

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

Parties to Dispute: (International Association of Machinists and
Aerospace Workers
(
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. That the Chicago and North Western Transportation Company, hereinafter referred to as the Carrier, violated the provisions of the Controlling Agreement when on October 8, 1976 at Spooner, Wisconsin, the Carrier arbitrarily assigned other than Machinist craft employes, namely, two (2) Carmen employes, to perform classified and recognized Machinist work during the rerailment of booster locomotive BU-15. The work in dispute consisted of the removal of the booster locomotive's number two traction motor and wheel set assembly, and the application of a new wheel set, minus the motor, in the number two position.
2. That because the Carrier arbitrarily deprived Machinist employes of their contractual right to perform work rightfully classified as Machinists' work under the applicable provisions of the Scheduled Agreement, the Carrier be ordered to compensate each of the two (2) Cedar Lake Shop, Minneapolis, Minnesota, Machinist employes R. Tufty and J. Claus eight (8) hours pay at rate and one-half Machinist rate of pay.

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.

This case is marked by either a lack of information or misinformation as to what transpired on October 8, 1976. On the Organization's part, it described the problem as a derailment; in contrast, the facts would appear to indicate that a motor seized in a locomotive booster unit, BU-15,

preventing its forward motion. On the other hand, the Carrier's record appears to be deficient as to the type and extent of work performed, and it did not rebut the statement of a disinterested party as to the work performed by the Carmen. The record would tend to support that work performed was properly that of machinists. Due to the disparity in data on both parts, we shall award four hours at straight time to the Claimants based on a sufficient but not entire showing that such work was in that craft.

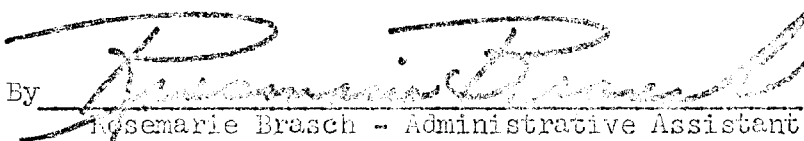
A W A R D

Claims upheld to the extent set out in the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day of November, 1978.