

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(International Association of Machinists and
(Aerospace Workers
Parties to Dispute: (
(New Orleans Public Belt Railroad

Dispute: Claim of Employees:

1. That the New Orleans Public Belt Railroad violated the express provisions of the controlling Agreements dated November 11, 1965, and June 20, 1977, when track supervisor, Mr. Ray Lubrano, performed Machinists work on Company truck no. 6 on March 11, 1984.

2. That the New Orleans Public Belt Railroad be required to allow Machinist A. M. Ranson two hours and forty minutes (2 hours, 40 minutes) pay at one and one-half times the Machinists' pro rata rate because Mr. Lubrano's violation of the Agreements denied Machinist Ranson his contractual right to be "called out" to perform the work on Truck no. 6 and therefore the claimant (A. M. Ranson) was adversely affected.

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 Claim involves the allegation that on March 11, 1984, work was performed on Truck No. 6 by someone other than a Machinist. It is asserted the work involved the removal of the left rear wheel, the removal of a special adapter plate attached to the drum, and the removal of broken studs from the adapter plate. The Carrier contended the work was performed by a Track Supervisor for an inspection and not for repairs. Notwithstanding, the Organization claimed without rebuttal that prior to the Track Supervisor removing and disassembling the wheel assembly, a Machinist had removed the wheel assembly and determined what parts were needed to repair the damaged unit. Considering this fact, the idea that the Supervisor did the work to inspect the wheel lugs

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2-NOPB-MA-'86

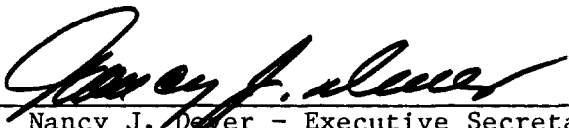
does not stand up. This is not a case of a Supervisor inspecting a truck in service. The record establishes without contradiction that Truck No. 6 was out of service, and it had already been determined it needed lugs. We will, therefore, sustain the Claim as presented.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of August 1986.