

Award No. 500

Docket No. 501

2-ACL-MA-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (MACHINISTS)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That machinist helpers assigned as drill press operators at Emerson shops, Rocky Mount, N. C., are being used to perform machinists' work in violation of Machinists' Classification of Work Rule 102.

EMPLOYES' STATEMENT OF FACTS: The above stated claim had its origin in August, 1939, when demoted Machinist G. D. Jackson, assigned as drill press operator, complained to his foreman that certain work assigned him was machinists' work, including the squaring up, drilling, and spot facing of stoker brackets, stoker conveyors and crosshead guides.

Drilling on these appliances is to exact dimensions, the holes having been scribed and prick punched for the accurate guidance of the drill press operator, which, with the exception of guides, are reamed when applied by the mechanic. The facing is largely done with a boring bar, such tool having a shank to fit into the spindle of the drill press and equipped with a hardened and ground bit which is reversible to face the underside of hole. This operation, while not performed to an exact dimension, is, however, performed with a tool designed for boring holes on a drill press. Another tool of special design is employed in the facing operations, this being a flat ground tool built to shank of drill with tip extending into hole from center of cutting end and adjustable with bushings of varying sizes in performing work of accuracy as in the seating of holes in guides, etc.

The case thus precipitated has been denied adjustment up to and including the Superintendent Motive Power C. S. Taylor, and when therefore appealed to the General Superintendent Motive Power F. S. Robbins, was denied consideration as a grievance on the grounds that Rule 19 (hereinafter quoted) had not been complied with.

POSITION OF EMPLOYES: In directing particular attention to the carrier's position in this dispute we consider it significant to state that same has caused and is continuing to cause further disregard of the rules herein involved; this on account of an enterprising management at Rocky Mount resorting to additional means of assigning helpers to mechanics' work. A good example of this occurred in February when it was necessary to bore the bearings or pulley boxes on a considerable amount of bridge work being handled at Emerson shops. A jig and tool similar to that previously mentioned were devised for handling this work with a helper, the local management informing the committee that if the operations referred to in our statement of facts were permissible such additional practice would also be permissible.

This class of work has been done at Rocky Mount, N. C. by drill press operators or machinists' helpers for 30 years, as shown by affidavits from Mr. F. L. Augst and Mr. D. L. Grady—Exhibits A and B.

You will note by the statements from Messrs. Augst and Grady that this class of work has always been recognized as machinist helpers' work on the Atlantic Coast Line Railroad.

Carrier contends Board without jurisdiction because a grievance as per rules of the agreement does not exist, as, by the rules, a local chairman cannot start a grievance unless he is affected.

Therefore, we respectfully request the National Railroad Adjustment Board to deny this claim.

The carrier reserves the right if and when it is furnished with the petition filed ex parte by the petitioners in this case which it has not seen, to make such further answer and defense as it may deem necessary and proper in relation to all allegations and claims as may have been advanced by the petitioners in such petition and which have not been answered in this, its initial answer.

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.

It is proper for representatives of the employes to take up and progress grievances or violations of the terms of the agreement.

The work performed on the drill press with the tool described in this case is the work of machinists under the terms of the agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 1st day of August, 1940.