

**Award No. 3948
Docket No. 3805
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 EMPLOYES:

1. That under the terms of the current agreement the Carrier improperly assigned work of the Boilermakers Classification to Sheet Metal Workers at Albuquerque, New Mexico.

2. That accordingly the Atchison, Topeka and Santa Fe Railway be ordered to additionally compensate employes of the Boilermakers' Craft at their applicable rate of pay for the aforesaid violation as follows:

Tom C. Cordova, Boilermaker-Welder	8 hours
Andres Santiago, Boilermaker	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 large locomotive repair shop. Also a large Centralized Work Equipment repair and manufacturing Shop.

The carrier maintains at their said Albuquerque, Shops, a force of boiler-makers and helpers 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 locomotive repair facilities, two kerosene oil tanks, for holding kerosene to clean Diesel Locomotive parts, and tools. Said kerosene tanks were fabricated of about 12 gauge sheet steel.

dismissed or denied, the carrier further asserts that the additional payment requested in behalf of the claimants is excessive. Attention is respectfully directed in that connection to General Chairman Riddle's letter of September 13, 1958, to carrier's asst. to vice president, stating that two kerosene oil tanks were fabricated by Shop Extensions forces on or about April 2, 1958 and requesting payment of eight (8) hours to each Boilermaker Welder Tom C. Cordova and Boilermaker Andres Santiago, or a total of sixteen (16) hours. Actually only one kerosene oil tank was constructed and installed on or about April 2, 1958, which was done by one Shop Extensions mechanic and consumed a total of eight (8) hours' time, four of which were spent in welding.

Carrier reserves the right to submit such additional facts and evidence as it may conclude are necessary in reply to the ex parte submission of the employes or any subsequent oral arguments or briefs of the employes in this dispute.

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 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 kerosene oil tank on such a platform with which we are here concerned. The Claimants' original contention that two kerosene oil tanks are involved in this case was obviously a mistake which has been corrected in their rebuttal brief (see also: Carrier submission brief, PP. 1 & 2).

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.