

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers
(
(St. Louis Southwestern Railway Company

Dispute: Claim of Employees:

- (1) That the Carrier willfully and knowingly violated Rule 43 of the contract agreement when it assigned the operation of a Freight Master Center Plate Refinishing Machine to employees of the Carmens' Craft.
- (2) That the Carrier be ordered to assign the operation of the Freight Master Center Plate Refinishing Machine to employees of the Machinist Craft.
- (3) That the Carrier be ordered to pay claim for eight (8) hours additional compensation each for two Machinists for each day Carmen operate the Freight Master Center Plate Refinishing Machine, commencing November 21, 1974, continuing until the work is properly assigned such claim to be paid to Machinist L. F. Duke and F. E. Kalkbrenner.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 waived right of appearance at hearing thereon.

This claim involves the reclamation of the male center castings in place on freight car bodies. Prior to 1973, this refinishing work was done by Carmen using hand grinders. This method was unsatisfactory so the Carrier borrowed and then purchased two Freight Master Center Plate Refinishing Machines which were placed in service on August 30, 1974. This equipment was operated by Carmen and eliminated the hand grinding method of refinishing center castings on freight car bodies. This work was never performed by machinists either before or after the new equipment was purchased.

The issue in this case is whether the assignment of the reclamation work to the Carmen was a violation of the machinist classification of work rule 43. This Board has reviewed numerous prior awards and the vigorous dissents of our labor members who have considered these work classification rules. These cases uniformly hold that such provisions are not equipment rules. The mere fact that a specific tool is being used does not automatically bring the work within the scope of the rule. The Organization must first show that the work falls within the scope of the rule before a violation of a work classification rule can be established. The term "work" admittedly has numerous meanings. The language of Rule 43 and prior awards provide little guidance for defining the infinite variety of tasks performed by craft employees. Prior awards have been determined on a case by case basis.

In this case, Carmen historically have been responsible for restoring male center castings. With the purchase of the new refinishing machines Carmen continue to be responsible for this work. Since Rule 43 does not expressly describe the work in question, the Organization must show that this work was "generally recognized as machinist work on this carrier". The record in this case, however, is to the contrary and shows the Carmen traditionally restored male center castings on freight car bodies. This Board therefore must deny this claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day of November, 1978.