

Award No. 2909

Docket No. 2604

2-GN-MA-'58

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee James P. Kiernan when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 101, RAILWAY EMPLOYEES'
DEPARTMENT, AFL (Machinists)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That under the current agreement other than Great Northern Railway Machinists and Helpers were improperly used to perform work on Great Northern Railway Steam Locomotive No. 2554 at Garfield, Minnesota, on October 30, 1955.

That accordingly the Carrier be ordered to additionally compensate Machinist Erwin Teske and Machinist Helper Philip Nesser in the amount of ten hours each at the time and one-half rate of pay for October 30, 1955.

EMPLOYEES' STATEMENT OF FACTS: About two hours before midnight on Saturday, October 29, 1955, the St. Cloud roundhouse foreman was requested by the dispatcher on duty to furnish an engine and certain tools, including a sledge hammer and a wrench, to go to Garfield, Minnesota, at which point steam locomotive No. 2554 was reported as being disabled with a disconnected and damaged right eccentric rod. After being sufficiently repaired to move, engine No. 2554 was then to proceed to the St. Cloud roundhouse.

The operating crew was called at about 11:30 P.M., October 29, and left shortly after for Garfield with the specified tools. Upon arrival, the crew found the main line already cleared and engine No. 2554 on a side track. Under the supervision of Master Mechanic German of the Dakota Division, the crew of the rescue engine, No. 3219, proceeded to perform the following work on engine No. 2554: They removed the right eccentric rod, removed the union link, removed the bottom pin of the link lifter, and blocked the right main steam valve to the right cylinder. This required placing and securing the steam valve in such a position as to prevent live steam from entering the right main cylinder.

In summary, carrier holds that this claim is entirely without merit for the following reasons:

1. It has always been the uncontested prerogative of engine crews to perform such emergency type work to their locomotives as they were capable of doing in the event of a failure between terminals.

2. The "taking down of one side" work was performed by the disabled engine's crew.

3. The work was performed by the disabled engine's crew before the relief engine 3219 arrived at Garfield.

4. No instructions were issued to St. Cloud forces to send tools on relief engine 3219.

5. Tools which were sent on relief engine 3219 were sent on **unauthorized instructions** of a brakeman of the disabled engine's crew, and in any event were not used for the reason that the necessary work had already been performed before they arrived at Garfield.

6. Disabled engine No. 2554 was returned to St. Cloud roundhouse by engine crew of relief engine 3219 where repairs were made by mechanical forces at that point, and these mechanical forces were not deprived of any work because of the work performed by crew of disabled engine at Garfield.

7. There was no violation of any rule, memorandum of agreement or letter of understanding between employes and carrier.

8. Crew of disabled engine 2554 only performed work which was sufficient to enable disabled engine to return light to engine terminal and perform such work they are responsible for and for which they are trained to do. In addition, this work was not even in a category of repair work because it simply consisted of disconnecting various parts of right side of the engine and blocking a steam valve.

For the above stated reasons, carrier holds that the claim of the employes is wholly without merit, lacks support of either schedule agreement or past practice, and, therefore, must 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 were given due notice of hearing thereon.

Carrier's Locomotive was disabled at Garfield, Minn., a point where no mechanics are employed. A relief engine was dispatched from St. Cloud, Minn., which is approximately 73 miles from Garfield. The crew of the disabled engine did what was necessary to "block one side of the engine" so that

it could move to repair point. This work was performed and disabled locomotive was placed on a side track before arrival of the relief crew. No repairs were made. The engine crew of the disabled engine did only what was necessary to allow the engine to be returned light to the point repairs could be made.

In Award 1761 the Board said: "The work was clearly machinist's work. That the train crew could not make temporary repairs to get their train in is not here disputed. The question is whether, if a machinist was needed, as here, was the working foreman a proper employe to be used under controlling agreement provisions."

In this case the train crew was able to do what was necessary to get the locomotive to a point where repairs could be made. Under the circumstances here we hold that the agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of July, 1958.

DISSENT OF LABOR MEMBERS TO AWARD NO. 2909

The majority choose to ignore the fact that the work performed under the supervision of the master mechanic on the disabled locomotive by other than machinists violated Machinists' Classification of Work Rules 48 through 53, and Rule 42 of the current agreement.

The current agreement recognizes and preserves the rules, rates of pay and working conditions of the claimants and stands as a protest against the erroneousness of Award No. 2909.

/s/ R. W. Blake

/s/ C. E. Goodlin

/s/ T. E. Losey

/s/ Edward W. Wiesner

/s/ James B. Zink