

Award No. 359

Docket No. 340

2-MP-MA-'39

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John P. Devaney when award was rendered.

PARTIES TO DISPUTE:

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

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Machinist C. J. Dearasaugh, North Little Rock, Arkansas, be compensated in amount of forty hours (five days) at his regular rate of 86¢ per hour, account duties of laborers extended to include that of machinist classification of work.

EMPLOYEES' STATEMENT OF FACTS: Under date of August 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29 and 30, 1938, at North Little Rock, Arkansas, 6 laborers were assigned to duties of dismantling locomotives 79, 132 and 2358. Following list of appurtenances were consigned to stock to be used on locomotives of corresponding class:

Engine 2358

Set of main and side rods
Pistons
Crossheads
Steam chest and valves
Brake cylinders
Set of springs
Set of motion works
Set oil burner rigging
Air drums
Set of air brake equipment
Air pumps
Bell

Engines 79 and 132

Steam pipes
Set of valve gear complete
Set main and side rods
Set wheels and boxes
Air pumps
Brake cylinders
Sets brake rigging
Set furnace barriers
Reverse shafts
Front and brake decks
Whistles
Dynamos
Sets throttle rigging
Sets air and steam gauges
Sander valves
Set oil burner rigging
Stacks
Bells
Set of marker lights
Crossheads
Pilot beams
Pair cylinders
Set sand boxes
Engine trucks complete
Engine trucks springs
Brake valves
Lubricators
Boilerchecks

these locomotives during the scrapping process are serviceable or not, has no bearing upon the question at issue in this case, as all parts are scrapped and the process of distributing serviceable parts or non-serviceable parts is a function of the supply department and not of the mechanical department.

The employes' claim that a machinist be compensated for five days' time on the supposition that five days would have been sufficient time required of a machinist to remove appurtenances is theoretical in its entirety.

Our rule quoted in the statement of facts specifically provides that the work of scrapping engines may be performed by any class of available help under the direction of a foreman or mechanic. That is exactly what was done in this case. The rule does not contemplate separation of the labor expense involved in scrapping engines, designating certain parts that may or may not be usable from other parts that may or may not be usable to be handled by any specific class of employes, but to the contrary provides that the entire job of work of scrapping engines may be performed by any class of available help, the only obligation being that such labor that is used on the job, the work must be under the direction of a foreman or mechanic.

There is no rule in our wage agreement or past practice thereunder to sustain the employes' contentions and same should be properly denied by your Honorable Board.

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.

Rule 46 allows the work of "scrapping" engines to be performed under the direction of a foreman by laborers. The word "foreman" added to this rule must be given a significant meaning.

By the terms of Rule 46 it must be held that the carrier has the right to do the work in the manner in which it was done in this case and the employes are held to have bargained away their right to have a machinist perform this work exclusively.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 2nd Day of August, 1939.