

**Award No. 325**

**Docket No. 337**

**2-TC-CM-'39**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 68, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. OF L. (CARMEN)**

**TENNESSEE CENTRAL RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:** That Rule 26 of the agreement between the aforesaid parties was violated by the carrier in assigning laborers to remove lagging from engine 552, February 2, 1938, and that Bailey Woodall, carman off duty at that time on account of a reduction of force, should be paid for a call of four hours for this work, as claimed by him.

**EMPLOYEES' STATEMENT OF FACTS:** Engine 552 was in roundhouse at Nashville, Tennessee, February 2, 1938, for repairs. Before these repairs could be made it was necessary for a portion of lagging to be removed from engine, and laborers were assigned to it and removed it.

**POSITION OF EMPLOYEES:** Rule 26 reads as follows:

**"Assignment of Work**

Rule No. 26. None but mechanics or apprentices employed and paid as such will be assigned to do mechanics' work, except at outlying points. Helpers will not be advanced to the detriment of mechanics. This rule shall not apply to foremen. The practice of foremen performing work will not be changed.

At other points than the main shops at Nashville where there is not sufficient work of the different classes of mechanics to require eight hours continuous work of the classes of work specified for each craft, the work of various crafts may be combined to the extent that no more men of any craft shall be employed than can be kept at work practically continuously during the entire assignment of hours, and where the work is not practically continuous, eight hours work within a spread of eleven hours shall constitute a day."

Several years ago this same dispute arose, and the carrier claimed that lagging work is not mechanics' work. No agreement was reached at that time, but carmen have continued to do this work until the present time.

In a letter to Mr. Woodall, under date of February 8, 1938, declining to pay the claim, Mr. T. A. Saunders, master car builder, stated that:

"Several years ago assistant to the General Manager ruled that this is not mechanics work."

To show that the official, mentioned above, could not make such a final ruling, we quote the first paragraph of Rule 29, as follows:

of laborers to remove lagging from locomotives, and it is, therefore, respectfully requested that the claim of the employes be denied.

**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.

The parties to said dispute were given due notice of hearing thereon.

The lagging of boilers is mechanics' work, as contemplated in Rule 26.

The record does not indicate whether the work could or could not have been performed by mechanics then on duty.

#### AWARD

Lagging of boilers is mechanics' work. Claim for pay is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 5th day of April, 1939.