

The Machinists' Organization asserts the disputed work has been performed by employees of its Craft since August 2, 1967, and that such work continues to be performed by Machinists. In support of its assertion, the Machinists' Organization has submitted into evidence six (6) statements from Machinists in Little Rock, Arkansas who affirm their performance of the disputed work. A typical statement reads as follows:

"I've been assigned as a Machinist on the Annual House Floor since August 2, 1967. During this time, I have applied and removed the vertical grab iron on the front of a switch engine adjacent the radiator compartment."

Additionally, the Machinists' Organization asserts the language contained in Jurisdictional Award 658, agreed on between it, the Sheet Metal Workers and the Carrier specifically explains that the hand rail will be removed by the Sheet Metal Workers and the rail columns, or posts, which are two pieces of metals will be removed by employees of its Craft. The Machinists' Organization argues that although the rail in question is of a one piece-U-shaped configuration and not several pieces as that envisaged by Award 658, nevertheless Award 658 awards employees of its Craft the work covering handrail columns and/or posts. The Machinists take the position that in the instant case given the rail's one piece construction it was absolutely unavoidable not to raise the handrail when removing the rail's posts from out of the bracket neck stands.

The Carrier argues the assignment of work with regard to specifically that which was performed by Machinists in removing and reinstalling the rail in question was made in accordance with the settlement of the jurisdictional issue contained in Award 658. The Carrier notes the rail had to be removed in its entirety and that there was no way in which the horizontal section of the rail could be separated from the two vertical sections short of cutting them apart with a torch or hack saw. Carrier posits that besides cutting the guard rail into three (3) pieces the only other way to meet that which is sought here by the Sheet Metal Workers' Organization is to have Machinists start to lift the rail out of the brackets and then summon Sheet Metal Workers to complete moving it out of the way. Carrier characterizes these two alternatives as obviously absurd procedures, citing Second Division Award 1321 in relevant part in support of its assigning the subject work to Machinists as follows:

"... where an agreement is equally susceptible of two meanings, one of which would lead to a sensible result and another to an absurd one, the former will be adopted."

In addition Carrier argues the instant claim is non-meritorious as there was no deprivation of work involved. Carrier notes the Claimants were on duty and under pay at the time the disputed work was performed. Accordingly, Carrier argues, Claimants suffered no loss and therefore are not entitled to compensation even if the disputed work had been misassigned. Carrier concludes by asserting the instant claim is without merit or rule support and therefore should be denied.

In our review of all the evidence of record, the Board is persuaded

that what we have here is a case in which advanced technology has rendered the literal words of a settlement agreement made over a quarter of a century ago virtually useless in reaching a resolution of the instant dispute. In the earlier age a handrail it appears, was commonly believed to be a horizontal pipe secured onto and supported by posts also made of metal. Back then we perceive it was axiomatic that a handrail was a handrail was a handrail. This distinction as to what is a handrail today is blurred by the fact that the rail in question is of a one piece construction. Nonetheless we believe common sense would dictate that the work of removing and reinstalling the subject rail is work reserved to the Machinist Craft as this work requires freeing the post part of the railing from the mounted brackets secured to the floor of the locomotive.

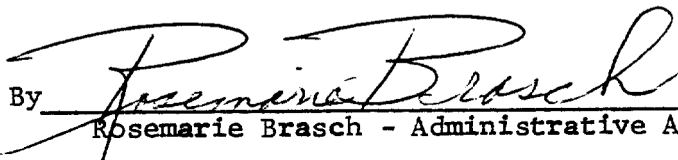
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of April, 1982.