

Award No. 646

Docket No. 646

2-T&P-CM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 121, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

THE TEXAS & PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: That under Rule 82 (a) and (b) of classification of work of carmen, the dismantling, repairing and assembling of brake beams, including the operation of machinery and machine tools in connection therewith, is the work of carmen and not the work of helpers and laborers.

EMPLOYES' STATEMENT OF FACTS: That at Marshall, Texas, the carrier maintains a reclamation plant, one end of which is used to dismantle, repair, assemble and rebuild brake beams from cars reclaimed at various points on the system, including the assembling of new brake beams. The equipment used in connection with the above stipulated work consisting of one assembling machine and one testing machine controlled by air power; oxyacetylene equipment for heating, cutting and welding; work bench equipped with vises, clamps, gauges and hand tools.

In connection with operating said equipment and performing the work pertaining and incident to repairing and rebuilding brake beams, including the assembling of new brake beams, the carrier employes Carman Lonnie Marton; Carmen Helpers Phill Taylor and G. C. Downs; Laborers Bennie Daniels, Bill Taylor and Wesley Wilkins. The latter two are only employed in connection with the assembling of new brake beams.

The carman performs the work of cutting, heating and welding by means of the oxyacetylene process; gauges the truss rods; gauges the fulcrums and channels; applies the fulcrums to channels by means of rivets and keys; and finishes the beams as related only to the final testing and cutting off the ends of truss rods, if and when they are too long.

With the exceptions stipulated next above noted, the helpers and laborers perform all other brake beam work which consists of clamping brake beams in a dismantling machine; removing truss rod nuts; removing brake beam heads from cross bar; gauging brake beam heads; inspecting them and discarding as scrap those that cannot be used, and setting aside those that can be welded, repaired and used; grinding brake beam heads to fit and conform to proper gauge; finishing brake head fulcrums by means of grinding; applying brake beam heads to truss rods; gauging in the distance from head to head and the helper rivets over the truss rod ends while hot, when they are too long and cut off.

REQUESTING THAT FOUR MORE MECHANICS BE ASSIGNED TO HELP THE PRESENT MECHANIC AND ELIMINATION OF ALL HELPERS AND LABORERS. This is not in line with the present agreement or with agreement with shop laborers.

If we are to employ FOUR additional carmen, that are not at present needed, it will possibly result in the carrier's securing brake beams from the manufacturer and discontinuing the performance of this work in our own shops; thus depriving work for three employes coming under the carmen's classification and two under laborers' classification, as the price per beam would be more than we could secure them for from outside concern.

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 record is incomplete as to the manner the work in question was being handled at the time the dispute was filed with this Division. There is ample evidence to show the necessity of the parties making a joint survey of this operation to ascertain the facts after which the claim should be disposed of on the following basis:

Repairing brake beams is carmen's work as per Rule 82 (a) and (b).

Carmen helpers may be assigned to help carmen on this work as per provisions of Rule 83.

AWARD

Claim to be disposed of by the parties in accordance with the above findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 30th day of September, 1941.