

Award No. 221

Docket No. 207

2-MP-MA-'38

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Lead Machinist H. I. Anderson, North Little Rock, Arkansas, be compensated at supervisor's rate for service performed at North Little Rock shops.

EMPLOYEES' STATEMENT OF FACTS: Lead Machinist H. I. Anderson, North Little Rock, Arkansas, shops, Missouri Pacific Railroad Company, is supervising operation of wheel shop at that point. He has under his jurisdiction axle turners, car wheel borers, boring mill operators, gap lathe operators, a number of machinist helpers and seven laborers, approximately thirty (30) men.

POSITION OF EMPLOYEES: It is the contention of the employes that the assignment of Mr. Anderson to duties of supervisor while compensating him at lead man rates is violation of Rule 27 of wage agreement, reading:

"Rule 27. In small gangs a lead workman may be assigned, who in addition to performing regular work of his class will take the lead and will assign and direct the work of other members of the gang. For such service a differential rate of five cents per hour will be paid in addition to the established rates for his class. Such positions will be bulletined and the senior applicant assigned if in the opinion of the supervising officers he possesses the necessary fitness and ability."

Mr. Anderson is performing no work of his class whatever, as provided in Rule 27. On the contrary, he is performing the following supervisory duties:

Assignment of all work and workers.

Keeping books on interchange wheels and at the end of month figures out cost of wheels handled during month.

He is required to be able to comply with the following rules: American Association Code Rules, Interchange of Traffic and Wheel and Axle Manual, Association of American Railroads.

Therefore, in view of facts as established, we are requesting that Mr. Anderson be compensated in line with claim.

CARRIER'S STATEMENT OF FACTS: On October 17, 1930, position of lead machinist in the wheel shop, North Little Rock back shops, was created; position assigned to Machinist Keller. He remained on the job until January

6th: If more than one shift was employed, was Anderson supervising, leading or directing men on shifts other than the one upon which he was employed?

Answer: No, he is not responsible.

7th: State average number of men per month, by classifications, whose duties or work was in any manner supervised, lead or directed by Anderson.

Answer:

2 axle turners
 1 wheel borer
 1 steel car wheel turner
 1 drill press operator (carman)
 2 bolt threading machine operators (carmen)
 2 wheel-press men (machinist helpers)
 7 laborers

16 total

W. H. McAmis,
 Mechanical Sup't.

J. F. Allen,
 Local Chairman, Machinists.
 Representing Mr. J. A. Keller,
 Gen. Chairman."

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.

The parties to said dispute were given due notice of hearing thereon.

The evidence presented in this case does not justify sustaining the claim made.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
 By Order of Second Division

ATTEST: J. L. Mindling
 Secretary

Dated at Chicago, Illinois, this 16th day of February, 1938.