



Award Number 5879

Docket Number 5633

2-CB&Q-MA-'70

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee William H. Coburn when awarded was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 95, RAILWAY EMPLOYEES'
DEPARTMENT, A.F. of L.-C.I.O (Machinists)**

CHICAGO, BURLINGTON AND QUINCY RAILROAD

DISPUTE: CLAIM OF EMPLOYEES:

1. The Carrier violated the provisions of the Current Agreement when they improperly assigned Officer Trainees R. Schmitt and J. Ragsdale to perform work of the Machinist Craft at the West Burlington Shops during January and February, 1967.
2. That accordingly, the Carrier be ordered to additionally compensate Machinists R. E. Woodsmall, O. L. Wagler, R. D. Hollenbeck, R. S. Barton, J. R. Woodside, R. F. Smith, E. F. Feldman, C. F. Adolphson, P. W. Wells, and S. E. Weigert in the amount of eight (8) hours' pay at the pro rata rate; Machinist R. J. Kopriva in the amount of forty-eight (48) hours' pay at the pro rata rate; and Machinist J. L. Amenell in the amount of fifty-six (56) hours pay at the pro rata rate; account Carrier depriving these claimants their right to perform this work coming within the scope of the contract by improperly assigning it to these Officer Trainees who are not subject to any provisions of the said contract.

EMPLOYEES' STATEMENT OF FACTS: The Chicago, Burlington & Quincy Railroad Company, hereinafter referred to as the Carrier, maintains a large modern repair shop at West Burlington, Iowa. In this shop are facilities, tools, equipment and skilled employees who are utilized for the repair and overhaul of diesel locomotives and component parts for the entire system.

Machinists R. E. Woodsmall, O. L. Wagler, R. D. Hollenbeck, R. S. Barton, P. W. Wells, J. R. Woodside, R. F. Smith, E. F. Feldman, C. F. Adolphson, S. E. Weigert, R. J. Kopriva, J. L. Amenell, hereinafter referred to as the Claimants, are regularly employed by the Carrier at the West Burlington Shops to perform work of the Machinist Craft.

On January 3, 1967, Officer Trainees R. Schmitt and J. Ragsdale were assigned by the Carrier to a period of training at the West Burlington Shops which would involve all departments of this facility.

Beginning on January 4, 1967, these trainees were instructed to perform various work functions and duties contractually belonging to the Machinist

All data herein and herewith submitted have been previously submitted to the Organization on the property.

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 waived right of appearance at hearing thereon.

In Award 5742 (Second Division) the Board denied a claim filed by the Sheet Metal Workers involving the same issue as has been presented here and the identical Engineer Training Program of this Carrier. We adopt as applicable and controlling the Findings there made.

Accordingly, this claim will also be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: E. A. KILLEEN
Executive Secretary

Dated at Chicago, Illinois, this 9th day of April, 1970.