

Award No. 4716
Docket No. 4582
2-SOU-MA-'65

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Dudley E. Whiting when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYES'
DEPARTMENT, A. F. of L.-C. I. O. (Machinists)**

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: 1. That the Carrier violated the terms of the current agreement, when, on July 23, 1962, Foreman Trotter was sent from the heavy repair shops at Atlanta, Georgia to Commerce, Georgia, a distance of approximately ninety (90) miles, to change out a relief valve on diesel-electric locomotive No. 2156.

2. That Machinist H. E. Marshall be reimbursed in the amount of actual time consumed by Foreman Trotter. The amount of time being, seven hours and forty minutes, (7:40).

EMPLOYES' STATEMENT OF FACTS: The carrier, at Atlanta, Georgia, maintains a shop for heavy and running repairs of it's motive power. Mechanics of all crafts are employed at this shop, and, in addition, to performing maintenance of all types on locomotives, frequently make road trips to determine the nature of trouble being experienced on locomotives and to make the necessary repairs.

On July 23, 1962, a report was received by the carrier officer at the Atlanta shops that Locomotive No. 2156 was "running hot and losing air" at Commerce, Georgia.

Upon receipt of this report, the carrier's foreman, without regard to the terms of the current agreement, or, the past practice in such instances, was dispatched to Commerce, Georgia, and carried with him a relief valve, which valve was changed on the unit and apparently corrected the trouble. Claim was made by the local committee on behalf of Machinist Marshall and progressed through the regular channels without being adjusted.

POSITION OF EMPLOYES: Rule 61, current agreement, reads in pertinent parts:

"Making, repairing, erecting, aligning and dismantling locomotives, stationary and marine engines, machinery and metal parts thereof.

diesel electric locomotive servicing and repair shop in Atlanta, Georgia, to Commerce, Georgia, to determine the reason for the malfunctioning of diesel electric locomotive unit No. 2156 and taking such action as necessary to keep the unit operating, that his action in replacing the defective relief valve on the air compressor did not validate the monetary claim and demand which the Association here attempts to assert, and that in these circumstances only a denial award can be made, for an award of any other type would be contrary to the specific terms of the agreement in evidence.

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 Carrier states that, if the information reaching the shop indicates the nature of the defect on the locomotive, a mechanic is dispatched to repair it. In the handling on the property the Director of Labor Relations stated, in his letter of March 21, 1963, that when the foreman left Atlanta "there was only the report that the unit was losing air and the air compressor was running hot". It appears that this information was sufficiently explicit to indicate the nature of the defect so the claim will be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May, 1965.