

Award No. 2858
Docket No. 2663
2-LT-USWA-'58

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when the award was rendered.

PARTIES TO DISPUTE:

UNITED STEELWORKERS OF AMERICA, AFL-CIO
THE LAKE TERMINAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: This claim is for correction of their seniority status based on a three year training period. (E. Pollock, R. Cicco, D. Drum, and J. Presutto.)

EMPLOYES' STATEMENT OF FACTS: Submitted herewith are copies of all data in connection with this case.

POSITION OF EMPLOYES: On behalf of the claimants, I am requesting that their seniority status be reviewed and corrected.

These men were carried on the seniority roster as **apprentice helpers** during 1951-1952-1953. It is standard railroad practice that apprentice helpers serve three years in their training. January 1, 1954 the status of these men was changed to that of **regular apprentice** and they were expected to serve four years. Through most of 1951-1952-1953 they worked as temporary carmen.

Due to business conditions they were taken off as temporary carmen and demoted to the status of **regular apprentice** with a corresponding pay cut to that of regular apprentice. On checking with supervision they were told they had to serve 1040 days. Each of these men were within a few months of having completed their three years.

When these men started their training period as **apprentice helpers** they were given ten cents an hour above the regular apprentice rate. With their periodical pay increases given to trainees they would have received **carmen's** rate of pay in less than three years.

CARRIER'S STATEMENT OF FACTS: This claim was presented on October 12, 1955. It includes a claim for money, requests that the positions of the claimants on the carmen's roster be changed as among themselves, and that they all be placed ahead of E. Bates and S. C. Logan.

which would result in giving them dates as car repairmen two years after the start of their training period. In other words, to establish dates prior to those of Logan and Bates, it would be necessary to give the claimants credit for one year's seniority under Article XII, Section 10, and credit for an additional year's seniority under a purely fictitious and nonexistent rule.

For the foregoing reasons, it is respectfully submitted that this claim must be dismissed.

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 respectfully 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 present claim is for correction of . . . "seniority status based on a three year training period." It was filed on October 12, 1955 and asserted that the seniority rosters of 1954 and 1955 erred in establishing the claimants as "apprentices" rather than "apprentice helpers." In 1956 both the three year or four year training period having expired, claimants were thereafter carried on the roster properly. However, they claim that if they had been properly upgraded at the end of three years they would now be established ahead of certain fellow workers who outrank them on the current roster.

The dispute may be summarized by concluding that the claimants now seek redress for a violation which they argue, occurred in 1954 at the end of their three years training. The claimants had knowledge at that time of their status on the roster.

Rule 13 cited by the carrier fixes a 60 day time limit on claims and Section 10 of Article VI require seniority roster protests be filed before March 1.

It is apparent that the present claim attempts to correct the 1954 status of the employes retroactively which is forbidden by the cited rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May, 1958.