

Award No. 505

Docket No. 514

2-ACL-MA-'40

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That Machinists J. C. Dukes and R. L. Surls, regularly assigned air brake inspectors on second and third shifts, respectively, at Florence, S. C., are entitled to receive a full time differential rate of 5¢ per hour for the signing of Federal reports as provided in Rule 28 of the current wage agreement. It is further claimed that for causes set forth in this submission such differential rate should have retroactive application from December 31, 1939.

EMPLOYEES' STATEMENT OF FACTS: Forty-five or more engines are handled through the Florence, S. C. enginehouse daily. There are sixty-five or more engines handled monthly for Federal inspections. Machinists handling such Federal inspections are as follows:

B. L. Craven, assigned to first shift, is termed cab cock and pop valve man and signs Federal form covering draw bar, pop valves, steam leaks and other Federal defects such as lateral sharp flanges, vertical flanges, slack in drawheads, slack between engine and tank; in addition to seeing that engine and tank are clear of defects covered by I. C. C. laws. He does not sign for items three and five on Federal inspection and repair report hereinafter quoted.

J. K. Robinson, assigned to first shift, is termed air brake inspector. He handles the work covered in items three and five of Federal report—all air brake and signal equipment and injectors, in addition to repair of lubricators. Both Craven and Robinson receive a full time differential of 5¢ per hour. Any employe temporarily required to fill the place of either receives his established differential rate of pay.

J. C. Dukes, assigned to second shift, is termed air brake inspector. He handles the work covered in items 1-10 of Federal report, in addition to signing with boilermaker for item 11. His work includes boiler checks, blow off cocks, whistle valves, throttle stem packing, throttle levers, all valves on turret and in cab.

R. L. Surls, assigned to third shift, is termed air brake inspector. His duties are similar to those of Dukes on second shift. Dukes and Surls receive a differential of 5¢ per hour for shifts on which they sign Federal report forms.

POSITION OF EMPLOYEES: Each of the aforementioned employes is regularly assigned to perform the duties as indicated above, in further refer-

However, Mr. Hendrix, general chairman, machinists, did not want this paragraph.

Therefore, carrier contends that there is no violation of Rule 28, as Machinists Dukes and Surls are not regularly assigned to do inspection and signing of Federal reports, as they are regularly assigned as machinists and only used in this work temporarily, and paid the differential rate on days that they are used temporarily on this work.

Carrier respectfully requests the National Railroad Adjustment Board to deny this claim.

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 28, Section "D" (2), provides 5¢ differential for mechanics "* * * who are qualified and regularly assigned to * * * inspection and signing Federal reports at points where more than fifteen engines are tested each month, * * *."

Employes contend that Machinists J. C. Dukes and R. L. Surls, regularly assigned air-brake inspectors on the second and third shifts, respectively, at Florence, S. C., are entitled to receive a full time differential of 5¢ per hour continuously, for signing of Federal reports.

The carrier has confined the 5¢ differential to the days on which these employes were required to do this class of work.

Florence, S. C., is a point where in excess of fifteen engines per month are handled for this class of work, and there are regularly assigned inspectors on the first shift. It may be argued from the language in the rule that employes doing a small amount of work provided for in the rule should be paid the differential for the full month. The rule provides the rate for those who are regularly assigned.

The Division is of the opinion that the rule contemplates where more than fifteen engines are tested on a shift, and inspection and signing of Federal reports are required, there should be a regular assignment.

AWARD

Claim to be disposed of in accordance with the last paragraph of the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

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