

Award No. 246

Docket No. 261

2-MP-MA-'38

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That class B machinist be relieved of duties of operating oxyacetylene cutting torch at Sedalia, Mo., and senior furloughed machinist be compensated for all time class B machinist used on this assignment.

EMPLOYEES' STATEMENT OF FACTS: At Sedalia, Mo., January 7, 1938, class B machinist was assigned to duties of operating acetylene cutting torch. This work was previously performed by first class machinist.

POSITION OF EMPLOYEES: Prior to July 1, 1936, Missouri Pacific Railroad Company employed two classes of machinist helpers, i.e., advanced helpers and regular helpers. Under current wage agreement dated July 1, 1936, identity of advanced helper was changed to class B machinist; at the same time, that part of Rule 53 of agreement prior to change,—

Rule 53 of former agreement. “*** dismantling locomotives and machinery for repairs; ratchet and other skilled drilling and reaming; tool grinding, removing, replacing, grinding, bolting and breaking of all joints on steam and exhaust pipes and super-heaters; removing, repairing and applying trailer and engine trucks and parts thereof; locomotive spring and spring rigging work, driver brake and brake rigging, locomotive tender and draft rigging work; cab stands or sheets, waste sheets, running board brackets, headlight brackets, hand rails, hand rail brackets, smoke stack saddles, smoke stacks, sand boxes and dome castings; ***”

defining duties of advanced helper, was changed to Rule 52 (b).

It was agreed by committee and management that change of identity of rule and employes could in no way whatsoever change or alter duties of this class of employes as performed under provisions of Rule 53 of former agreement. Attention of Honorable Board is directed to the fact that no change was made in wording of rule at time or subsequent to change of identity of rule.

At Sedalia, Mo., January 7, 1938, management extended duties of class B machinist to include operation of acetylene cutting torch. It is our contention that by extending the duties of this class of employes management violated provisions of Rule 29 of current wage agreement.

“Rule 29. (a) In compliance with the special rules included in this agreement, none but mechanics and their apprentices in their respec-

mechanics-machinists and as such they are permitted under Rule 29 to operate the cutting torch.

“Rule 29 does not permit advanced machinist helpers at Kansas Award No. 3 reads in part:

City shops to use the oxyacetylene cutting torch.”

At the time this award was rendered, our wage agreement carried a classification of machinist helpers, Rule 53. This rule has since been removed from the category of machinist helpers and transferred to the classification rules of mechanics—Rule 52 (a) to (d).

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.

Rule 52 (a) of current agreement provides for class A machinist to perform class of work involved in the claim, while Rule 52 (b) does not provide for this class of work.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 8th day of July, 1938.