

Award No. 3797

Docket No. 3157

2-SLSW-MA-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee James P. Carey, Jr. when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 45, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Machinists)**

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: 1. That the Carrier is in violation of the agreed rules of the controlling agreement in assigning other than Machinists to the work of grinding wheels on locomotives and that Machinist C. W. Borecky was unjustly dealt with when a Fireman was used for such service on March 21, 1957.

2. That Carrier accordingly be ordered to:

(a) Place Machinists back on the work in dispute, and

(b) Additionally compensate Machinist C. W. Borecky in the amount of eight (8) hours at the punitive rate for service performed by other than Machinists on March 21, 1957.

EMPLOYEES' STATEMENT OF FACTS: On March 21, 1957, Machinist C. W. Borecky, hereinafter referred to as claimant, was regularly employed as machinist at Pine Bluff, Arkansas, with regular assigned hours 7:00 A. M. to 3:00 P. M., with Wednesday and Thursday as rest days. Claimant was low man on the machinists' overtime board on the above date and subject to call, when the carrier assigned a locomotive fireman between the hours of 3:00 P. M. and 11:00 P. M. to operate switching locomotive No. 1018 for the purpose of resurfacing of driving wheels.

Prior to the use of carborundum shoes for the resurfacing of locomotive wheels, this maintenance was accomplished by removing the wheels from the locomotive and turning and forming the tread in a wheel lathe. Removal of the wheels on the drop pit requires the services of two machinists for about three hours. The wheels are mounted upon and made a part of a traction motor, which is applied to the locomotive as a unit. Thus the wheels must be removed from the motor which additionally requires the services of a machinist for approximately one hour, after which the lathe operation, also made by a machinist, will consume varying amounts of time, depending upon the condition of the wheels.

have been used on the shift covered by the claim, nor for the claim for time and one-half rate for work not performed. Machinists were on duty at Pine Bluff from 3:00 P. M. until 11:00 P. M. on date of the claim, and if there had been any additional work for a machinist in connection with the grinding of the wheels, a machinist on duty would have been used.

The claim for time and one-half rate for work not performed is contrary to numerous awards of this and other Divisions of the Board.

IV

In conclusion, the carrier respectfully submits that the facts cited show that the claim is not supported by the rules and should be denied.

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.

On March 21, 1957 after abrasive brake shoes had been affixed to a Diesel locomotive at the carrier's Pine Bluff, Arkansas shops, the Diesel was moved back and forth from 3 P. M. to 11 P. M. in the shop area under control of an extra fireman, for the purpose of removing flat spots from the wheels.

The carrier represents that a machinist applied the abrasive brake shoes, made necessary adjustments in the brake rigging; went to the engine at intervals and checked the temperature of the wheels, the alignment of the brake shoes and the progress of the grinding; and when the flat spots had been eliminated a machinist removed the abrasive brake shoes, applied standard brake shoes and readjusted the brake rigging to prepare the locomotive for service.

The employes maintain that other than machinists were assigned to perform the work required in re-surfacing the wheels in contravention of Rule 43 of the effective agreement. They point out that for some years prior to the date in question, a machinist was assigned to this method of wheel grinding and that he applied himself to such task without interruption on account of other duties although he did not operate the locomotive. It is pointed out that as the job progresses adjustments are required from time to time, and gauges and tools similar to those commonly used in wheel turning in lathe operations are utilized. It appears that on some occasions in the course of the operation described in this case, a supervisor made some checks. The claim is that machinists were deprived of a substantial part of the wheel grinding operation contemplated by Rule 43.

Among the numerous types of work detailed in Rule 43 as belonging to machinists, the following are relevant to this dispute:

"Machinist's work shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling and grinding of metals used in building, assembling, maintaining locomotives * * * machine grinding, axle truing, axle, wheel and tire turning and boring; * * * the operation of all machines used in such work, including drill presses and bolt threaders using a facing, boring or turning head or milling apparatus, and all other work generally recognized as machinists work on this carrier."

Grinding of locomotive wheels is clearly work delegated to machinists by the rule mentioned. The instant dispute, however, turns on the degree of a machinist's participation in the grinding process under the circumstances presented in this case.

In respect of the claimant's assertion that on prior occasions a machinist was exclusively assigned to the vicinity of the locomotive during substantially all of the time the locomotive was being operated by a member of another craft in serving the wheel-grinding function: This practice, the carrier points out, was found to be unnecessary through experience, inasmuch as there was nothing for the machinist to do but stand and wait until the locomotive was brought to a stand-still, at which time the machinist checked the wheels and adjusted the brake shoes.

In reply to the complaint that a supervisor occasionally used mechanics tools in checking the progress of the grinding operation, the carrier calls attention to Rule 34-2 which provides in material part that "this rule does not prohibit foremen in the exercise of their duties to perform work."

As stated, we think it clear that the grinding of locomotive wheels, whether done on a lathe or by means of abrasive brake shoes as in the instant case, is work belonging to machinists. It does not follow from this conclusion, however, that Rule 43 requires a machinist to operate the locomotive when utilized in the grinding process. While Rule 43 mentions — "operation of all machines used in such work" — we do not think that such phrase may properly be construed as applying to the operation of the locomotive in a wheel-grinding operation. The contracting parties knew that locomotive operation is foreign to the sphere of a machinist's customary work.

We are of the opinion that all other work reasonably related to the wheel-grinding process by means of abrasive brake shoes properly belongs to machinists and that it may not properly be performed by others including supervisory personnel, if machinists are available.

We are unable to determine from the record before us how much, of the eight hours work was in fact performed by other than machinists. It is plain, however, that during the progress of the work, machinists were on duty and available, and this fact precludes a time claim on behalf of claimant. The record justifies the finding that the immediate presence of a machinist at all times during the movement of the locomotive in the grinding process was unnecessary. When the locomotive was stopped for the purpose of checking the progress of the operation, performing adjustments and any other function necessary to the grinding process, a machinist should have been used. We think the record as a whole indicates a substantial compliance with this principle. For the reasons indicated the time claim lacks adequate support.

AWARD

Claim disposed of in accordance with findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June 1961.