

Award No. 3917

Docket No. 3693

2-C&O-CM-'62

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Carroll R. Daugherty when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Southern Region and Hocking Division)**

DISPUTE: CLAIM OF EMPLOYEES: 1. That the assigning of other than Carmen to operate an electronic device and reading of tape to detect overheating of journals, and gauging the heat on journals on arriving trains at Russell Terminal, Russell, Kentucky is in violation of Rule 154 of the controlling agreement.

2. That accordingly the Carrier be ordered to assign the work involved in this case to Carmen Inspectors and that Carrier be ordered to compensate Carmen Ralph E. Morris, Ernest E. Vanderhoof, Jack H. Walker and Thurman E. Collier, furloughed Carmen at Russell Terminal Repair Track at applicable rate of pay eight hours each day, five days each week from July 1, 1959 and each day thereafter until correction is made, account of said violation.

EMPLOYEES' STATEMENT OF FACTS: On July 1, 1959 a "Servosafe Hot Box Detective" was installed at Russell, Kentucky Terminal and operated by foremen supervisors. The Servograph recording unit is located in the foremen's office at Russell. As the Servosafe "Hot Box Detective" makes an individual inspection of each journal as it passes over the electronic eye, the findings are recorded on a paper tape on the recording unit in the foremen's office and inspecting of the tape to ascertain whether there is evidence of a hot box is done by foremen supervisors in the foremen's office seven days per week. "Detectives" are located at the east end of the East Bound Yard, Russell Terminal. Prior to the installation of the "Servosafe Hot Box Detectives", carmen, in connection with the inspection of passenger and freight cars in trains, inspected journal boxes to determine whether or not there were hot boxes or any defects which might cause hot boxes. These "Servosafe Hot Box Detectives" were installed and began operation at Russell Terminal at Russell, Kentucky July 1, 1959, and the inspection of journal boxes for excessive heat, defective brass, wedge and journals on cars arriving on trains

any advantage management may have gained by taking away from it the advantages of technical advancements made in the field.

Experience has shown in numerous instances where Hot Box Detectors have performed their function in a manner far superior to that which could be performed by man. In one instance a Hot Box Detector indicated an overheated journal on a car. The train crew after stopping the train checked the journal and were convinced that they had received a false indication. They did, however, open the journal box lid and were surprised to see the box burst into flame as soon as the lid was opened. Many hot boxes have been found by the detector long before there was any outward signs that the journal was overheating, thus saving considerable delays and possible wrecks and derailments.

Carrier has shown:

(1) That the Foremen and Supervisors Association should be made a party to the instant dispute before decision in this case can be rendered.

(2) The work claimed by carmen in this case is not work which has been performed by or accrues exclusively to any class or craft of employe.

(3) The work claimed by carmen is not covered by Rule 154 of the Shop Crafts Agreement and such rule has no application in the instant dispute.

(4) The employes by their claim are endeavoring to impede progress and prevent carrier from taking advantage of technical advancements.

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 were given due notice of hearing thereon.

The claim here must be denied for the same reasons as those set forth in Award No. 3916.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of January, 1962.

DISSENT OF LABOR MEMBERS TO AWARD 3917

Rule 154 of the controlling agreement, so far as here applicable, provides that "Carmen's work shall consist of . . . inspecting all passenger and freight cars . . ." The findings of the majority are palpably erroneous and are obviously the result of ignoring the facts and basing the decision on prior awards rather than the applicable portion of the governing agreement.

Edward W. Wiesner

C. E. Bagwell

T. E. Losey

E. J. McDermott

James B. Zink