

Award No. 2416
Docket No. 2227
2-PRR-MA-'57

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 152, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)

PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That under the current agreement two head special milling machines numbers 20991 and 20985, located in the Locomotive Shops, Maintenance of Equipment Department at Columbus, Ohio, were improperly classified as Grade "E" rate of pay, whereas the rate of pay should be Grade "D". Further, that the Carrier improperly compensated Machinist G. Page, operator of these machines.

2. That accordingly the Carrier be ordered to re-classify the aforementioned machines as Grade "D" rate of pay and compensate the operator of these machines, Machinist G. Page, the difference in pay between Grade "E" and Grade "D" rate, retroactive to November 23, 1952.

EMPLOYES' STATEMENT OF FACTS: Machinist G. Page, hereinafter referred to as the claimant, is employed by the Pennsylvania Railroad Company, hereinafter referred to as the carrier, in the locomotive shops, Maintenance of Equipment Department, Columbus, Ohio, and at the time of the instant claim was regularly assigned to operate the machines involved in this dispute.

The machines referred to in the Claim, are located in the locomotive shops, Columbus, Ohio, and used for machining locomotive driving wheel journal boxes. These machines have two milling heads with special fixtures and cutters designed to mill both driving box shoe faces simultaneously.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company, with the result that he has declined to adjust it.

The agreement effective as to rules, April 2, 1952, and rate of pay, February 1, 1951, as it has been subsequently amended, is controlling.

POSITION OF EMPLOYES: The employees submit that the carrier has improperly classified the machines involved in this dispute. The employees contend that the Graded Work Classification of mechanics, helpers and ap-

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 graded work classification agreement lists "operating 2, 3 and 4-head special milling machines" in D grade and machine work on "all plain vertical, universal and slot millers except special machines" in E grade.

It appears that the carrier purchased two (2) Cincinnati Duplex Hydraulic Milling Machines from the War Surplus Machinery Commission and adapted them for machining of locomotive driving wheel journal boxes. They have two (2) heads with fixtures and cutters to mill both shoe faces simultaneously.

We find upon the evidence that these machines were adapted for a special purpose and hence constitute 2-head special milling machines. Acquiescence for several years in an improper classification of these machines does not make that classification proper, particularly where the classification agreement is clear, specific and unambiguous.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 29th day of March, 1957.