

Award No. 2027

Docket No. 1861

2-PRR-MA-'55

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee David R. Douglass when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 152, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. (Machinists)**

PENNSYLVANIA RAILROAD COMPANY (Eastern Region)

DISPUTE: CLAIM OF EMPLOYES: That J. A. Lynam, Machinist, Grade C, Group C, Machine Shop, Wilmington Shops, Wilmington, Delaware, be compensated by the Carrier at the overtime rate of pay for all time worked by R. A. Crozier, Machinist, Electric Shop, Wilmington Shops, on Sunday, January 13, 1952, on the grounds that the work performed by R. A. Crozier on that date was Group C, Machine Shop work.

EMPLOYEES' STATEMENT OF FACTS: On Sunday, January 13, 1952, R. A. Crozier, machinist Grade E, electric shop, Wilmington shops, was used on an overtime basis to repair air compressor M/R 253 in power plant to pack occulating valve stems to stop steam leaks, as the other steam driven air compressor M/R 252 in power plant was out of service due to cracked water jackets.

J. A. Lynam, hereinafter referred to as the claimant, was assigned as machinist Grade C, Group C, machine shop, Wilmington shops, on this date.

This dispute has been handled with the carrier up to and including the highest officer so designated by the company with the result that he has declined to adjust it.

The agreement effective January 1, 1935, as it has been subsequently amended, is controlling.

POSITION OF EMPLOYEES: R. A. Crozier, on the date in question, held a regularly assigned position as machinist, Grade E, in the electric shop, with duties which normally accrue to a Grade E position. No part of his duties was specified as maintenance work, as per the Grade E, graded work classification, which reads as follows:

"GRADED WORK CLASSIFICATION

Work specified below and work requiring similar skill.

Erecting shop floor work.

in effect at the location in question but also in accordance with the application of written understanding between the parties and that the claimant is not entitled to the compensation which he claims.

Therefore, the carrier respectfully submits that your Honorable Board should deny the claim of the organization in this matter.

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 this dispute were given due notice of hearing thereon.

It is our opinion that the carrier acted in compliance with the agreement and special understanding when it used Machinist Crozier to work at overtime rates on Sunday, January 13, 1952.

Machinist Crozier was regularly assigned as machinist Grade "E" in the Power Plant, which is a sub-department of the Electric Shop. The claimant was regularly assigned as machinist Grade "C" in the Machine Shop. The Machine Shop and the Electric Shop are separate departments under the supervision of separate foremen.

The March 21, 1951 understanding relating to the assignment of overtime work provides, in part, that on rest days and holidays such overtime work will be performed by the senior qualified employes of the craft or class in the department or sub-department thereof. Thus, under the terms of the understanding the carrier was obligated to use qualified employes from the Electric Shop or the Power Plant before it could go to the Machine Shop to augment the force for the overtime work at the Power Plant.

The fact that the claimant regularly performed Grade "C" work while Crozier regularly performed Grade "E" work is not the controlling factor. Crozier was qualified to perform Grade "C" work and did perform it on the date in question in compliance with the understanding of March 21, 1951.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 13th day of December, 1955.