NATIONAL RAILROAD ADJUSTMENT BOARD SECOND DIVISION

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYES' DEPARTMENT, A. F. OF L. (CARMEN)

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: (a) The maintenance of air brakes involves the following operations: removing and applying cylinder pistons, cleaning and greasing air brake cylinders, removing and applying triple valves, cleaning and oiling retainer valves, cleaning dirt collectors, repairing brake pipes, stenciling air brake cleaning dates, operating individual car testing device, and is therefore mechanics' (carmen's) work.

(b) J. L. Roberson should be compensated the difference between helper's and mechanic's rate of pay (\$114.20) for all time assigned to perform the above work (April 11, 1941 to June 15, 1941).

EMPLOYES' STATEMENT OF FACTS: J. L. Roberson entered the service of the Atlantic Coast Line Railroad Company on August 14, 1922, as carman helper in its Emerson shops, Rocky Mount, North Carolina. He served as step-rate mechanic and acquired mechanic's seniority date under the then effective rules, of August 29, 1923. He later acquired both helper and mechanic's seniority date on the coach and locomotive carpenter's roster. He is shown on the present rosters as follows:

Freight Carman Roster

J. L. Roberson, mechanic 8-29-23 helper 8-14-22

Coach & Locomotive Carpenter Roster

J. L. Roberson, mechanic 9-7-39 helper 9-7-39

Roberson is therefore qualified and eligible to accept work as mechanic or helper either in the coach shop or freight car shop in accordance with seniority dates shown above.

On or about April 1, 1941, J. L. Roberson, having been previously furloughed as mechanic and having exercised his helper seniority and accepted work as car repairer helper, was assigned by the foreman to work with E. L. Patrick, air brake repairer, maintaining air brake equipment on freight cars in the rip track. Roberson continued on this assignment until June 15, 1941.

In the occasional absence of E. L. Patrick, who incidentally was also wrecker derrick engineer, Roberson worked with F. F. Faulk, and in both instances under the direct and immediate supervision of rip track foreman.

883—5 430

such further answer and defense as it may deem necessary and proper in relation to all allegations and claims as may have been advanced by the petitioners in such petition and which have not been answered in this its initial answer.

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.

Sufficient evidence has been presented showing that Carman Helper Roberson, in certain instances, performed work described in claim (a) in violation of Rules 27 (a) and 402 of the current agreement.

Carmen helpers should not be used to perform any operation in violation of the provisions of Rules 27 (a) and 402 of the agreement.

AWARD

Claim (a) Sustained.

Claim (b) The question of such compensation as may be due is remanded to the parties for disposition through negotiation.

NATIONAL RAILROAD ADJUSTMENT BOARD By Order of Second Division

ATTEST: J. L. Mindling Secretary

Dated at Chicago, Illinois, this 18th day of December, 1942.