

Award No. 1135

Docket No. 1049

2-CRI&P-FO-'46

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Sidney St. F. Thaxter when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (FIREMEN & OILERS)**

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

Dispute: Claim of Employees: That the carrier be ordered to compensate Laborer Frank Mack for eight (8) hours at the time and one-half rate, due to having improperly used Carman Helper Charles Koker to perform laborers' work eight (8) hours on Sunday, October 8, 1944.

EMPLOYEES' STATEMENT OF FACTS: The carrier maintains at Silvis car department a portable crane commonly referred to as a loadmaster.

The regularly assigned operator of this loadmaster is a carman helper, classified as a load master operator, and furnished by the carmen's craft.

Prior to the inauguration of the loadmaster at the Silvis car department, wheels were handled and delivered exclusively by laborers by use of tractor and skid and/or what other means were available, such as jack sticks and/or narrow gauge track.

At all other points on this carrier's system where such work is to be done, and there is no loadmaster available, wheels are handled in the above manner and by the laborers group.

It was known by the management that the load master was out of order and would not be available for use on Sunday, October 8, 1944. So on Saturday, October 7, the management arranged to deliver wheels on the following day, Sunday, with a tractor and skid, by ordering the regularly assigned tractor operator, Laborer G. E. Hall and Carman Helper Charles Koker, to work on Sunday, October 8. Laborer Hall operated the tractor, and Carman Helper Koker was improperly assigned to help Tractor Driver Hall deliver wheels and other material during the entire eight hour period.

Laborer Frank Mack, the claimant, worked his regularly assigned hours from 7:15 A. M. to 3:45 P. M., Saturday, October 7, and thus he was available to be ordered to work on Sunday. In other words, Claimant Mack was available, ready and willing to work on Sunday, October 8, 1944.

The controlling agreement is identified as Schedule Part II, Shop and Car Dept. Laborers Rules of the agreement effective October 1, 1935.

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 waived right of appearance at hearing thereon.

The assignment of a carman helper to do laborers' work was a violation of the agreement.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 19th day of March, 1946.