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**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13263

Docket No. 13073

98-2-95-2-96

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(International Association of Machinists and
(Aerospace Workers (District 19)

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"Dispute - Claim of Employee

(1) That Consolidated Rail Corporation violated the Rules of the Controlling Agreement of May 1, 1979, and particularly Rule(s) 2-A-1(b), 3-A-1, and Appendix 'A', and the July 31, 1992 National Agreement (Article VII-Skill Differential).

(2) Accordingly, the claimant is entitled to the payment as requested for the Skill Differential rate of pay for the Lead Rate of 50 cents per hour commencing 60 days prior to the date of claim and any subsequent hour worked thereafter."

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 were given due notice of hearing thereon.

This is a claim for skill differential pay for an additional 50 cents per hour pursuant to Article VII, Section 1(a) of the July 31, 1992 National Agreement. It reads as follows:

"ARTICLE VII - SKILL DIFFERENTIALS

Section 1 - Journeymen machinists who perform the work listed below shall receive a differential per hour above the minimum rate paid to journeymen machinists at the point employed for each hour actually spent performing the listed work as set forth below:

(a) Existing differentials paid to journeymen machinists for performing lead mechanic work shall be increased to 50 cents per hour effective January 1, 1993.

(b) Existing differentials paid to journeymen machinists for performing federal inspector or welding work shall be increased to 25 cents per hour effective January 1, 1993.

(c) Journeymen machinists who perform the work (as defined in Side Letter #15) of -

Classroom instructor
EMD Turbocharger Room Work
Traveling Roadway Machinists
Precision Machine Operators
Governor Room Work
Air Room Work
Engine Rebuild
Alignment of -
Main generators/alternators
Air Compressors (mechanical drive)
Auxiliary generators
Fan Driver/Equipment Blowers
(mechanical drive)

Gear Trains - Build-up locomotive gear trains

shall receive a differential of 25 cents per hour, effective January 1, 1993. Effective January 1, 1994, this differential shall be increased to 50 cents per hour."

Before addressing the merits of the claim, the Board notes that certain arguments and contentions have been made in the Submissions to the Board that were not made on the property. Accordingly, these will not be considered by the Board in these deliberations.

At the time of the claim herein, the on-the-property record shows that the Claimant held a Machinist position working both at the Carrier's Cresson Engine House at Cresson, Pennsylvania, as well as at Conemaugh, Pennsylvania, during his work week. The Organization claims that the Claimant served in a lead role, directing the movement of locomotives, moving locomotives, and directing other Machinists in their duties. It also claims that the Claimant did turnover reports on locomotives and inspected and did cab report on locomotives.

The Claimant has not met his burden to show that he performs the tasks that would entitle him to a skill differential. The relevant evidence shows that the Claimant works two days at the Cresson Engine House and three days at Conemaugh. At Cresson, there are seven employees, three Machinists and four Electricians. The Claimant did not refute the Carrier's assertion that, at Conemaugh, the Claimant worked alone.

For all of the foregoing, the claim must be denied.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 18th day of May 1998.