

Award No. 537

Docket No. 552

2-B&Ar-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 102, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

BANGOR & AROOSTOOK RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That management is without right to assign helpers as mechanics, except as per the provisions of Rule 26; Rule 29 does not permit the assignment of a helper to perform mechanics' work alone but specifically forbids the practice; the assignment of machinist helper to perform machinists' work on Locomotive No. 250 and Locomotive No. 105, in the manner shown in this complaint.

EMPLOYES' STATEMENT OF FACTS: There is an agreement in effect between System Federation No. 102 and the Bangor & Aroostook Railroad Company. The effective date of that agreement is October 18, 1938. Revised June 22, 1939. Machinists, boilermakers, blacksmiths and sheet metal workers are included in that agreement. The following rules are included:

"Rule 29—None but mechanics or apprentices regularly employed as such shall do mechanics' work as per special rules of each craft, except foremen at points where no mechanics are employed.

This rule does not prohibit foremen in the exercise of their duties to perform work.

At points where the amount of work to be performed is not sufficient to provide continuous occupation for men of all crafts or to meet service requirements, or where it is necessary for economical operation, mechanics who are employed will be expected to do the work of various crafts insofar as their ability makes it possible.

Helpers shall not alone do work classified as that of mechanics. A helper assigned to assist a mechanic shall work with him and under his direction, within the limits of his ability, so that the work of the mechanic may be completed in a proper and economical manner. The character of the assistance which he renders to the mechanic shall not arbitrarily be so restricted unduly to impose uneconomical conditions on the Management.

On running repairs, mechanics may connect or disconnect any wiring, coupling or pipe connections necessary to make or repair machinery or equipment.

This rule shall not be construed to prevent engineers, firemen and cranemen of steam shovels, ditchers, clam shells, wrecking outfit, pile drivers and other similar equipment requiring repairs on line of road

pile drivers and other similar equipment requiring repairs on line of road from making any repairs to such equipment as they are qualified to perform."

On March 18, Frank C. Dean, employed as machinist, and W. I. Osgood, employed as helper for Dean, were working on Locomotive 250. Regular assigned duties of Machinist Dean and Helper Osgood are as follows: Stripping and assembling guides, crossheads, boring cylinders, the repairing and replacing of cylinder cock rigging, the application of new cylinder bushings, the application of cylinder packing and piston rod packing. On the date in question this crew of machinist and helper were doing their regular assigned work, specifically this crew was boring the right cylinder of Engine 250 located in position as shown on the sketch (Exhibit No. 1).

The work of boring a cylinder requires the service of two men for setting the boring bar in position. After the boring bar is in position, the length of time required to bore the cylinder varies from two to five hours depending on the number of cuts (work requires services of one man, the machinist only).

The company's record shows that Mr. Dean, the machinist, worked a total of six hours and forty minutes on Locomotive 250 during the day. The time required to set the boring bar in the cylinder to perform the work is approximately forty-five minutes to one hour. This, according to the company's records, would make it necessary to relieve the helper from his job for a total time of five hours and forty minutes. The machinist seeing that there was no work for the helper, sent him over to Engine 105 and told him to start stripping this locomotive. Machinist Dean from time to time went from Engine 250 to Engine 105 to render assistance to Osgood, the helper, while he was working on Engine 105. This work was done on the initiative of the crew only and no consultation was had with the directing foreman at the time.

Referring to Rule 29, paragraph 4. It is the company's contention that if this helper is to be restricted doing the work similar to that which was done on this day in question, it is certainly a violation of the provisions of the rule which allows the company certain reasonable limits for use of helpers. If this helper could not be used on the work on the day in question, there would be nothing for him to do and under the agreement he could not be laid off without the usual four days' notice as provided in other rules.

Therefore, it was expedient on the part of the company to let the man perform such work as he could in an economical manner under the supervision of the mechanic. It is, therefore, the company's contention that there was no violation of the rule and any restriction that would be put on limiting a helper to only work one hour while the machinist works six hours and forty minutes is certainly a greater extension to the provisions of Rule 29, paragraph 4, than was anticipated by the company when they signed this agreement.

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.

The fourth paragraph of Rule 29, reads as follows:

"Helpers shall not alone do work classified as that of mechanics. A helper assigned to assist a mechanic shall work with him and under his direction, within the limits of his ability, so that the work of the mechanic may be completed in a proper and economical manner. The character of the assistance which he renders to the mechanic shall not arbitrarily be so restricted unduly to impose uneconomical conditions on the management."

The record shows that Machinist Helper Osgood, in addition to assisting the machinist on Locomotive No. 250, did also perform some mechanics' work on Locomotive No. 105, while the mechanic was performing work on Locomotive No. 250.

AWARD

It was improper to require the helper to perform mechanics' work alone on Locomotive No. 105.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 9th day of January, 1941.