

**Award No. 3945
Docket No. 3802
2-AT&SF-BM-'62**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Charles W. Anrod when the award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L. — C. I. O. (Boilermakers)**

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY — WESTERN LINES**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement the Carrier improperly assigned work of the Boilermakers' Classification to Shop Extension Forces at Albuquerque, New Mexico.
2. That accordingly the Atchison Topeka and Santa Fe Railroad be ordered to additionally compensate employes of the Boilermakers' Craft at their applicable rate of pay for the aforesaid violation.

Tom C. Cordova	8 hours
Andres Santiago	8 hours
Total Hours	16 hours

EMPLOYEES' STATEMENT OF FACTS: At Albuquerque, New Mexico, the Atchison, Topeka and Santa Fe Railway hereinafter referred to as the carrier, maintains a force of boilermakers and helpers, in their Diesel Repair Shops, and Central Work Equipment Shop, who hold seniority at that point in accordance with the rules agreement.

On or about April 2, 1958, the carrier elected to add to their Diesel Locomotive Shop equipment a vise stand, to fasten vise for use of employes working on diesel locomotives. Said vise stand was fabricated out of two pieces of heavy plate metal with pipe supports used to regulate the height of the vise from the floor level. The bottom plate was approximately 22" x 22" x $\frac{3}{8}$ " material, the top plate to which the vise was bolted was approximately 19" x 28" x $\frac{3}{8}$ " inch plate metal.

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.

The instant claim involves essentially the same factual situation and legal questions as those discussed in our Award 3939. What we have said in that Award with respect to the building of the scaffold in connection with the construction and installation of a permanent Diesel Repair Platform in the Carrier's Diesel Repair Shops at Albuquerque, New Mexico, is also applicable to the construction and installation of the metal vise stand on such a platform with which we are here concerned.

Accordingly, we hold that the instant claim is without merit for the reasons stated in our aforementioned Award. As a result, it becomes unnecessary to rule on the Carrier's procedural objections and we express no opinion on the validity thereof.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1962.