

Award No. 1067

Docket No. 1005

2-CRI&P-CM-'45

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Richard F. Mitchell when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY
COMPANY**

(Joseph B. Fleming and Aaron Colnon, Trustees)

DISPUTE: CLAIM OF EMPLOYES: 1. That the maintaining and repairing of cars under the provisions of the controlling agreement is carmen's work.

2. That the carrier violated the controlling agreement on January 14, 1944, when other than a carman was assigned to repair Rock Island Car No. 94049, set out of a train at Adona, Arkansas.

3. That the carrier be ordered to additionally compensate Carman J. R. Phillips for five (5) hours at the rate and one-half account the aforesaid violation.

EMPLOYEES' STATEMENT OF FACTS: On January 14, 1944, Mr. R. L. Griffin, car foreman, sent brass jack and packing on Train 111 to section foreman at Perry, Arkansas to repair Rock Island Car 94049, set out at Adona, Arkansas on January 13, 1944. Adona is located on the main line 57 miles from Little Rock.

The carrier maintains a truck at Little Rock which is used by carmen in the repairing of cars set out on line of road. By using the truck, Carman Phillips would have consumed approximately five hours—four hours travel time and one hour to repair Rock Island 94049. Carman Phillips was regularly assigned by the carrier at Biddle Shops, Little Rock, Arkansas, with assigned hours from 4:00 P. M. to 12:00 M. Carman Phillips worked his regular assignment on January 14, 1944. Carman Phillips was available for this work and would have accepted the call had he been given the opportunity to have done so.

The controlling agreement is dated September 15, 1941.

POSITION OF EMPLOYES: Rule 110, captioned "Carmen—Classification of Work," reads as follows:

"Carmen's work shall consist of building, maintaining, dismantling (except all-wood freight-train cars), painting, upholstering and inspecting all passenger and freight cars, both wood and steel, planing mill,

In this connection, we respectfully refer the Board to Awards 1001 and 1032, Dockets 929 and 940, respectively, rendered by this Board, covering cases similar to the instant one on this carrier.

The claim of the employes is not supported by any rule as to compensation claimed, nor by any rule as to alleged violation, and should 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.

On January 14, 1944, a Rock Island freight car was set out at Adona, Arkansas, because of a hot box. It was rebrassed by the section foreman. It is the contention of the employes that this work belonged to the carmen under the current agreement. Rule 121, "Work Away From Shops" of the current agreement is not exactly the same as Rule 66 in Award 1032. Rule 121 is as follows:

"When necessary to repair cars on road or away from the shops, carman, and helper when necessary, will be sent out to perform such work as is provided for in their classification of work rules."

Nowhere in the classification Rule 110 is there any mention made of brassing cars—the only mention made in the current agreement is in Rule 112 "Carmen Helpers." As this referee sees it, the same identical principle involved in this case was involved in the two late awards, Nos. 1001 and 1032 of this Division, in both of which this Division denied the contention of the employes. There was no violation of the rules.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 2nd day of May, 1945.