

Award No. 1205
Docket No. 1153
2-C&NW-MA-'47

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 12, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)**

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That the carrier be ordered to apply rate of pay agreed to, effective June 16, 1946, to machinist helpers employed as wheel press operators and wheel press hands in the car department wheel shop at Clinton, Iowa, and wheel press hands in the locomotive department wheel shop at Chicago shops, Illinois.

EMPLOYES' STATEMENT OF FACTS: Under date of June 6, 1946, the employees signed an agreement with the carrier, effective June 16, 1946, to incorporate in the agreement under Rule 58, the rate of pay applicable to the various classes of employees covered by the controlling agreement.

Among the rates of pay listed were rates for machinist helpers assigned as wheel press operators and wheel press hands under provisions of Rule 63 of the controlling agreement, said rate of pay for these positions being \$1.02½ per hour at that time.

Subsequent to signing the agreement and to date the carrier has not applied the rate of pay applicable to machinist helpers assigned as wheel press operators and wheel press hands at Clinton, Iowa, and as wheel press hands in the locomotive department, Chicago shops.

POSITION OF EMPLOYES: The employees contend that Rule 58, agreed to on June 6, 1946, effective June 16, 1946, established a minimum rate of \$1.02½ per hour for machinist helpers assigned as wheel press operators and wheel press hands wherever employed on the property, as the carrier drafted and submitted the rule for our signatures across the conference table.

The employees accepted the rule as drafted by the carrier and signed same on June 6, 1946. See Exhibit A, showing the heading of agreement signed "The rates of pay covering work of machinist helpers" and the signatures to the agreement.

On the basis of agreement signed with the carrier, the employees are requesting that your Honorable Board render an award sustaining the employees' contention that the rate of \$1.02½ was applicable to all machinist helpers employed as wheel press operators and wheel press hands on June 16, 1946, and that retroactive adjustments be made to machinist helpers, employed as such, on and since June 16, 1946, wherever the rate has not been applied.

CARRIER'S STATEMENT OF FACTS: The controlling agreement is dated effective July 1, 1921, amended January 1, 1925.

Machinist Helpers—more than one year's service
as such on C&NW Railway .99½ to 1.04½

Machinist Apprentices:

	.75½
1st six months	.78½
2nd six months	.81½
3rd six months	.84½
4th six months	.87½
5th six months	.91
6th six months	.97
7th six months	1.05½
8th six months	

Machinist Helper Apprentices:

	.99½
1st six months	1.01½
2nd six months	1.03½
3rd six months	1.05½
4th six months	1.07½
5th six months	1.09½
6th six months	

Following the above rates for employes of the machinist classifications, rates of pay for other craft classifications were listed.

The rates of pay for wheel press hands and wheel press operators in Rule 58 of the memorandum agreement effective June 16, 1946, were the rates established for positions in the car department at Chicago shops for which such classification is used for payroll purposes to indicate the particular work (wheel press operator) performed by the machinist helpers for which a differential in rate is paid in the Chicago shops car department. The rates for machinist helpers as shown in Rule 58 were the rates established for positions carrying the classification of machinist helper and performing work as described in Rule 63, quoted above.

POSITION OF CARRIER: It is the position of the carrier that the operation of wheel press machines is machinist helpers' work and that there is no provision in the controlling agreement requiring that machinist helpers be allowed a differential in rate above the regular machinist helper rate when performing that portion of their work as described in Rule 63 quoted in statement of facts in connection with operating wheel presses on car, engine truck and tender wheels.

It is further the position of the carrier that employes assigned to wheel press operator work at Clinton, Iowa, and other points outside car department Chicago shops are properly classified and compensated at machinist helper rate. There has been no change in the requirements on machinist helper positions at Clinton, the incumbents of which operate wheel press machines warranting these positions being given special consideration and upward revision in rate of pay. The requirements are the same now as they have been during the entire period they have been compensated at the machinist helper rate and during which period a differential in rate has been allowed positions at Chicago shops classified as wheel press hand or wheel press operator. Rates of pay for wheel press hands and wheel press operators as shown in Rule 58 quoted above are applicable only to positions so classified at Chicago shops and that is no justification for changing the classification of machinist helper position at points outside Chicago shops because the incumbents are performing wheel press machine work which is specifically defined as machinist helpers' work in the controlling agreement. Such reclassification could only be for the purpose of increasing the rate of pay over that established for the class of work performed.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and 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 record shows that on June 6, 1946, management and employe representatives entered into an agreement, to become effective June 16, 1946, to insert in current agreement Rule 58, which, in part, shows the following classifications and rates per hour:

"Classification	Rate Per Hour
Machinists	\$1.22½
Machinist Inspectors	1.22½
Machinist Federal Inspectors	1.27½
Machinist Autogenous Welders	1.27½
Wheel Press Hand	1.02½
Wheel Press Operators	1.02½
Machinist Helpers—less than one year's service as such on C&NW Railway	.97½ to 1.02½
Machinist Helpers—more than one year's service as such on C&NW Railway	.99½ to 1.04½"

It is true that Rule 58 (quoted in part above) carries the classification of wheel press operators and wheel press hand, and it is likewise true that the same rule specifically shows that the rate of pay for the performance of such work is \$1.02½ per hour; therefore, it must be said that Rule 58 contemplates that where machinist helpers perform this character of work they are entitled to the rate per hour indicated, effective June 16, 1946.

AWARD

Claim sustained in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling,
Secretary

Dated at Chicago, Illinois, this 20th day of October, 1947.