Award No. 535
Docket No. 543
2-ACL-MA-'41

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L. (MACHINISTS)

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That Machinists' Special Rule 102 has been violated since May 8, 1940, when the carrier assigned a machinist helper to the operation of a burnishing machine in the Waycross wheel shop; therefore, it is further claimed that until such time as this position is re-bulletined and properly filled, the senior Waycross machinists receiving 87¢ per hour (Roscoe Rouse) should be compensated on punitive basis to cover the period of said improper assignment, dating from May 8, 1940.

EMPLOYES' STATEMENT OF FACTS: During the month of April, 1940, mechanics regularly assigned to handle repairs to tools and machinery at the Waycross shops were engaged in converting an axle lathe into a burnishing machine to be used in the wheel shop. It was generally understood by both local management and the employes that when this machine was installed for service such would be the cause of creating a position for machinist in the wheel shop. However, following a visit of the General Superintendent Motive Power F. S. Robbins, to the Waycross shops, on Friday, April 26, it was generally reported he had issued instructions that a helper be assigned to the burnishing machine when installed. Immediately following the visit of Mr. Robbins, Machinist Helper H. E. Wilson was assigned to assist the mechanics installing the burnishing machine and to become familiar with its operation.

On May 7, 1940, bulletin was posted advertising "assignment of machinist helper to burnishing machine in the wheel shop," subsequent to which Machinist Helper Wilson was temporarily assigned on May 8, pending a permanent assignment to be made at the expiration of the five-day bulletin period. There being no bids received for this assignment, Helper Wilson was permanently assigned, effective May 14, 1940.

Rule 12, Section (b), of the agreement, reads:

> "Senior men in their respective classifications shall have the opportunity to exercise their seniority when vacancies occur, or new jobs are created, or when changes in forces occur involving increased hours, higher rates of pay, or changing from night to day shifts or vice

No bids were received on this position; therefore, the junior available helper in line was so assigned.

C. A. White-MM.

Post Bulletin Boards

CY—JG (2)
WLMcG
LEA
HBB"

During the negotiation of a new agreement in May, 1940, General Chairman-Machinist Hendrix requested the work of operating the burnishing machine for the machinists and the request was declined, as stated to him at that time, there was not any skill to this operation—simply polishing the journals. However, this meeting was adjourned on May 15, 1940, without the agreement being signed, and later, the employes' representative invoked the services of the Mediation Board. Since the meeting adjourned, the general chairman of machinists using this method to get this work of operating the burnishing machine for the machinists. Therefore, carrier requests the National Railroad Adjustment Board, Second Division, to refuse to accept jurisdiction.

In the employes' claim "that until such time as this position is re-bulletined and properly filled, the senior Waycross machinist receiving 87¢ per hour (Roscoe Rouse) should be compensated on punitive basis to cover the period of said improper assignment, dated from May 8, 1940," particular attention is called to the National Railroad Adjustment Board that General Chairman Hendrix did not specify the senior machinist as shown on the machinists' roster at Waycross, Ga., but the senior machinist receiving 87¢ per hour (Roscoe Rouse). The unfairness is proven by that selection as there are four (4) machinists shown on the machinists' roster at Waycross, Ga., senior to Machinist Rouse; also, there were any number of available machinists cut off at other points on the Southern Division. This method of his handling proves that he is not only unfair in his handling with the management but to the employes of the machinists' classification.

The operation of this burnishing machine requires no special skill, no sizing whatever is necessary as the axles are all turned to size and filleted by the machinist on the axle lathe before the axle is furnished to the burnishing machine. It is simply a case of putting the axles between the centers, starting machine up, pressing the rollers up against the journal and machine does its own work. There is no skill, sizing or calipering necessary and no material removed from the axle—just simply polishing the journal by rubbing. Therefore, we cannot see where machinists could claim this work, as there isn't anything in Rule 102 that states operating a burnishing machine is machinists' work. Carrier contends the operation of a burnishing machine comes within the scope of machinists helpers' work, being recognized as helpers' work.

Therefore, carrier respectfully requests the National Railroad Adjustment Board to deny this claim.

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 operation of this burnishing machine comes within the classification of machinists' work. Rule 102 of agreement was violated.

There is nothing in the record to sustain the claim of Roscoe Rouse for compensation.

AWARD

Claim as to violation of Rule 102 sustained.

Claim of Rouse for compensation denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 8th day of January, 1941.