

Award No. 4447
Docket No. 4422
2-PRR-SM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee J. Harvey Daly when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 152, RAILWAY EMPLOYEES' DEPARTMENT, A. F. of L.—C. I. O. (Sheet Metal Workers)

THE PENNSYLVANIA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

On April 24, 1961, Superintendent-Personnel W. L. Goetz advised the Sheet Metal Workers Committee that a six (6) months survey had been made of the E & M Shop Welding Pool for the six-month period ending April 15, 1961. He also advised the Committee that a review of the man-hours worked by the employes indicated no change would be made at that time. The Pool then consisted of one (1) Boilermaker, (1) Machinist, (1) Blacksmith and (1) Pipefitter.

However, on or about June 12, 1961, a Carman Welder was arbitrarily added to the E&M Shop Welding Pool.

The Employes contend that the re-adjustment of the Pool at other than six-month intervals, (and then based only on the man-hours of work of each Craft performed by the Pool during the preceding six-month period) was improper and therefore, entered a continuous monetary claim for eight (8) hours each day, starting June 12, 1961 and to continue until the Agreement was properly applied.

The following S. M. Worker Welders were the named claimants:

| | | |
|-----------------------|-----------------|--------------|
| R. G. White | F. J. Cawley | A. R. Padula |
| M. S. Hardy | R. J. McMinn | E. J. Fyfe |
| D. F. Moore | J. M. Bice, Sr. | P. M. Riccio |
| G. S. Henry | R. G. Farber | J. T. Smith |
| J. A. Lucas | D. R. Isenberg | W. E. Gibson |
| R. J. Glandis | J. F. Baker | R. A. Zeak |
| W. F. McLaughlin, Jr. | | |

EMPLOYEES' STATEMENT OF FACTS: The Pennsylvania Railroad Company, hereinafter referred to as the carrier (in the carrier's Juniata Locomotive Shops of the Altoona Heavy Repair Shop) has need for auto-genous welding in connection with locomotive repairs made at this point.

parties thereto, has been violated and that they are entitled to the compensation which they claim.

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.

Although Welding Pools have been in effect since 1935, the Carrier did not formalize the methods for handling such Pools until October 15, 1960 — when Rule 5-F-4 — was adopted by the Carrier, System Federation No. 152 (representing the Machinists, Blacksmiths and Sheet Metal Workers) and the Transport Workers Union (representing the Boilermakers and Carmen). The pertinent parts of that rule read as follows:

“5-F-4. (b). Welding pools in existence on the effective date of this Agreement at Juniata E & M Shop * * * composed of employes of the crafts represented by * * *, may be continued but such pools shall not exceed the following total number of employes; Juniata E & M 14; * * * Assignment of employes of the various crafts to each such pool shall be made as nearly as possible in the ratio that the work belonging to each craft bears to the total of the pool, and such assignments shall be readjusted by the Company at six-month intervals based on the man-hours of work of each craft performed by the pool during the preceding six-month period * * *.”

On April 24, 1961, Superintendent-Personnel W. L. Goetz advised the Sheet Metal Workers Committee that a six (6) months' survey of the E&M Shop Welding Pool — for the period ending April 15, 1961 — indicated no changes would be made at this time.

At that time, the Pool consisted of four craftsmen — a Boilermaker, a Machinist, a Blacksmith and a Pipefitter. On June 12, 1961, the Carrier added a Carman Welder to the pool and the Organization protested.

The Organization contends that:

- 1) “such assignment shall be readjusted by the Company at six-month intervals;
- 2) making “assignments at other than six-month intervals is a violation of the Rule”, supra;
- 3) to permit such a procedure would render the Rule meaningless and nullify its (Rule's) restrictive procedures.”

The Carrier contends that:

- 1) “* * * the intent of the agreement * * * was not to prevent increasing or decreasing the pool between the beginning and

ending of a six-month period but to provide a basis on which to make such increase or decrease when it was found necessary;

2) the "provisions of Rule 5-F-4 do not in any manner purport to freeze the number of employes assigned to a welding pool between adjustment periods, and Management can increase or decrease this number dependent on the work load".

The record indicates that on May 15, 1961, additional work was assigned to the Pool. On May 16, 1961, the question of additional Pool Work was discussed with representatives of System Federation No. 152 and the Transport Workers Union.

The record also establishes that following the addition of a Carman Welder to the Pool on June 12, 1961, the Pool — due to an additional work load — was further increased and on July 28, 1961, there were twelve craftsmen in the Pool, apportioned in the following manner:

| | |
|------------------------------|----------------------|
| 3 Machinist Welders | 2 Blacksmith Welders |
| 4 Boilermaker Welders | 1 Carman Welder |
| 2 Sheet Metal Worker Welders | |

On September 1, 1961, due to a decline in the work load, the Carman's position was abolished.

The Organization, on June 19, 1961, filed a claim on behalf of nineteen named Sheet Metal Worker Welders — which the Carrier denied on June 22, 1961. The claim was then progressed to this Board.

It is the determination of this Board that the Sheet Metal Worker Welders have no entitlement whatsoever to the job in question. Therefore, the claim is dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST. Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1964.