

The Second Division consisted of the regular members and in addition Referee Harold M. Weston when award was rendered.

Parties to Dispute: (International Association of Machinists and
(Aerospace Workers, District No. 3. - A.F.L. - C.I.O.
(Chicago and North Western Transportation
(Company

Dispute: Claim of Employees:

- (a) The Chicago and North Western Transportation Company, hereinafter called the Carrier, violated Rules' #6, 29, 53 and 63 of the Controlling Agreement when on or about August 20, 1973, at Oelwein, Iowa, they assigned Supervisor Charles Trotter to tend Tool Room, handing out tools and/or material contrary to the Craft Agreement.
- (b) This work is recognized under the Machinist Helpers' classification of Work Rules and should be performed by them. We, therefore, request the company to pay Machinist Helper, Jim Walker, 8 hours at time and one-half, and stop violating the rules. This is a continuing claim and all claimants should be properly paid in accordance with claims as they were submitted on different dates.

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.

Among the variety of duties defined by Rule 63 as "Helper's Work" is "tending tool room" at the location in question, so far as the record shows, there is no regular tool room and the established practice is for machinists to keep the basic tools they require in the performance of their normal duties in tool kits provided by Carrier. When expensive special tools are needed, they are obtained from the foremen at their office which is primarily used as an office, but has had steel shelves installed to hold such special tools. There is no evidence, and it is unrealistic,

that foremen devote an appreciable part of their work day in tending the room for purposes of tool distribution.

Under the circumstances, no valid basis is perceived for concluding that Helpers' work rights have been invaded, and that Rule 63 has been breached.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch /es
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of August, 1975.