

Award No. 1433

Docket No. 1349

2-SP(T&NO)-MA-'51

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Frank M. Swacker when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 162, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)**

**SOUTHERN PACIFIC LINES IN TEXAS AND LOUISIANA
(TEXAS AND NEW ORLEANS RAILROAD COMPANY)**

DISPUTE: CLAIM OF EMPLOYES: 1—That lathe work at the Houston maintenance of way shop performed by the machinists in connection with the maintenance of signal equipment was transferred from them to the signalmen about March 8, 1950 without any authority to do so under the current agreement.

2—That accordingly the carrier be ordered to restore the performance of the aforesaid lathe work to the machinists.

EMPLOYES' STATEMENT OF FACTS: At Houston, Texas, the carrier maintains what is known as a maintenance of way repair shop. It is approximately sixty (60) feet wide and two hundred and seventy (270) feet long. It is equipped with facilities for maintaining and repairing all types of motor cars, tractors, machine and equipment used in the maintenance of way department and in the maintenance of signals.

The carrier employs in this shop a force of shop craft employes and signalmen including clerks and laborers, all under the supervision of one foreman and two (2) assistant foremen. The signal department is located in a small portion of the shop at one end whereas the other forces utilize the remaining portion of the shop and the machinists employed therein have performed all lathe work in connection with the maintenance of signal equipment and the maintenance of maintenance of way equipment for the past ten or more years. However, about March 8, 1950, the carrier transferred from these machinists to the signalmen such lathe work as making all types of brass bushings, turning armatures for all types of motors, turning out lens castings, enlarging piston ring grooves for over-size rings and other such lathe work relating to the repair of signal equipment.

This dispute has been handled with officers of the carrier from the bottom to the top and to date the carrier has declined to adjust it.

The agreement as amended effective September 1, 1949 is controlling.

POSITION OF EMPLOYES: It is submitted as disclosed in the foregoing statement of facts that the carrier arbitrarily transferred and/or

The carrier has recited the history of lathe work in connection with the maintenance and repair of signals in the maintenance of way repair shop at Houston, Texas. It has shown that in the beginning such work was usually performed by a signalman, but later the small amount of signal work was taken over by the machinist who thereafter performed all of the lathe work in the maintenance of way repair shop. When the general chairman for signalmen complained that signalmen were not doing the work covered by the scope of signalmen's agreement and after a signalman had qualified himself to perform lathe work in connection with maintenance and repair of signals, such lathe work in connection with the maintenance and repair of signals was turned over to a signalman.

Wherefore, premises considered, the carrier respectfully urges that the claim be in all things denied.

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.

Both the Railway Labor Act and the established procedure on the property require that cases be conferred upon by the parties before they will be cognizable by this Board. This means a *sincere* effort be made to solve the dispute—not a mere perfunctory conversation or reference to it. No such conference was held in this case; it is therefore here prematurely.

AWARD

Case remanded for conference between the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 26th day of March, 1951.