

Award No. 2061
Docket No. 1883
2-SP(T&NO)-MA-'56

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David R. Douglass when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 162, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Machinists)**

**SOUTHERN PACIFIC LINES IN TEXAS & LOUISIANA
(Texas and New Orleans Railroad Co.)**

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the Carrier improperly abolished all Dead Work and Dead Work Forces at its San Antonio, Texas Shops by the posted Bulletin dated April 1, 1953.

2. That the Carrier improperly bulletined the Dead Work positions as Running Repair Work and seven day per week positions.

3 (a) That accordingly the Carrier be ordered to reestablish the Dead Work Forces and positions, with Saturday and Sunday or Sunday and Monday as rest days, abolished by the April 1, 1953 Bulletin.

(b) That the below listed Machinists and Machinist Helpers be compensated at the time and one-half rate for work performed Saturday and Sunday, April 11 and 12, 1953, and all Saturdays and Sundays subsequent to that date.

J. M. Lege
T. G. Wilson
C. L. O'Leary
H. H. Seewald
J. W. Lehrke
W. E. Ochs
J. C. Lamb
J. D. Rodgers
J. H. Lindley
H. V. Mudd
E. W. Freisenhahn
J. Porter

R. O. Chase
D. Lozano
E. Hammond
M. Gaytan
A. Yates
C. C. Short
M. A. Jubela
G. Guerrero
W. C. Ashby
P. C. Thurmond
G. L. Garteiser
L. B. Alvarez

EMPLOYEES' STATEMENT OF FACTS: For many years prior to April 1, 1953, the carrier maintained running repair and dead work forces at its

Wherefore, the carrier respectfully requests that each of the protests and claims be, in all things, 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 were given due notice of hearing thereon.

It is our opinion that the carrier has not violated the effective agreement.

The evolution from steam power to Diesel power is the motivating factor involved. The change in power and the methods of servicing the Diesels along with the necessity for fully utilizing the Diesels with a minimum of "down time" brought about a seven day, three shift operation.

The change in assignments were logical consequences of the Dieselization program. Such assignment changes were not made in violation of any specific rule of agreement. Neither were the changes made as a subterfuge to defeat the purpose of the Sunday work rule.

Inasmuch as there is no rule of agreement which specifically requires the assignment of dead work forces and in light of the changed operational requirements and change in operation, we must conclude that the carrier has not acted arbitrarily or without cause in not assigning dead work forces at San Antonio.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION
ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 21st day of February, 1956.

DISSENT OF LABOR MEMBERS TO AWARD NO. 2061

In the findings the majority chose to ignore factual evidence of record and the terms of the current agreement.

Rule 56 of the current agreement reading in part: "Dead work means all work on an engine which cannot be handled within twenty-four (24) hours," specifically defines dead work. Undisputed evidence of record shows that Diesel locomotives remained in the shop from five to nine days for repairs, thus bringing them within the category of Rule 56 as being dead work.

Therefore the abolition of these dead work positions is in violation of the terms of the agreement so long as dead work is performed at San Antonio, Texas.

R. W. Blake
Charles E. Goodlin
T. E. Losey
Edward W. Wiesner
George Wright