

Award No. 1790
Docket No. 1694
2-PRR-URRWA, CIO-'54

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Edward F. Carter when the award was rendered.

PARTIES TO DISPUTE:

THE UNITED RAILROAD WORKERS OF AMERICA, C. I. O.

THE PENNSYLVANIA RAILROAD COMPANY
(Eastern Region)

EMPLOYES STATEMENT OF CLAIM: 1. That under the Controlling Agreement, the service rights of Phillip Cerescini, Boilermaker, Wilmington, Delaware, Boilership, were violated when the Carrier unilaterally assigned a Machinist to work developed on Electric Locomotives 4995 and 4996, on December 29, 1951. The work in question, that of removing and replacing cab side sheets, is work properly belonging to Boilermakers.

2. That the Carrier be ordered to additionally compensate Phillip Cerescini a total of three hours, at the applicable pro rata rate of Boilermakers on December 29, 1951.

EMPLOYES' STATEMENT OF FACTS: There is an agreement between the parties hereto dated July 1, 1949 and subsequent amendments, copy of which is on file with the Board and is, by reference hereto, made a part of this statement of facts.

At Wilmington, Delaware, Maryland Division, Eastern Region, the Pennsylvania Railroad Company, hereinafter referred to as the carrier, employs a force of boilermakers.

The aggrieved, Phillip Cerescini, hereinafter referred to as the claimant, is employed at the seniority point in question as a boilermaker.

A claim was instituted at the foreman's level on behalf of Phillip Cerescini, boilermaker, for wages earned by F. C. Brubaker, machinist, December 29, 1951, due to assigning said machinist to the work of boilermakers on the cabs of locomotives 4995 and 4996, Class E3b, rectifier type freight locomotives.

The work in dispute involved the removing and replacing of cab sheets.

The graded work classification of the controlling agreement provides that building, applying, and repairing metal cabs and metal floors on electric locomotives, is boilermakers' work.

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 employees 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.

On December 29, 1951, electric locomotive No. 4995 was in the Wilmington Shops for repairs. Included in the work to be done was the application of lagging to certain water circulating pipes and the repacking of the water pump. In order to perform the work, machinists removed the cab side sheet on the non-aisle side of the cab. The cab side sheet involved was removable, it being held in place by Phillips screws. It was 20" by 30" in size and made for the purpose of permitting inspection and repair of the machinery located behind the side sheet, including the work that was being done that resulted in the present claim. The organization contends that the work of removing the side sheet belongs to Boilermakers and have made claim for the work on behalf of Boilermaker Phillip Cerescini.

The organization relies upon the Graded Work Classification Rule to support its position. It is therein provided in part under the classification of G. or E. Grade: "Building, applying and repairing metal cab and metal floors for Electric Locomotives." Assuming that the foregoing provision gives boilermakers exclusively the work therein described, it does not include the work constituting the basis of this claim.

The building, applying and repairing of metal cabs, as we view it, means work in the construction or repair of metal cabs. Without question the applying of side sheets in constructing a cab and their removal and reapplication in making repairs thereto, fall within the language used. But the removal of the 30" by 20" side sheet here involved does not come within its meaning. It was placed there in order to expedite the making of inspections and repairs to the machinery behind it. It was held in place by screws which were readily removable to accomplish that purpose. It is no more the exclusive work of a boilermaker than if a hinged door or other similar means of entry to the machinery had been provided. The work of removing and reapplying the 30" by 20" sheet is incident to the work of the mechanic required to perform work on the machinery behind it. We think this is a reasonable interpretation of the rules and, consequently, one that we are required to give to it.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1954.