

Award No. 4722

Docket No. 4610

2-SOU-MA-'65

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Machinists)**

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That the controlling agreement was violated on July 31, 1962 when the following listed traction motor parts were shipped to an independent contractor and were rough bored, built up by welding process and finished bored or resurfaced:

7 pieces—part No. 8140817	36 pieces—part No. 8058171
17 pieces—part No. 8300137	1 piece —part No. 1612387
98 pieces—part No. 8058170	

2—That Machinist A. R. Dillard be reimbursed in equivalent to one hundred and fifty-nine (159) hours pay at the overtime rate account the rough boring. That Machinist N. A. Butt be reimbursed in equivalent to two hundred (200) hours pay at the overtime rate account the welding. That Machinist O. M. Hunt be reimbursed in equivalent to two hundred-twenty (220) hours pay at the overtime rate account the finished boring.

EMPLOYEES' STATEMENT OF FACTS: The Southern Railway Company, hereinafter referred to as the carrier, has at Atlanta, Georgia, a large and well equipped shop, staffed by expert mechanics. This shop is known as the Atlanta Motor Shop. Employees at this shop are covered by all the provisions of the current agreement. Duties of these employees in the maintenance and repair of all types and descriptions of electric motors, including traction motors and component parts thereof.

Machinists A. R. Dillard, N. A. Butt and O. M. Hunt, hereinafter referred to as the claimants were regularly employed at this shop on July 31, 1962. Claimants Dillard and Butt are still there, while claimant Hunt has since retired. In addition to being a machinist, claimant Butt is also an expert welder.

Davidson-Kennedy Company is an independent contract machine shop, located at Atlanta. This shop has no connection with the carrier and the employees of Davidson-Kennedy Company are not covered by any of the provisions of the current agreement, or any other understanding or contract be-

nedy Company and in return carrier sold to that company scrap traction motor parts.

(c) The controlling agreement has not been violated as alleged by the association and does not support the claim and demand made.

(d) The principles of awards of the board support carrier's position that the claim should be denied, the board having heretofore recognized the right of this and other carriers to unit exchange equipment and parts thereof.

(e) Prior board awards have denied claims where, as here, claimants were not adversely affected in any manner whatsoever.

Claim which the association attempts to assert being without basis and unsupported by the agreement in evidence, the board has no alternative but to make a denial award.

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.

It appears that the Carrier made unit exchanges of worn traction motor parts for rebuilt or refinished parts and did not contract for the performance of work, so there is no valid basis for this claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May, 1965.