

Award No. 3757
Docket No. 3486
2-AT&SF-MA-'61

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Machinists)

THE ATCHISON, TOPEKA & SANTA FE RAILWAY
COMPANY (Western Lines)

DISPUTE — CLAIM OF EMPLOYEES: 1. That under the controlling Shop Craft's Agreement, the Employes of the Machinist Craft at Albuquerque, New Mexico claim that the provisions of Rule 32 of that Agreement were improperly applied by the carrier account it informing certain employes of the Machinist Craft on January 17, 1958 that it was removing the position of Metal Spray Welding from the category of assignments paying a differential machinist rate of pay as provided for by Rule 32.

2. That accordingly the carrier be ordered to:

(a) Additionally compensate Machinist G. A. Mainz at rate of six (6) cents per hour from January 20, 1958, and continuing until such time the provisions of Rule 32 are properly applied.

(b) Additionally compensate Machinist A. B. Soto at rate of six (6) cents per hour from January 20, 1958 to February 18, 1958, account improper application of Rule 32.

(c) Additionally compensate Machinist T. P. McDougall at rate of six (6) cents per hour from February 19, 1958, and continuing until such time the provisions of Rule 32 are properly applied.

EMPLOYEES' STATEMENT OF FACTS: On January 17, 1958, Centralized Work Equipment Foreman L. W. McClelland called Machinist Local Chairman H. G. Briskey, Local Committeeman S. E. Soto, Machinists G. A. Mainz and A. B. Soto to his office informing them that machinist differential rate of pay for metal spray welding work would be discontinued at close of shift January 17, 1958; Mr. McClelland asserting that in his opinion metal spray weld should not be considered welding within the exact meaning of the term because the material upon which the metal weld is sprayed "doesn't get hot enough."

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.

A metal spraying process is performed by Claimants with a metalizing oxyacetylene gun, which melts a wire fed into it, and sprays the molten metal onto a worn machine part, so as to replace the metal worn away.

The process has been used by the Carrier since 1950, but the differential was not paid until 1954. At that time the metalizing equipment was moved from the Locomotive Department Shops to the Centralized Work Equipment Shops at Albuquerque, and although the positions in question were not bulletined as welders' positions, the differential was paid there until 1958, when it was discontinued, giving rise to this claim.

The Carrier contends that by accepted dictionary definition welding is the uniting of separate pieces of metal (1) by hammering them together, with or without previous softening by heat, or (2) by melting their surfaces sufficiently to cause them to flow together, with or without the addition of molten metal.

The Employes contend that metal spraying accomplishes the same result by uniting two metallic components, one of which is melted in the process so that it can be sprayed onto the other. They contend further that the process is commonly regarded and spoken of as welding, and that in fact a great part of welding now being done consists of the restoration of worn metal parts to their original shapes and proportions by such spraying.

While the Carrier's statement is confirmed by Webster's New International Dictionary and such general works, the Employes' arguments are supported by the standard authorities on welding processes and practices. Thus "The Welding Encyclopedia," 13th Edition, (McGraw-Hill, 1951), includes sixteen pages under the heading "Metal Spraying."

"Oxy-Acetylene Welding and Cutting" (Giachino, 1942) states that the oxy-acetylene flame "is used for several types of metallic spray guns which spray fine particles of molten metal on worn surfaces that need refacing or building up."

On "Oxy-Acetylene Welding" (Robert J. Kehl, 1939), under the heading "Hard Surfacing," it is stated:

"In recent years a new development in the field of metallurgy has opened new avenues for the acetylene welder. In the past, worn parts were usually scrapped for new parts at considerable cost, and the new part was usually no better than the old part as far as wearing quality was concerned. Today old parts can be rebuilt with hard-surfacing rods, and the rebuilt part will cost less and give longer service than a replacement part. Most hard-surfacing rod contains

some self-hardening material which is secured to the worn surface of the part being built up by actual fusion or by a brazing action.
* * *

“In industry there are countless demands for this type of gas welding.” (Emphasis ours.)

These statements are repeated in the 1952 revision of this work by Morgan H. Potter.

In “The Oxy-acetylene Handbook,” 15th Edition (The Linde Air Products Company, 1939), under the heading “Rebuilding Worn Parts,” it is stated:

“Oxy-acetylene welding affords an ideal method for building up metal surfaces that are worn or abraded because the added metal can be selected so as to give exactly the right properties or degree of wear resistance required for each specific type of application.”

It states further that the purpose behind the use of this operation is:

“To restore a worn part to original size and give a deposit that may be subsequently forged, heat-treated, or left as welded in a condition superior to the original in hardness or toughness.” (Emphasis ours)

Thus standard treatises on welding not only discuss the metal spraying process, thus indicating that it is considered as included in the subject, but some of them, as above emphasized, expressly refer to the process as welding or to the operator as a welder.

Under the authority of Awards 427, 606, 797 and 945, adopted by this Division without a referee, the Claim should be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 16th day of June, 1961.