

Award No. 3825
Docket No. 3648
2-P&LE-TWUOA-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Mortimer Stone when award was rendered.

PARTIES TO DISPUTE:

**RAILROAD DIVISION, TRANSPORT WORKERS UNION
OF AMERICA, A. F. of L.-C. I. O.**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY AND
THE LAKE ERIE & EASTERN RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYES: The company has bought a new Slide Valve Lapping machine to repair slide valves. This machine belongs to the company so that any craft or class (valve repairmen or machinists) could use this machine. Our organization takes the stand that any valve repair work that has always been done by our people belongs to them and we intend to keep this work. Mr. Roush of the Locomotive Department said he would have machinists do the lapping work. This the Organization is protesting and if any of the work that has been done by the people of our organization is done by machinists time claims will be presented to the Carrier.

EMPLOYES' STATEMENT OF FACTS: Since the car shop first opened up at McKees Rocks, Pa., and valves were repaired at this point, this work has always been done by car repairmen.

This work performed on slide valves had always been done by carmen by hand. The carrier has now bought a machine to do this type of work and due to this fact is arbitrarily taking the work away from the carmen.

This work belongs to the carmen by agreement and also by practice of more than thirty (30) years standing.

This case arose at McKees Rocks, Pa., and is known as Case M-235.

The Railroad Division, Transport Workers Union of America, AFL-CIO does have a bargaining agreement, effective May 1, 1948 and revised March 1, 1956 with the Pittsburgh & Lake Erie Railroad Company and the Lake Erie & Eastern Railroad Company covering the carmen, their helpers and apprentices, (car & locomotive departments) a copy of which is on file with the Board and is by reference hereto made a part of these statement of facts.

POSITION OF EMPLOYES: That the repairing of slide valves has always been the work of car repairmen and should continue to be their work. This

whose main duties still remain, can do all the work of operating the powerhouse. Under the circumstances shown, the stationary firemen cannot properly complain of carrier's action in abolishing their positions. They have simply become the unwitting victim of man's ingenuity."

In the instant case, the carrier secured a labor-saving device which has reduced costs and increased productivity. There is one very significant difference however, between the facts in the instant case and those prevailing in the case covered by Award No. 1480. In that particular case, positions of members of the crafts whose work no longer existed were abolished, whereas in the instant case there were no reductions in the force of car airbrake repairmen due to the introduction of the "Lapmaster".

CONCLUSION

The carrier has hereinbefore conclusively shown that the work for which the carmen are making claim is work which does not come within the province of the carmen's agreement but is specifically designated by agreement as work which is inherently machinists' work and cannot be performed by members of any other craft. Further, there is no rule in the carmen's agreement to support the claim and to sustain the claim would, in reality, be writing a new rule into the agreement which the Board is not empowered to do.

The carrier respectfully submits the claim is without merit 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 employees 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.

Formerly valves of car airbrake equipment which required renewal were hand ground by carmen. In 1959 carrier placed in operation a precision grinding machine known as a Lapmaster, which was used to lap valves of many types including car airbrake valves formerly ground by carmen. The operation of the Lapmaster was assigned to the machinists and the carmen claim that in its use for lapping slide valves, formerly hand ground by them, it was taking work away from carmen and giving it to machinists.

Carrier shows in its submission that the Lapmaster is used only when there is a considerable amount of build-up to be ground; that only 25% to 30% of valves formerly hand ground were so badly worn as to require machine lapping when renewed; that most of the valves which were machine lapped would have been scrapped rather than hand ground because of the time and expense of hand grinding; that after machine lapping, the slide valves claimed by carmen were assembled and tested by carmen, usually with some hand grinding still required on them, and that the Lapmaster is a precision machine coming within the machinists' Classification of Work Rule and not covered by the carmen's agreement.

We find that the use of the Lapmaster is more in the nature of a new and additional machine operation than a substitute method of performing work belonging to carmen and that the carmen's work of hand grinding the slide valves has not been taken away from them.

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 September 1961.

DISSENT OF LABOR MEMBERS TO AWARD 3825

The introduction of new or improved machines or methods should not remove work from the carmen craft which they formerly performed. The record clearly shows that there was a transfer of work from one craft to another.

James B. Zink

R. W. Blake

Charles E. Goodlin

T. E. Losey

Edward W. Wiesner