

Award No. 1236
Docket No. 1143
2-N&W-MA-'48

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee George A. Cook when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (MACHINISTS)

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That it was improper, under the current agreement, to assign a machinist helper to drill laid out holes in a new cross head guide bar for Engine No. 2131, and that accordingly the carrier be ordered to discontinue the assignment of machinist helpers to perform such skilled drilling.

EMPLOYEES' STATEMENT OF FACTS: At Shaffers Crossing shop, Roanoke, Virginia, the carrier maintains a regular force of machinists and machinist helpers, Locomotive No. 2131 was in the roundhouse for repairs, and the management elected to apply on this engine a new cross head guide bar. The machinist on the job laid out the holes for bolts and other fittings on this guide bar for drilling, so that the holes when drilled would split the circular prick-punch marks. The guide bar was then delivered to the drill press, and the same was properly set up for drilling by Machinist Grayson. Thereupon this machinist was assigned to another job and a machinist helper was assigned to drill the holes in this cross head guide bar, which is confirmed by copy of submitted statement of Machinist Committeeman Evans, dated November 18, 1946, identified as Exhibit A, and by a copy of the submitted statement of Machinist Grayson, dated May 18, 1947, identified as Exhibit B.

The agreement effective August 16, 1943, as subsequently amended, is controlling.

POSITION OF EMPLOYEES: It is submitted that the work here in question is covered as machinists' work, consistent with the term "and other skilled drilling and reaming" as those words are used in Rule 54, and that said work assigned to this machinist helper, by no stretch of the imagination, could be considered "plain drilling" as those words are used in Classification of Work Rule 56 of machinist helpers.

Therefore, the only issue before this Division to resolve is whether the drilling of this cross head guide bar comes within the scope of Rule 54 or within the scope of Rule 56.

It is our contention that "plain drilling", referred to in Rule 56, does not include drilling laid-out holes or drawing the drill with other tools in

authorities on machine shop practice, the difference between "skilled drilling" and "plain drilling."

The carrier makes certain statements in their submission that are so far from the truth that we must comment on them:

On page 2 of their submission they say: "All holes drilled in parts of locomotives are drilled to proof marks, except cotter key holes,"—on page 3, "* * * since all holes other than cotter key holes must be drilled to proof marks,"—on page 4, "* * * if the drilling of holes to proof marks should be considered skilled drilling, that all drill presses, except those confined solely to drilling cotter key holes, would have to be manned by mechanics." These statements are so misleading and so untrue that they must have been made by someone not familiar with facts in a railroad shop or were brazenly made to influence a decision.

As a practical shop machinist I state that for every hole drilled in a railroad shop that is drilled to proof marks there are hundreds drilled where no proof marks are used.

Commenting further on the carrier's statement, "* * * if the drilling of holes to proof marks should be considered skilled drilling, that all drill presses, except those confined solely to drilling cotter key holes, would have to be manned by mechanics." The facts are that if drilling holes to proof marks is decided to be helpers work then no mechanic would ever drill holes on a drill press because there would be no skilled drilling left to be done. Of course, a mechanic would be used to do reaming or tapping or some other type of work on a drill press, but he would do no drilling because there wouldn't be a single item of work left classed as skilled drilling. No other question is involved in this claim other than skilled drilling.

The carrier does not contend that reaming or tapping are to be decided in this case, they have apparently accepted former decisions on these items, in any event they did not write those items into their helper classification of work rule, but did write them into the machinists' classification of work rule.

When one considers the skill required and the importance of a drilled hole being in exactly the proper place as against the reaming of the hole or the tapping of the hole after being drilled, the reaming and tapping are of minor importance. The drilling of the hole in the proper place is of vital importance.

The claim should be sustained.

H. J. CARR

Dated at Chicago, Illinois, this 17th day of November, 1947.

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.

The carrier contends the machinists' organization has never before raised the question of "drilling holes to proof marks" and that it is here done in an endeavor (1) to cause the railroad to employ a machinist on all drill presses instead of a machinist helper; (2) a make-work attempt; (3) a hope that a referee not familiar with locomotive construction or machine shop practice may decide in employes' favor; (4) that rules have had their meaning changed in that way, etc.

The carrier says that the term "skilled drilling" as used in Rule 54 can mean nothing except drilling with ratchet and air motor, and the operation of machines using facing, boring or milling apparatus, and that the term "plain drilling" as used in Rule 56, can mean nothing except all drilling on drill presses which does not include facing, boring or milling.

The carrier further says that if the employes' interpretation of "plain drilling" (i. e., drilling holes not laid out with prick punch proof marks) were to be accepted, then there would be no drilling on a drill press that could be performed by a helper other than drilling cotter key holes.

Whether it was "skilled drilling" or "plain drilling," insofar as the specific question concerning the drilling of cross head guide bar for locomotive 2131 is concerned, must necessarily be determined from the statements, contentions, exhibits, past practices under the rules, etc., presented both orally and in writing, that is, all the evidence of record. As a part of the case record, the exhibits filed by the respective parties, as well as the briefs filed, are herein reproduced as a part of the record to accompany the award.

It will be noted from reading the statements, affidavits and exhibits filed by each side that there is much refutation. For example, the statement by the carrier that if "drilling to punch proof marks" is considered machinists' work, there would be no drilling on a drill press that could be performed by helpers other than drilling cotter key holes, and the statement in the brief of the employes' contention that if drilling holes to proof marks is decided to be helpers' work, then no mechanic would ever drill holes on a drill press because there would be no skilled drilling left to be done.

Having considered the exhibits from each side as to how drilling is classified and performed by certain other railroads, let us try to get the facts as to the particular railroad and work here involved as this award is to settle the dispute submitted in this docket.

Affidavit from S. R. Wheeler, general chairman, International Association of Machinists on the Norfolk and Western Railroad (Employes' Exhibit I), statement that at main shop at Roanoke there are twenty-two (22) drill presses in the shop and that a machinist or machinist shop hand (machinists' rate) is assigned to twenty of the drill presses (rate \$1.38 per hour). One helper is assigned to one drill press (rate \$1.15 per hour) and the remaining drill press is operated by both machinists and helpers.

Statement Exhibit C-1 signed by Messrs. Evans, Bayse, Tomlinson, Lazenby and Fox, employes at Shaffers Crossing (Roanoke) roundhouse that there are four drill presses with only one regular man assigned to operate them—he is a machinist shop hand (rate \$1.38 per hour) the other three drill presses are operated by machinist shop hands and helpers when the assignment of work requires them to operate. Earlier affidavit from carrier's foreman said a helper was assigned at Shaffers Crossing.

At other points there are some where no assignments are made to drill press, the work being done by machinists, machinist shop hands and helpers, and others where a helper is assigned. Of the total cited in the record, approximately eighty per cent of those assigned to operate drill presses are machinists and machinist shop hands (same rate as machinists) and approximately ten per cent machinist helpers.

Considering these assignments with the statements as to the percentages of drilling alleged by the parties to be done to prick punch proof marks and that done to a center punch or X chalk mark—we find that the carrier has said that some ninety per cent of all drilling is done to prick punch proof marks and the employes have said that some ninety per cent of all drilling is not done to prick punch proof marks.

The work in question at Shaffers Crossing was set up by Machinist Shop Hand Grayson. A helper was told to do the drilling while Grayson was given some other work.

The carrier's statement that a large majority of drilling is done to prick punch marks and the further statement that "the carrier requires all locomotive parts to be laid out, and this is done by machinists" together with the statements from the employes—not denied in the record—that a large majority of the drill presses are operated by machinists or machinist shop hands (same rate) and few by machinists helpers, it would appear that the carrier has been conceding machinists' rate to much work it now argues belongs to machinist helpers or lower rated employes. The carrier adds that some helpers have for years performed drilling to prick punch proof marks; however, the evidence shows most of this work has been done by machinists or machinist shop hands.

Such carrier-wide procedure or practices under the rules—long undisputed application—has really built up an interpretation of the rules that the carrier now says was never contemplated when the rules were negotiated or amended. This referee, and no doubt others who have preceded him, not being a practical shop man, consider the general accepted practice under a rule as being very persuasive, if not controlling, in determining its meaning, purpose or intent.

The award in this case is made in consideration of the history of the rules (54 and 56) as they relate to "skilled drilling" and "plain drilling"—interpretations of similar National Agreement rules by United States Railroad Administration—Decisions by Board of Adjustment No. 2, United States Railroad Administration—Decision 1669 of United States Railroad Labor Board—Award 500 of Division No. 2, National Railroad Adjustment Board, and from the evidence of work assigned to and performed by the class or craft of machinists on the Norfolk and Western Railroad.

The evidence warrants a finding that the drilling done on cross head guide bar for engine 2131 at Shaffers Crossing roundhouse, Roanoke, Virginia, was "skilled drilling" within the meaning of Rule 54 and not "plain drilling" within the meaning of Rule 56.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 19th day of January, 1948.