

**Award No. 3911
Docket No. 3336
2-C&NW-SM-'62**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Mortimer Stone when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 12, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. - C. I. O.
(Sheet Metal Workers)**

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Sheet Metal Workers in the California Coach Yards of the Chicago & North Western Railway have been unjustly damaged since August 27, 1957 due to the Carrier contracting out repair work on Waukesha Ice Engines and generators to an outside concern not covered by the current working agreement.

2. That accordingly the Carrier be ordered to:

- (a) Cease using others than Sheet Metal Workers to perform work contained in the classification rule of the Sheet Metal Workers.
- (b) Compensate the claimants at straight time pay for a total of one hundred and eighteen (118) hours.

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.

Parties to said dispute were given due notice of hearing thereon.

This case involves the same parties and agreements and presents the same issues as considered and decided in Award No. 3910. Like award should follow.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 5th day of January 1962.

DISSENT OF LABOR MEMBERS TO AWARDS 3910, 3911 AND 3912

The record shows that the repairs and overhauling of Ice Engines and Generators is work covered in the agreement between the Chicago and North Western Railway, and all that class of employes represented by System Federation No. 12 Railway Employes Department A. F. of L.-C. I. O. Employes in the electrical workers', sheet metal workers' and machinists' craft performed their respective work on ice engines and generators for over twenty years, that is, from 1936 to 1957 when the carrier, under the guise of selling such equipment as unserviceable, contracted the work out and it was performed by employes not subject to the agreement between the parties to the present dispute. This is in violation of Rule 29 which provides that "None but mechanics and apprentices regularly employed as such, shall do mechanics' work as per special rules of each craft", in this instance Rules 62, 103 and 115.

The findings of the majority is an attempt to uphold the carrier in defeating the very purpose of the governing agreement and a contravention of the Railway Labor Act's prescription to "maintain agreements."

LABOR MEMBERS

E. J. McDermott

C. E. Bagwell

T. E. Losey

Edward W. Wiesner

James B. Zink