

Award No. 1098

Docket No. 1032

2-StLSW-MA-'45

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

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(Berryman Henwood, Trustee)

DISPUTE: CLAIM OF EMPLOYEES: 1—That under the controlling agreement and particularly Rule 41, the maintaining of Michiana filters on Diesel locomotives is machinists' work.

2—That the carrier violated the controlling agreement and particularly Rule 33-1, when the work of maintaining Diesel locomotive Michiana filters was transferred to and performed by laborers on and since August 2, 1944.

3—That the carrier be ordered to discontinue using laborers to perform the work of maintaining Diesel locomotive Michiana filters and assign machinists to perform this work.

EMPLOYEES' STATEMENT OF FACTS: The carrier operates Diesel switching locomotives at Pine Bluff, Arkansas, Texarkana, Texas, and Illmo, Missouri. The machinists at these latter two points have always and do now maintain the Michiana filters on this Diesel equipment. Likewise the machinists maintained the Michiana filters on these Diesel locomotives operated at Pine Bluff until August 2, 1944, when the carrier, ex parte, transferred the work of maintaining these Michiana filters to laborers, and laborers have since performed this work which consists of removing packing and perforated plate units, cleaning these perforated plates and applying new packing.

The carrier refused to adjust this dispute, and the controlling agreement is dated effective October 1, 1937.

POSITION OF EMPLOYEES: It is submitted that the work of maintaining Michiana filters or fuel oil strainers on Diesel locomotives has been jointly recognized by the Carrier and System Federation No. 45 as machinists' work prior to August 2, 1944, and not laborers', under the terms of Rule 41, captioned, "Classification of Work," in part reading—

Machinists' work shall consist of . . . assembling, maintaining, dismantling, . . . and installing locomotives and engines (operated by steam or other power), . . . lubricator . . . work, . . . and all other work generally recognized as machinists' work on the railroad of St. Louis Southwestern Railway Company, Debtor, operated by the Trustee.

The first work of this nature at Pine Bluff was performed in April, 1943, and the machinists did it then and they continued for about 16 months to

quoted above, which includes lye or cleaning vat attendants, engine wipers, and other employes cleaning locomotive parts and performing unskilled labor.

It is similar to the work of cleaning and conditioning air filters on air conditioned cars and on Diesel locomotives. Air conditioned cars have been in service on these lines since 1937. They are equipped with filters which filter the air passing into the blower system, two fresh air filters being located in the vestibule and one recirculating filter inside the car. Laborers have cleaned, dipped in oil, baked and conditioned these filters for service since cars were first placed in operation. They have likewise handled the filters on Diesel locomotives that filter air entering the engine rooms.

The fact that laborers have performed and are still performing such work without protest from other organizations clearly shows it has been recognized that laborers have the right to clean and prepare filters. The Michiana filters now under consideration filter the lubricating oil instead of the air intake, but cleaning and preparing the filter and filtering element is plainly laborers' work the same as in the case of air filters.

There is no mechanical skill required in cleaning and refilling the filter with Wastex, and it is therefore not "Mechanics' work" as referred to in Rule 33-1.

The employes contend that the work should be performed by machinists on the ground that it is "Maintaining" the filters. "Maintaining" is used in Rule 41, covering classification of work, as follows:

"Machinists' work shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling, and grinding of metals used in building, assembling, maintaining, dismantling (except equipment to be retired), and installing locomotives * * *."

Laborers removing the old Wastex, cleaning the filter and renewing the Wastex, are not laying out, fitting, adjusting, shaping, boring, slotting, milling, or grinding metals. The only operation they perform on the metal portion of the filter is to clean it; which is not included in the rule as machinists' work. Therefore, it is evident that laborers are not maintaining the filter as referred to in Rule 41. The machinists take care of the "maintenance" work to which they are entitled under the rule when they remove top from the filter tank, lift out the filter, inspect, replace and adjust the clean filter and replace top of the tank. That is all they would do if replacing with a new instead of a cleaned filter.

From these facts there is no doubt that the employes are claiming work to which they are not entitled under the rules of the current working agreement. The carrier, therefore, respectfully requests that the claim be denied.

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.

Removing and applying of Wastex to Michiana filters in connection with maintenance and repairs on Diesel locomotives is work not assignable to laborers under terms of the agreement involved.

AWARD

Claim disposed of as per above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling,
Secretary.

Dated at Chicago, Illinois, this 1st day of October, 1945.