

Award No. 3944
Docket No. 3801
2-AT&SF-BM-'62

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Charles W. Anrod when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. — C. I. O. (Boilermakers)**

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY — WESTERN LINES**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement the Carrier improperly assigned work of the Boilermakers' Classification to Sheet Metal Workers at Albuquerque, New Mexico.

2. That accordingly the Atchison, Topeka and Santa Fe Railroad System be ordered to additionally compensate employes of the Boilermakers' Craft at their applicable straight time rate of pay for the aforesaid violation as follows:

Tom C. Cordova, Boilermaker-Welder	120 hours
Leo Herrera, Boilermaker	120 hours
Total	240 hours

EMPLOYEES' STATEMENT OF FACTS: At Albuquerque, New Mexico, the Atchison, Topeka & Santa Fe Railway maintains a force of boilermakers and helpers in their Diesel Locomotive repair Shops, and Centralize Work Equipment Shop, who hold seniority at that point in accordance with the Rules Agreement. The Atchison, Topeka and Santa Fe Railway will hereinafter be referred to as the carrier.

On or about April 2, 1958, and thereafter the carrier elected to add to their Diesel Locomotive Repair Shop an additional scaffold between two parallel repair tracks, at Albuquerque Shops. The scaffold is about 30 feet in length x 99 inches in width, and is about five feet in height from Shop

Without prejudice to, or receding from its position as previously stated herein, that the claim of the employees in the instant dispute should be either dismissed or denied, the carrier further asserts that the requested additional payment of two hundred forty (240) hours to the two claimants in this dispute, is excessive. Actually only a total of one hundred sixty (160) hours was devoted by two Shop Extensions Department mechanics to the reconstruction and installation of the diesel repair platform involved in this dispute.

Carrier reserves the right to submit such additional facts and evidence as it may conclude are necessary in reply to the ex parte submission of the employees or any subsequent oral arguments or briefs of the employees in this dispute.

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.

The instant claim involves essentially the same factual situation and legal questions as those discussed in our Award 3939. What we have said in that Award with respect to the building of the scaffold in connection with the construction and installation of a permanent Diesel Repair Platform in the Carrier's Diesel Repair Shops at Albuquerque, New Mexico, is also applicable to the construction and installation of the scaffold with which we are here concerned.

Accordingly, we hold that the instant claim is without merit for the reasons stated in our aforementioned Award. As a result, it becomes unnecessary to rule on the Carrier's procedural objections and we express no opinion on the validity thereof.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD,
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1962.