

Award No. 534

Docket No. 536

2-ACL-MA-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

PARTIES TO DISPUTE:

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

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: Claim of Machinist Roscoe Rouse for two (2) hours pay at the established rate of time and one-half, a total amount of \$2.61, on account of being displaced on machinists' work at the Waycross coaling station, January 28, 1940, by Blacksmith Beach Poole.

EMPLOYEES' STATEMENT OF FACTS: On Sunday, January 28, 1940, Blacksmith Beach Poole, regularly employed on first shift, Waycross roundhouse, was assigned by his foreman to renew a broken cable at the coaling station. Poole commenced this job at 8:00 A. M. He was removed at 10:00 A. M. to perform the work of thawing out and mending frozen and bursted water pipes on the Waycross shop yard.

When Blacksmith Poole was discontinued on the job of renewing broken cable at the coaling station, 10:00 A. M., January 28, 1940, Machinist Roscoe Rouse and helper, regularly employed on first shift, Waycross roundhouse, were assigned to the job. About 2:00 P. M. Machinist E. Crews and helper were assigned to assist in handling this work. Blacksmith Poole returned to the coaling station about 3:40 P. M. and at 4:00 P. M. when the work of renewing cable was incomplete, the two machinists and their helpers were checked off and Blacksmith Poole and his helper assigned to the work of finishing this job, making two (2) hours overtime.

The repair and application of cables to equipment handled in or through the various departments of the Waycross shops is considered machinists' work and performed by machinists since 1922.

POSITION OF EMPLOYEES: Blacksmith Beach Poole has very little work of his classification to perform at the Waycross roundhouse; therefore, constantly assigned to the work of other crafts in order to keep him occupied. The machinists first complained of Poole performing their work on date of May 27, 1937, which was two weeks after taking over the then existing agreement pursuant to a change of representation in the machinists craft. The Superintendent Motive Power James Grant disposed of this first claim on June 11, 1937, as follows:

"Docket No. 2—Dealing with the classification of Beach Poole, blacksmith, and the blacksmith helper, in roundhouse, who have been improperly performing the duties of machinists and machinist helper.

as Mr. Spicer has stated the situation that existed at that time and the actual occurrence, as shown by affidavit from Mr. E. L. Spicer as Exhibit A, and further supported by affidavit from Blacksmith Beach Poole as Exhibit B.

This case is nothing more than the method being used by General Chairman of Machinists Hendrix in his unreasonable and unfair attitude to endeavor to get work that does not belong to the machinists' classification by the rules of the agreement.

Therefore, 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.

Roscoe Rouse having been assigned to this work should have been permitted to complete it.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 8th day of January, 1941.