

The Second Division consisted of the regular members and in addition Referee James C. McBrearty when award was rendered.

Parties to Dispute: { International Association of Machinists
 { and Aerospace Workers
 {
 { Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling Agreement, particularly Rules 26(a) and 52(a) when they arbitrarily transferred the work of building a Tire Inflator Safety Device, located in the Maintenance Shop, North Little Rock, Arkansas, from the Machinists' Craft to the Sheet Metal Workers' and Boilermakers' Crafts.
2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Machinist H. H. Haustein in the amount of twenty-four (24) hours at the punitive rate of Machinist for being denied the right to perform machinists' work on this Tire Inflator Safety Device.

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.

On Friday, April 11, 1975, a tire inflator safety device was delivered to Carrier's Maintenance Shop, located in North Little Rock, Arkansas. This piece of equipment is used as a safety aid when inflating pneumatic tires.

This tire inflator safety device was manufactured by using one-inch pipe and ten-gauge expanded metal. Carrier used Sheet Metal Workers to cut the pipe to proper size and fabricate the pipe. Allegedly such work comes under the Classification of Work Rule for Sheet Metal Workers, Rule 97.

Carrier used Boilermakers for the cutting and fitting of the sheet metal in accordance with the Agreement concerning the division of work between the Sheet Metal Workers and the Boilermakers. This Agreement provides that Sheet Metal Workers will be used for sheet metal heavier than 13-gauge. The sheet metal used in construction of the tire inflater safety device was 10-gauge (thus heavier than 13-gauge), and, therefore, the cutting and fitting of such was performed by Boilermakers.

The Machinists are alleging that the work of making the tire inflater safety device falls within the Machinists' Classification of Work Rule.

In order to intelligently examine this dispute, reference must be made to the Classification of Work Rules for the Boilermakers, Sheet Metal Workers, and the Machinists.

These rules are as follows:

"BOILERMAKERS' CLASSIFICATION OF WORK: Rule 62. (a) Boilermakers' work, including regular and helper apprentices, shall consist of laying out, building or repairing boilers, tanks and drums; inspecting boilers and staybolts; patching, riveting, chipping, calking, flanging and flue work in fire box; building, repairing and applying steel cabs; applying steel runningboards and steps; laying out and fitting up any sheet iron or sheet metal work made of 16-gauge iron or heavier in connection with boilermakers' work, including pressed steel fronts and doors, all flue work in front end; inspecting, adjusting and repairing front end netting and draft appliances; ash pans and rigging; engine tender and steel underframes and steel tender truck frames, except where other mechanics perform this work; removing and applying all staybolts, radials, flexible caps and sleeves, crownbolts, stay rods and braces in boilers, tanks and drums; bumping of crown sheets and staybolts; tapping out holes and running in staybolts in new and old work; driving staybolts; applying arch tubes; operators of punch and shear machines except for cutting bar stock and scrap; operating pneumatic staybolt brakers, pneumatic hammers, bull and yoke riveters; boilermakers' work in connection with the building and repairing of steam shovels, derricks, booms, housing, circles and coal buggies; I-beams, channel iron, angle iron and T-iron, steam, air and water tight work in connection with boilermakers' work; drilling, cutting and tapping and operating rolls, except as provided for in Rule 63; oxyacetylene, thermit and electric welding on work generally recognized as boilermakers' work, except as provided for in General Rule 29, and all other work generally recognized as boilermakers' work in the Maintenance of Equipment Department. (Emphasis added)

"(b) Boilermakers shall use the most efficient tools provided by the company in performing work assigned to them.

(c) Boilermakers, in the performance of their work, may remove and replace any parts belonging to the work of other crafts when connected to their work, or which may interfere with their work.

(See letter agreement March 6, 1958, reference gauge of metals as between sheet metal workers and boilermakers--page 87)."

"SHEET METAL WORKERS' CLASSIFICATION OF WORK: Rule 97. Sheet metal workers, brass molders, including regular and helper apprentices, work shall consist of tinning, coppersmithing and pipe fitting in shops, on passenger coaches; cabooses and commissary cars (when done in shops) and engines of all kinds; the building, erecting, assembling, installing, dismantling (for repairs only), and maintaining parts made of sheet copper, brass, tin, zinc, white metal, lead, black, planished, pickled, and galvanized iron of lp-gauge and lighter (present practice between sheet metal workers and boilermakers to continue relative to gauge of iron), including brazing, soldering, tinning, leading, and babbitting (except car and truck journal bearings), the bending, fitting, cutting, threading, brazing, connecting and disconnecting of air, water, gas, oil and steam pipes and hand rails; the operation of babbitt fires (in connection with sheet metal workers' work); oxyacetylene, thermit and electric welding on work generally recognized as sheet metal workers' work; removing, fitting and applying composition or other lagging to boilers and steam pipes (see Note A), and all other work generally recognized as sheet metal workers' work. (Emphasis added)

NOTE A: All work incidental to the removing, fitting and applying composition or other lagging to boilers and steam pipes may be performed by either mechanics or helpers irrespective of whether it be mechanic's work or helper's work under other rules of this agreement.

(See letter agreement March 6, 1958, reference gauge of metals as between sheet metal workers and boilermakers--page 87)."

"MACHINISTS' CLASSIFICATION OF WORK: Rule 52. (a) Machinists' work, including regular and helper apprentices, shall consist of laying out, fitting, adjusting, shaping, boring, slotting, milling, and grinding of metals used in building, installing machinery, locomotives and engines (operated by steam or other power), engine inspecting; pumps, engine jacks, cranes, hoists, elevators, pneumatic and hydraulic tools and machinery, shafting and other shop machinery, ratchet and other skilled drilling and reaming except on drill

"presses (see Note B); tool and die making, tool grinding, axle truing, axle, wheel and tire turning and boring; air equipment, lubricator and injector work; removing, replacing, grinding, bolting and breaking of all joints on exhaust pipes and superheaters; oxyacetylene, thermit and electric welding on work generally recognized as machinists' work; the operation of all machines used in such work; machine and link grinding and passenger motor cars; removing, repairing and applying trailer and engine trucks and parts thereof; cab stands or sheets, waste sheets, runningboard brackets, headlight brackets, hand rail brackets, smoke stack saddles, smoke stacks, sand boxes and dome castings; locomotive spring and spring rigging work, driver brake and brake rigging (see Note C); and all other work generally recognized as machinists' work. Machinists may connect and disconnect any wiring, coupling, or pipe connections necessary to make or repair machinery or equipment. (Emphasis added)

NOTE A: In the dismantling of locomotives and machinery for repairs, all work incident thereto in connection with the job of dismantling these locomotives and machinery for repairs, shall be performed by mechanics and helpers. In the assignment of mechanics and helpers the number of helpers assigned shall not exceed the number of mechanics assigned, and this combined number of men constituting the crew shall perform either mechanic's work or helpers' work irrespective of their classification and without regard to classification of work under other rules of this agreement.

NOTE B: Ratchet and other skilled drilling and reaming on drill presses is machinist helper's work.

NOTE C: All jobs involving removing and applying driver brake and brake rigging shall be performed by mechanics and helpers. In the assignment of mechanics and helpers the number of helpers assigned shall not exceed the number of mechanics assigned and this combined number of men constituting the crew shall perform either mechanics' work or helpers' work irrespective of their classification and without regard to classification of work under other rules of this agreement.

(b) This rule shall not be construed to prevent engineers, firemen, cranemen, operators of steam shovels, ditchers, clam shell, wrecking outfits, pile drivers and other similar equipment from making any repairs to such equipment as they are qualified to perform while away from back shops.

(c) Machinists shall use the most efficient tools provided by the Company to perform the work assigned to them."

Now, before going any further, it is necessary to remember that this Tire Inflator Safety Device is nothing more than a metal cage which holds a single tire from a fork lift truck or similar rubber tire vehicle.

Since the pressure in such a tire is much higher than that of a passenger automobile (e.g. 75 pounds of pressure in front tires of a fork lift truck, and 60 pounds of pressure in the rear tires), there is a danger that the higher tire pressure may cause a weakness in the tire to give way and explode, causing fragments of the tire to hit anyone who may be in the vicinity.

This "cage" is such that the tire to be inflated is placed inside the cage, and the tire inflated by reaching through a hole on one side in order to reach the valve stem.

The Machinists call this cage a piece of "machinery" or a "tool". Carrier refers to it as a "cage", a "gadget", a "device", or a "shield". The Boilermakers allege that this device in reality is a "tank" or a "drum".

Reviewing all of the above Classification of Work Rules for Machinists, Boilermakers and Sheet Metal Workers, Carrier states in its Submission to this Board that, "Machinists can claim the work only if the work with metal is related to machinery or tools." We agree. However, what is the definition of a "machine" and a "tool"?

Webster's Third New International Dictionary (Unabridged Edition, 1971) defines "machine" as:

"f(1): an assemblage of parts that are usually solid bodies but include in some cases fluid bodies or electricity in conductors and that transmit forces, motion, and energy one to another in some predetermined manner and to some desired end. (2): an instrument (as a lever) designed to transmit or modify the application of power, force, or motion." (p. 1353)

"Machinery" is defined as:

"1. machines as a functioning unit; the constituent parts of a machine or instrument; equipment, stock or range of machines.
2a: the means and appliances by which something is kept in action or a desired result is obtained." (p. 1354)

The second definition under "machinery" above would certainly seem to encompass the tire inflator safety device, but let us also examine the meaning of "tool".

"Tool" is defined as:

"1a: an instrument used or worked by hand; an instrument used by a handi-craftsman or laborer in his work... 2a: an implement or object used in performing an operation or carrying on work of any kind... b: something that serves as a means to an end; an instrument by which something is effected or accomplished..." (p. 2408)

The above definition of "tool" leaves no doubt that the tire inflater safety device may be considered as such.

Therefore, we find that the work of making the tire inflater safety device was Machinists' work under Rule 52(a) of the Agreement with Carrier. Accordingly, assignment of this work to the Boilermakers' and Sheet Metal Workers' crafts by Carrier constituted a violation of Rule 52(a). We shall sustain Part 1 of the claim as to said violation.

However, the uncontroverted record indicates that Claimant was on duty and under pay when the work was done and therefore, suffered no monetary loss. Consequently, we shall deny Part 2 of the claim.

A W A R D

Part 1 of claim sustained.

Part 2 of claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois this 8th day of September, 1977.