

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 102, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. OF L. (MACHINISTS)**

**BANGOR AND AROOSTOOK RAILROAD COMPANY**

**DISPUTE: CLAIM EMPLOYEES:** Claim for compensation for all time lost by senior furloughed machinist during the time that Boyd Warner, hostler, has been performing machinist's work.

Boyd Warner, hostler, should discontinue doing machinist's work while there are any available machinists.

**EMPLOYEES' STATEMENT OF FACTS:** Boyd Warner is classified as a hostler on the seniority roster at the Derby enginehouse. Mr. Warner, besides doing some work properly termed hostling, also does machinist's work. Mr. Warner inspects locomotives, repairs air brake equipment and makes all kinds of light repairs. There have been machinists furloughed from this point for a long time.

**POSITION OF EMPLOYEES:** Rule 53—Classification of Work—reads as follows:

"Machinists' work shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling and grinding of metals used in building, assembling, maintaining, dismantling and installing locomotives and engines (operated by steam or other power), pumps, cranes, hoists, elevators, pneumatic and hydraulic tools and machinery, scale building, shafting and other shop machinery, ratchet and other skilled drilling and reaming; tool and die making, tool grinding and machine grinding, axle truing, axle, wheel and tire turning and boring; engine inspecting; air equipment, lubricator and injector work; removing, replacing, grinding, bolting and breaking of all joints on superheaters, oxyacetylene, thermit and electric welding on all work generally recognized as machinists' work; the operation of all machines used in such work, including drill presses and bolt threaders using a facing, boring or turning head or milling apparatus; and all other work generally recognized as machinists' work."

The work which Mr. Warner performs in conjunction with hostling is covered by the foregoing rule.

The management now contends that it will change Mr. Warner's classification and continue to use him in the same manner.

The management takes the position that Mr. Warner is a skilled mechanic, as his employment as air brake repairman will show. They further contend that this man was employed as an air brake mechanic in July, 1922, at Northern Maine Junction.

**BANGOR AND AROOSTOOK**—February 1913 to April 1914, Engineer.

**RICE & MILLER CO. (Bangor)**—Warehouse Foreman June 1914 to Nov. 1920 (resigned).

**BANGOR WATER WORKS**—June 1921 to Sept. 1921, Fireman.

**COMMERCIAL PAPER**—Fireman Sept. 1921 to 1922, about two weeks before coming to work for the Bangor and Aroostook Railroad Company.

(Sgd.) Boyd F. Warner  
Outside Hostler.”

It will be noted that he had a year and seven months as a welder with the Scull Gallagher Steel Corporation and two years and ten months experience with this company as an air brake machinist in addition to his experience as fireman and locomotive engineer on the Sante Fe, the Mexican Central, and the Bangor and Aroostook Railroad Company. Mr. Warner has passed the regular examination for locomotive engineer on the Santa Fe, the Mexican Central Railroad, and the Bangor and Aroostook Railroad. He has also passed the regular examination for air brake machinist on the Bangor and Aroostook Railroad and also, on June 14, 1932, and July 8, 1936, an examination in the rules for locomotive inspectors which rules have been approved by the Bureau of Locomotive Inspection, I. C. C.

Mr. Warner is now doing exactly the same work at Derby that he has done for something over eleven years.

**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 waived right of appearance at hearing thereon.

Supplementary information rendered upon request of the Division shows twenty-four (24) machinists employed at the Derby shop, adjacent to the enginehouse, and that those mechanics, employed on the day shift, perform necessary repairs on locomotives during their trick of duty.

Hostler Boyd Warner is employed at night and does not hold machinists' rights. In these circumstances the employment of Warner on machinists' work is in violation of Rule 29.

#### AWARD

Claim of employes that Boyd Warner should discontinue doing machinists' work is sustained. Claim for compensation denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 5th day of October, 1939.