

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

Parties to Dispute: (International Association of Machinists
(and Aerospace Workers
(
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That under the applicable agreement the Carrier improperly furloughed Machinist Helpers C. Bass, 8-8-75; F. T. McDonald, 8-8-75; G. L. Dockery, 8-8-75; F. LeGrand, Jr., 7-3-75; J. A. Nicholas, 2-16-75; B. D. Watts, 1-2-75 and R. F. McRae, Jr., 12-24-74 on the dates opposite their name and turned their work over to machinists in violation of Rule 53 of the current agreement.
2. That accordingly, the Carrier be ordered to re-employ these furloughed helpers to the extent and degree necessary to perform work provided for helpers in Rule 53 of the current agreement.

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.

The organization contends that carrier violated Agreement Rule 53 when it furloughed seven (7) Machinist Helpers and assigned their work to Machinists.

Carrier argues that Rule 53 does not require the assignment of Machinist Helpers, but merely lists the work helpers would perform if Carrier determined that they were needed to assist Machinists.

Our review of the record and the detailed body of Second Division decisional law on this question clearly indicates that in the absence of a specific contract restriction, there is no violation when mechanics

perform work previously performed by helpers. We do not find any such restrictive provision herein. The Machinist, as master of his trade, may perform any duties of his craft. (See for example, Second Division Award 7342).

Accordingly, since we do not have any agreement justification for varying the application of this well developed institutionalized judicial principle here, we will, of necessity, deny the 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 10th day of January, 1979.