

Award No. 1630

Docket No. 1531

2-N&W-MA-'53

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)**

NORFOLK & WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That under the current agreement it was improper to assign a Machinist Helper, C. C. Ealy, instead of a Machinist to perform skilled drilling of holes in material for Locomotive No. 564 on July 5th and 6th, 1951.
2. That accordingly the Carrier be ordered to compensate Machinist J. L. McNabb for the aforesaid skilled drilling work performed by Machinist Helper Ealy.

EMPLOYES' STATEMENT OF FACTS: The carrier made the election to have the engine truck of locomotive No. 564 repaired in its shops at Bluefield, West Virginia. The pertinency of the repairs to this dispute consisted of the removal of the eight pedestal legs from the engine truck frame because they were working on the frame. The two holes at the top of each pedestal leg were plugged. Then Machinist Puryear was assigned to lay out new holes at the top of these pedestal legs in an exact spot for drilling to a circular prick punch line. After these holes were laid out Machinist Helper C. C. Ealy was assigned to drill them and this occurred from 1:00 P. M. to 3:00 P. M. on July 5 and from 7:00 A. M. to 10:00 A. M. on July 6, 1951. Machinist Puryear was also assigned to re-fit these pedestal legs to the engine truck frame and this included the reaming of those sixteen holes through the frame and pedestal legs for fit bolts. The bolts were fit to those reamed holes by Machinist Cowling and therefore those pedestal legs were skillfully secured to the engine truck frame.

Machinist J. S. McNabb, hereinafter called the claimant, was available to perform the skilled drilling of the aforementioned laid-out sixteen holes in those pedestal legs but in his stead the carrier elected to have such drilling performed by Machinist Helper Ealy and therefore, on more than one occasion, has declined to adjust this dispute on any acceptable basis.

The agreement as amended effective September 1, 1949, as Rules 54 and 57 thereof were interpreted by this Division in its Docket 1143, Award 1236, is controlling.

wards, and the carrier finally asserts that the drilling of holes on drill presses wherever and whenever they are drilled, can be performed by helpers so long as they are not engaged in facing, boring, reaming or tapping.

With reference to Claim No. 2, the employees are simply requesting pay for work not performed, and it should be denied.

The carrier petitions this Board to deny the request of the employees.

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 facts out of which this dispute arose are substantially as follows: Carrier maintains shops at Bluefield, West Virginia, in which drill presses are operated. On July 5, 1951, eight pedestal legs had been removed from the truck of a locomotive and the holes therein were plugged because they had become too large on account of wear. It was then necessary to redrill the holes before they could be replaced on the engine truck frame. It was essential that the holes be drilled with exactness in order that they could be reamed and properly fitted to the truck frame by a machinist. A machinist laid out the work of redrilling by placing a center punch mark where the hole was to be drilled and circumscribed the hole to be drilled with four to six prick punch markings to insure the drilling of a straight hole. The drill press operator, a machinists' helper, was required to operate the drill in boring the hole in the place marked out by the machinist by splitting the proof marks made by the machinist. In case the drill runs to one side or the other, the drill press operator centers the drill by withdrawing the drill and chipping a small groove on the side it is desired that the drill shall move to return it to its proper position. This latter work is done with a hammer and gouge. While the recentering of the drill is not always necessary, it is work that the drill press operator must be able to do when assigned the work of drilling a straight hole as laid out by proof marks. In the pending dispute the work was assigned to a drill press operator who was a machinist's helper. It is the contention of the claimant that the work belonged to a machinist. As hereafter shown, the decision must turn on whether or not the drilling of a straight hole that has been laid out by a machinist is "plain drilling" or "skilled drilling."

Rule 54 of the controlling machinists' agreement provides in part that "Machinists' work shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling and grinding to size . . . ratchet and other skilled drilling and reaming; . . ." Rule No. 56 provides in part that "helpers' work shall consist of helping machinists and apprentices, operating drill presses (plain drilling, including use of counter boring drill) and bolt threaders not using facing, boring or turning head or milling apparatus, . . ." Under the foregoing rules, helpers may properly perform plain drilling while skilled drilling is reserved to machinists.

The history of the foregoing rules shows that it is entirely proper to man drill presses with mechanics' helpers. It is evident that although drill presses are not difficult to operate that some skill is required. In other words, a drill press operator is something more than a common laborer and must have some training, little as it may be, to operate a drill press. That he may perform rough drilling is not questioned. Nor is it questioned that laying out, fitting, adjusting, shaping, boring, slotting, milling, grinding to size,

and the operation of all machines used in such work, including drill presses using a facing, boring, or turning head or milling apparatus, is work properly belonging to machinists. Whether the boring of a straight hole to proof marks laid out by a machinist is work which a helper can or cannot properly perform is not spelled out in the rules. The decision must rest on the interpretation of the words "plain drilling, including the use of counter boring drill" contained in Rule 56.

We think that the boring of a straight hole to proof marks laid out by a machinist may be performed by a machinist's helper in his capacity of drill press operator. In arriving at this conclusion, we fully realize that the over-all work of laying out the plans for the repair of the engine truck frame, the refitting of the pedestal legs to the engine truck frame, the reaming of the holes through the frame and pedestal legs, and the fitting of the bolts to the holes thus made, is the work of a machinist. In the present case it was the work of a machinist to make the calculations necessary in determining the exact position of the holes to be drilled in the pedestal legs and to make the markings necessary to insure accuracy. But when this was done, the skill involved in obtaining accurately drilled holes had been performed and the physical act of drilling the holes became nothing more than plain drilling. The work may be likened to that of a surveyor who marks his boundary lines on the ground and fixes his elevations with stakes, leaving machine operators and common laborers to do the work which he has laid out. Or it might be likened to the architect who designs a building, determines the stresses and specifies the materials to be used, leaving to others the work of completing the structure from the plans and specifications he has prepared. In other words, the mere fact that the skill of a machinist may be required in the accomplishment of the particular job does not mean that all the work in connection therewith is necessarily that of a machinist.

It is contended that the proper placing on the drill press of the part to be drilled requires the skill of a machinist in the instant case. While there appears to be no issue of this kind in the present case, except as it bears incidentally on the duties of a machinist as distinguished from those of a helper assigned to operate a drill press, the point is not well taken. A common level is usually all that is required to determine if the part is in proper position to be drilled. The necessary blocking to secure the level position cannot be said to be the exclusive work of the mechanic. The drill press operator must be presumed to have some skill in connection with the use of the drill press. The argument advanced, if valid, could be made as well to a drill press operator engaged in rough drilling.

It is further contended that the drilling to proof marks is in itself skilled drilling, particularly where, as often happens, it is necessary to draw the drill to properly center the hole. But this drawing of a drill is a simple operation accomplished with a hammer and gouge . . . A gouging out of the metal on the side towards which the drill is to be drawn, is according to the record, an operation known to any drill press operator.

The history of the rules here involved shows that they had their origin in a rule providing the class of employees entitled to operate drill press machines. Briefly stated, the early rules provided that a mechanic's helper was the proper person to operate a drill press where the latter was not equipped with a facing, boring, turning head or milling apparatus. Under this rule the helper could do any work on a drill press machine which the machine could do if it was not equipped with a facing, boring, turning head or milling apparatus. It would follow that a helper under this rule could do rough drilling, drilling to proof marks, or any other drilling within the capacity of the machine.

With the passage of time, the rules were changed to deal with the use made of the machine rather than to the manner in which it was equipped. Naturally we must search the new rules to determine if drilling to proof marks with a drill press was taken from the machinists' helper and given to

the machinist. We think it was not. It was not specifically referred to and, as we have already stated, it involves no skills outside of that of a drill press operator. But it is urged that such a construction destroys or deflates the meaning of the words "skilled drilling." We call attention to the fact that the words "and other skilled drilling and reaming" contained in Rule 54 makes no mention of drill presses and could well refer to other types of drills such as portable air or electric motor drills; and the words "including drill presses and bolt threaders using a facing, boring or turning head or milling apparatus" contained in the rule, evidences an intention to perpetuate the former rule to the extent that helpers could drill holes, rough or proof marked, on drill presses however they may be equipped, and when portable machines are used or where the use of the drill press was to do reaming, tapping, boring or facing, it was the work of the mechanic. The fact that counter boring on a drill press was described in Rule 56 as the work of a helper tends to support the interpretation here made. It appears also that the practice over the years has been in line with this conclusion which supports, we think, the result at which we have arrived.

Award 1236 appears at first blush to hold contrary to the interpretation here made. It is true that the question of drilling to proof marks on a drill press by a machinist helper was involved in that award, but a careful analysis of it reveals that it was disposed of on the basis of a carrier-wide practice of assigning machinists to operate drill presses when drilling to proof marks. It is made clear in the present record, however, that this practice in the shops involved in that award was adopted as a matter of expediency, it being more economical to pay the machinists' rate for drilling than to shift employees about when there was so much recognized machinists' work to be performed on the drill presses. Surely such an arrangement does not establish a mutual interpretation of a rule. It is simply a case where the carrier could better pay the higher rate to mechanics than shift mechanics and helpers to and from the drill presses when there was a large amount of mechanics' work to be done on them.

We conclude that the drilling of holes to proof marks on drill presses is work properly assignable to a mechanic's helper.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of January, 1953.

DISSENT OF LABOR MEMBERS TO AWARD NO. 1630

The majority in Award No. 1630 stated that "Award 1236 appears at first blush to hold contrary to the interpretation here made. It is true that the question of drilling to proof marks on a drill press by a machinist helper was involved in that award, but a careful analysis of it reveals that it was disposed of on the basis of a carrier-wide practice of assigning machinists to operate drill presses when drilling to proof marks."

The above findings of the majority are contrary to the Findings in Award No. 1236. Award No. 1236 was not disposed of on the basis of a carrier-

wide practice of assigning machinists to operate drill presses when drilling to proof marks, but was specifically "made in consideration of the history of the rules (54 and 56) as they related 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 in Docket No. 1143, Award No. 1236, warranted a finding that the drilling done to prick punch proof marks was "skilled" drilling within the meaning of Rule 54, and was so held.

The evidence in Docket No. 1531, Award No. 1630, warranted a finding that the drilling done to prick punch proof marks was "skilled drilling" within the meaning of Rule 54 and not "plain drilling" within the meaning of Rule 56.

For the reasons stated above, the majority erred in its findings and award in Award No. 1630.

/s/ Edward W. Wiesner

/s/ R. W. Blake

/s/ A. C. Bowen

/s/ T. E. Losey

/s/ George Wright