

Award No. 4423
Docket No. 4301
2-A&S-TWUOA-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph M. McDonald when award was rendered.

PARTIES TO DISPUTE:

**TRANSPORT WORKERS UNION OF AMERICA,
RAILROAD DIVISION, A. F. of L. — C. I. O.**

ALIQUIPPA AND SOUTHERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: On January 2, 1962 and January 31, 1962, Supervisor J. Brehany performed work that belongs to the Diesel Mechanics. Organization requests that Diesel Mechanic G. Wilson be compensated four (4) hours (call rule) for each of the days that Supervisor performed Diesel Mechanic's work.

EMPLOYEES' STATEMENT OF FACTS: G. Wilson is a diesel mechanic and an employee of the Aliquippa & Southern Railroad Company.

J. Brehany is also an employee of the carrier, but he is a supervisor.

The carrier at one time employed diesel mechanics on all three tricks. Then second trick was abolished and only first trick (7:15 A. M. to 3:45 P. M. and third trick 11:00 P. M. to 7:00 A. M. were employed.

When second trick was abolished the carrier gave the organization the following assurances: (1) No supervisor shall perform any work previously performed by second trick diesel mechanics or is now being performed by diesel mechanics on first and third tricks. (2) Any work referred to in this claim to be performed on second trick shall be performed under the call rule, article #2, Section B. (3) When extra power is available and the carrier does not wish to call a diesel mechanic for second trick work under the call rule, the diesel affected then would be deadheaded into the shop to be worked on later. Carrier has the right to deadhead any engine into the shop, but the carrier has no right to allow supervision to perform any work on diesel engines.

The carrier has set a precedent, when the carrier previously paid other claims when supervision performed work that was considered work belonging to a craft or class covered by the organization by agreement.

Mr. J. J. Yetso, superintendent of the maintenance of equipment depart-

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.

Claimant is a Diesel Mechanic in the employ of the Carrier. He contends that on January 2nd, and again on January 31st, 1962, a Supervisor performed work belonging to Diesel Mechanics.

There is a factual dispute concerning what work the Supervisor performed. Viewed in the light most favorable to Claimant, the record at most discloses that the Supervisor re-set the overspeed trip lever on locomotives 1200 and 1210.

By agreement and past practice, the diesel Mechanics have been given exclusive rights to the locomotive maintenance functions performed within the Locomotive Shop and Engine House Territory. The controlling agreement does not contain a Classification of Work Rule.

Locomotives 1200 and 1210 were in transportation service at the time that the incidents in question occurred.

Claimant has failed to show, either by agreement or practice that the Diesel Mechanics have the exclusive rights to any and all work on Carrier's Diesel Locomotives while in Transportation service. In fact, it would appear from this record that the re-setting of the overspeed trip lever, is not maintenance or repair, but an operational adjustment.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 18th day of February, 1964.