the property of the Louisville and Nashville Railroad Company, thereby becoming the legal representative and bargaining agent for the employees of the said carrier.

(B) The International Brotherhood of Firemen and Oilers was certified as representative and bargaining agent for all unskilled employees. Among the positions taken over by the International Brotherhood of Firemen and Oilers were the positions of grease cup fillers which positions had been in the unskilled category since 1922, and were so listed in the agreement negotiated between the said International Brotherhood of Firemen and Oilers and carrier, effective September 1, 1942. The duties assigned to these positions were filling grease cups and air pump lubricators.

(C) The International Association of Machinists was certified as representative and bargaining agent for all machinists and machinist helpers (skilled and semi-skilled).

(D) The carrier representatives of Louisville and Nashville Railroad Company and the International Association of Machinist negotiated an agreement effective September 1, 1943, which listed "locomotive oiling" under helpers duties.

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.

Pursuant to the controlling agreement and Memorandum dated August 12, 1943, which is made a part of the controlling agreement, the claimants were placed on the machinists' helpers roster designated as grease cup fillers and had prior rights to such positions so long as grease cup filler positions were required on a full time basis.

Due to the substitution of Diesel locomotives for steam locomotives the work of grease cup filling decreased to the extent that full time positions as grease cup fillers no longer existed, this resulted in the claimants being laid off as grease cup fillers and this was in accordance with the controlling agreement.

AWARD.

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: (Signed) Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 10th day of June, 1954.