

Award No. 2478

Docket No. 2350

2-CRI&P-BM-'57

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Boilermakers)**

CHICAGO ROCK ISLAND AND PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

(1) That under the current agreement rules, other than Boilermakers were improperly assigned to the fabricating of Splice and Bridge Plates for bridges and trestles in the Silvis, Ill. Reclamation Shed at Silvis, Ill. on or about June 15, 1955.

(2) That accordingly the Carrier be ordered to compensate Boilermaker Vance Lightizer and Boilermaker Helper Howard S. George, each in the amount of eight (8) hours at their respective applicable hourly rate of pay.

EMPLOYEES' STATEMENT OF FACTS: On or around June 15, 1955, employees of the reclamation shed in the store department at the Silvis Shops, Silvis, Ill., were assigned to the manufacture of several hundred splice plates to be used on bridges and trestles out on line of road. The material used was new material and consisted of sheet steel $\frac{3}{8}$ " in thickness. Some 30 feet of this plate metal was used requiring considerable laying out, cutting, shearing and the drilling of holes in order to transform it into splice plates the proper length and width. Some 215 feet of bar stock was likewise used in the completion of this shop order work.

The so-called reclamation shed is located approximately 300 yards from the boiler shops at Silvis, Ill., is manned entirely by employees covered by the Brotherhood of Railway Clerks agreement. This plant was originally intended and designed expressly for reclamation purposes only, to salvage used material from on line of road, such as used and bent tie-plates, rail spikes, nuts, bolts, etc.

Prior to the installation of this so-called reclamation shed several years back, it was considered not only proper but obligatory on part of management, even by management itself, to channel all such work here in dispute into the boilershop for the boilermakers to perform under the controlling agreement rules.

"Parties may be heard, either in person, by counsel or by other representatives, as they may respectively elect, and the several divisions of the Adjustment Board shall give due notice of all hearings to the employe or employes and the Carrier or Carriers involved in any dispute submitted to them."

Until such a notice is given the clerks' organization, this dispute is improperly before your Board.

We respectfully request, under the circumstances, declination of the 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.

During June, 1955 employees in the carrier's Store Department at Silvis, Illinois were used to fabricate splice plates, which are rather small metal parts or pieces. The organization contends that the plates were made from new stock and that the work should have been done by the boilermakers. The carrier maintains that the plates were made from scrap metal and that it was proper for the clerks to do the work.

The evidence in the record is in conflict as to whether the plates were made from scrap metal or new metal. In support of its contention the organization submitted a statement, dated June 30, 1955, signed by five (5) individuals wherein it states that the Boilermakers' Local Shop Committee made a visual and personal inspection of the work involved in the claim, maintaining that the work belongs to boilermakers. The statement is not sworn to or notarized, and does not have the signature of witnesses. It appears that this statement was not discussed during the efforts to settle the grievance on the property. Although the statement is dated June 30, 1955, the claim was not declined by the carrier until July 14, 1955, and the statement did not come to the attention of management until after the claim was certified to this Board for action. There is no explanation offered for failure to disclose the statement earlier. Furthermore, at the end of the last sentence of the second paragraph in the statement, there was at some time added by obviously different type: "All material used was new." It seems rather obvious that when it became known the dispute was likely to turn on new versus scrap material, there was added to the statement the assertion that the material used was new. It is our opinion that the statement relied on by the organization has no real probative value. On the other hand, the carrier asserts, and there is no denial, that this same type and kind of work has been done by the clerks continuously since 1946. The claim will be denied.

The carrier raises certain procedural problems that do not require comment in view of our finding denying the claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 5th day of June, 1957.