

The Second Division consisted of the regular members and in addition Referee Raymond E. McAlpin when award was rendered.

(Brotherhood Railway Carmen of the United States  
(and Canada

Parties to Dispute: (

(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated the controlling agreement, particularly Rule 102, when they assigned Machinists Schmidt and Hale to make a shield out of Lexan and to apply the shield to the axle turning lathe, North Little Rock, Arkansas.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Locomotive Carpenter G. W. Gorbet in the amount of four hours (4') at pro rata rate account other than carmen performing carmen's work on February 22, 1984.

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 employes 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 February 22, 1984, two Machinists were asked by the Carrier to make a machine tool guard out of Lexan in the Carrier's Little Rock, Arkansas wheel shop.

The Organization claims this activity was a violation of Rule 102 of the Controlling Agreement, which states in pertinent part ". . . all other carpenter work in shops . . . ." The Organization argues that Carmen have always made these guards in the past, and this has been carpentry work. In support of its position it cited Third Division Award 11072.

The Carrier argued the lathe for which the guard was being made is operated exclusively by the Machinist's craft and has been since its installation. Other machines have had shields made by the Machinist craft. Carpenters, historically, have made shields for their equipment only. The Carrier further stated there is no language in Rule 102 or any other Rule giving the work of making protective shields to the Carmen craft. It denies there is a past practice at this location or any other location giving this work exclusively to the Carmen. The Carrier cited numerous Awards in support of its position.

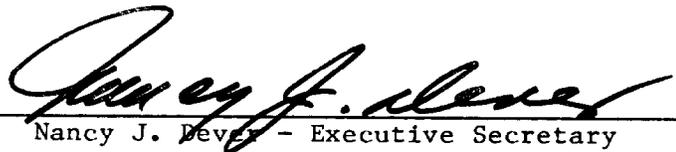
Upon complete review of the evidence, the Board finds the material used to make the shield (Lexan) came from the Carmen's shop. While Machinists, in accordance with their work Rule 52, do have the right to ". . . cutting, chipping, forming, and fabricating of all tools . . ." the work in question did not fall under those categories. This is not the fabrication of machinery or tools. It is a guard. From the evidence presented, the Board is satisfied it is work historically performed by the Carmen's craft in accordance with its Rule 102. Therefore, the Claim is sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
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Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 12th day of November 1986.