It will be seen by the above section that it is not intended to operate against or to prevent a proper and legitimate reduction of forces in the interest of economy and scientific management.

The Commission has held in Decisions #73, 78, 128, 153, and 240, that it was within the province of the company to reduce its working force in the interest of economy and good scientific management. In Decision 153, the Commission said:

"In exercising the right of reducing its forces it is also incumbent upon the management to make such selection in the reduction in forces. As no rights of seniority is recognized under the contract, the judgment of the company in making its selection must necessarily be based upon the elements of qualification and fitness for the work to be performed."

It appears to the Commission that the reduction of forces in this case, with respect to the laying off of Mr. James, that the company has merely exercised its proper functions under the contract, without prejudice or discrimination, and the claim is therefore denied.

Respectfully submitted,

s/s

W. L. A. Johnson
John P. White

Interstate Joint Commission.

P.
Kansas City, Missouri.
August 20, 1925.

Decision #246-District #14.

Mr. Matt Walters, Pres.,
Dist. #14, U. M. W. of A.,
Pittsburg, Kansas.

Mr. Bernard Harrigan, Commr.,
Dist. #14, S. I. C. O. Assn.,
Pittsburg, Kansas.

Cal James, company man, demands reinstatement to his job of driller and compensation for time lost. Company claims James is a ground man and was laid off in the reduction of forces at Domestic Fuel Co.'s Strip Mine #1.

Gentlemen:-

In Kansas Joint Board Case #1564, Cal James, who claims that he is a driller demands reinstatement to his job as driller and compensation for time lost from the Domestic Fuel Co., Strip Mine #1. The company's contention is that he is a ground man and was laid off under a reduction of forces as his services were no longer needed.

The Commission in examining the Joint Statement and evidence in this case finds that James was hired in 1921 as a pit ground man and was paid $7.50 per shift. He was told that his job would be any class of work in the pit. He was put to work drilling coal part of the time, which drilling job is classified under the contract at $7.25 per day. He was also used at cleaning the coal face and other labor around the pit, to complete his shift. During this summer the shovel was moved onto some crop line work, which did not require the amount of working force as had been formerly employed. The company then laid off one teamster, one track layer, and one pit ground man, the latter being James. Other employees were continued at work, and when drilling was required another man who was considered by the company a better driller and coal face man than James was put at that work. This man also runs the pump, lays track and pipe line when necessary, all of which Mr. James has not had any experience in doing.

An examination of the Joint Statement and evidence submitted does not contradict the above facts. The question at issue being whether or not the company in the reduction of forces has the right to retain such men as are most competent and best qualified for the work to be performed. There is no seniority to be considered, as seniority is not recognized in the mining industry. The question of the company's right to reduce working forces in the interest of economy has been affirmed by this commission in numerous decisions. The Mine Workers contend that in accordance with Section 12, Article 1, strip mine contract, general provisions, that the laying off of an employee violates this section, which reads as follows:

"There shall be no restriction on the work of any employee, provided the work is done within the hours and rates of this contract. No employee will be sent home unjustly and another man asked to do his work; provided, if an employee's regular work is not sufficient to complete his shift the company may provide other work for the remainder of the day."