

**Award No. 3080**

**Docket No. 2627**

**2-MP-MA-'59**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Thomas A. Burke when the award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYES'  
DEPARTMENT, AFL-CIO (Machinists)**

**MISSOURI PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:**

1. That under the current agreement other than Machinists were assigned to remove and repair fuel oil gravity valve at the pumping station, Osawatomie, Diesel Facilities.
2. That Machinists J. L. Smith and R. F. Reinicker and Machinist Helper J. L. Karigan be compensated in the amount of four hours at the pro rata rate.

**EMPLOYES' STATEMENT OF FACTS:** On March 3, 1956 Machinists W. Walker and R. M. Chamberlin and Machinist Helper R. L. Cortner were assigned by Diesel Foreman A. Walker to remove bonnet of diesel fuel oil gravity valve at pumping station at Osawatomie Diesel Facilities. After this work was started and was being performed by machinists, Mr. K. R. Kern, general foreman, issued instructions that the machinists be removed from the job and assigned water service employes to complete it.

**POSITION OF EMPLOYES:** It is the position of the employes that the repairs to all valves in the diesel facilities has been performed by the Maintenance of Equipment employes and the machinists' craft. The removing of the valves from the line has either been performed by the water service employes, or the sheet metal workers under the Maintenance of Equipment but the repairs of these valves have been performed by the machinists. We are submitting herewith and identifying as Exhibit A affidavit supporting this claim. The carrier in assigning water service employes to perform this work was in violation of Rule 52A herewith quoted in part:

“ . . . and all other work generally recognized as Machinists' work.”

To further sustain that this has been generally recognized as machinists' work, we are submitting herewith affidavits identified as Exhibits B, C, D, and E.

Second, a dispute over work similar to that involved in this claim was settled in 1952 with former General Chairman Donath which settlement establishes a precedent requiring the denial of this claim.

Third, the Classification of Work rules relied upon by the employes do not support the claim. The employes have not sustained their burden of supporting their claim by cogent and logical argument.

Fourth, the carrier has demonstrated that water service employes may properly be required to perform the work involved in this claim.

The carrier submits that the parties hereto reached an understanding in 1952 which governs this dispute, that this claim is not supported by the agreement and that it is entirely lacking in merit and therefore must be declined in accordance with the 1952 settlement.

**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.

Parties to said dispute were given due notice of hearing thereon.

The claimants contend that on March 3, 1956 that water service employes repaired a fuel oil gravity valve; that this was machinists' work and that the machinists should be compensated for this work.

Both the claimants and the carrier seem to agree that the removing of valves from the line is work of the water service employes but that repairs to the valves is machinists' work. So that in determining whether or not the agreement has been violated we must look to the facts of the case. There is no evidence that the valves were removed from the line. The bolts were removed from the bonnets of the stuck valves, and the valves turned one quarter revolution. The bolts were then replaced in the bonnets. The burden is on the claimants to prove that the water service employes made repairs on these valves. They have not met the burden. The record is not at all clear that actual repairs were made. Therefore the claim must be denied.

Since the claim is held to be without merit the question of notice to a third party need not be decided.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 19th day of January, 1959.