

Award No. 819
Docket No. 775
2-IGN(SAU&G)-CM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and
in addition Referee Bruce Blake when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 14, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**INTERNATIONAL-GREAT NORTHERN RAILROAD
COMPANY**

SAN ANTONIO, UVALDE & GULF RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That carrier is violating carmen's Classification of Work Rule 106 by using machinists and machinist helpers to perform carmen's work at Corpus Christi, Texas, and the following claims should be paid:

A. H. Glaeser:	May 8, 1940, account machinist and helper applied one pair of wheels to tender of Engine 9437, 4 hours @ 76¢ per hour.....	\$ 3.04
	June 7, 1940, account machinist or machinist helper applying brake beam to tender of engine 1017, 4 hours @ 76¢ per hour.....	3.04
	June 24, 1940, account machinist applying brake beam to tender of engine 1017, 4 hours @ 76¢ per hour.....	3.04
	August 31, 1940, account machinist and helper removing, repairing and replacing foot board on engine 9584, 4 hours at engine carpenters' rate, 86¢ per hour.....	3.44
	Total	12.56
H. T. Jones:	May 8, 1940, account machinist and helper applied one pair wheels to tender of engine 9437, 4 hours @ 76¢ per hour.....	3.04
	May 17, 1940, account machinist and helper applying brake beam to tender of engine 1017, 4 hours @ 76¢ per hour.....	3.04
	May 21, 1940, account RH Foreman and machinist helper applying window glass to right front of cab of engine 299, 4 hours at engine carpenters' rate 86¢ per hour.....	3.44
	June 19, 1940, account machinist and helper removing, and replacing right back foot board, engine tender 9585, account too high, engine carpenters' rate, 4 hours @ 86¢ per hour.....	3.44

located at San Antonio. In May, June, September and October, 1940, two car inspectors were employed at Corpus Christi with working hours 4 A. M. to 8 A. M.—9 A. M. to 1 P. M.; and 1 P. M. to 9 P. M. The carrier did not maintain any car builders at that point for the reason that there was not sufficient work to justify their employment and took the position in the cases connected with the instant case that at outlying points, such as Corpus Christi, where there is not sufficient work to justify employing a mechanic of all crafts that the foreman or mechanics employed at such points will, so far as capable, perform the work of any craft that may be necessary and declined the claims of the carmen as presented inasmuch as the work was performed either outside of their assigned hours or at a time when they were not available.

POSITION OF CARRIER: As indicated in the carrier's statement of facts, a small mechanical force is maintained at Corpus Christi to perform running repairs. It has been the practice for a number of years; in fact, ever since a mechanical force has been employed at Corpus Christi, for the working mechanical foreman, machinists and helpers to perform all work on locomotive tenders, apply cab window glasses and other work of like nature on locomotives and tenders.

A similar case to the one covered by this docket arose in 1938 in which the general chairman of the organization submitted a claim for four hour call for Carman H. T. Jones, who is employed as a car inspector at Corpus Christi, account machinist helpers applying footboards to engine 9501 June 13 of that year. The case was appealed to the assistant general manager who conferred with the general chairman on September 13, 1938, and wrote him the following letter on September 18, 1938:

"Conference September 13th, with reference to claim of H. T. Jones, Carman, Corpus Christi.

It is not the intention that we call a Carman to replace or repair footboards on an engine where a Carman is on duty unless conditions require it, but it is the intention to use Carmen when on duty to perform work coming under their classification."

So far as the records indicate, there was no further handling on the part of the general chairman and it was understood that the decision of the assistant general manager was acceptable.

It is the contention of the carrier that inasmuch as there is not a sufficient amount of work of the class involved in the claims connected with the instant case to justify the employing of a car builder, and, further, due to the fact that the carrier has always followed the practice at outlying points, such as Corpus Christi, of having the mechanics employed at such points, so far as capable, perform the work of any craft that may be necessary, the carrier is justified in declining the claims covered by the instant case and your Honorable Board is respectfully petitioned to render an award sustaining the position of the carrier.

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.

It is conceded, at least impliedly, that the work, upon which the claims are predicated, came within the scope of Rule 106 of the controlling agreement. The carrier declined the claims—" * * * inasmuch as there is not a

sufficient amount of work of the class involved in the claims connected with the instant case to justify employing a car builder, and further, due to the fact that the carrier has always followed the practice at outlying points such as Corpus Christi, of having mechanics employed at such points, so far as capable, perform the work of any craft that may be necessary, * * *."

Neither of these reasons justifies the assignment of machinists and machinist's helpers to perform carmen's work. The Division is of the opinion that, under the facts disclosed by the record, the carrier violated Rule 106 of the controlling agreement.

AWARD

Claims sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 6th day of August, 1942.