

Award No. 1273
Docket No. 1200
2-SP (Tex. & La)-CM-'48

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Adolph E. Wenke when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 162, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (Carmen)

SOUTHERN PACIFIC LINES IN TEXAS & LOUISIANA
(Texas & New Orleans Railroad Company)

DISPUTE: CLAIM OF EMPLOYEES: 1. That under the current agreement the dismantling of freight car trucks preparatory to removing defective wheels and the assembling of all the parts dismantled after new wheels have been applied is carmen's work, and not the work of carmen helpers.

2. That it is improper to assign or substitute carmen helpers to perform the aforesaid work, and that accordingly the carrier be ordered to discontinue utilizing carmen helpers to perform said work.

EMPLOYEES' STATEMENT OF FACTS: At Algiers Car Shops, Louisiana, the carrier, through Foreman H. W. Cogan, assigned Carman Helper W. H. Stewart to work on the opposite side of Carman Joe Gray, in connection with the removal and renewal of freight car wheels in Bettendorf and Andrews four wheel trucks. Such work was performed on PFE car 38613, December 12, 1946; ACL Car 44122, PRR Car 120059, PLE Car 35735 and SP Car 63157, December 13, 1946; and CNJ Car 14080 and T&NO Car 34643, December 14, 1946.

This helper performed identically the same work and used identically the same tools as did Carman Gray on his side of the truck, which consisted of disconnecting and removing parts essential to the removal of the old wheels. After the new wheels were rolled to place in the truck frames, this helper then reassembled the same identical parts and used the same identical tools on his side of the truck as did Carman Gray on his side of the truck.

On December 23, 1946, the carrier, through Foreman E. St. C. Thompson, assigned Carman Helper A. S. Sylva to operate in identically the same manner with Carman E. Theodore in the removal and renewal of freight car wheels in Andrews four wheel trucks on Milwaukee Car 592050, as Carman Helper Stewart and Carman Gray were required to work described above.

To effectuate the renewal of these aforesaid freight car truck wheels requires the removal on each side of the truck of many cotter keys, brake shoe keys, brake shoes, pins, brake levels, bottom brake rods, journal box bolts, truck springs, etc., and the proper assembling of all such parts after the wheels have been renewed.

ing of cars in connection with oilers' duties; cleaning journals; repairing steam and air hose; assisting carmen in erecting scaffolds; and all other work generally recognized as carmen helpers' work, shall be classed as helpers."

The employes have asked this Division to rule "that it is improper to assign or substitute carmen helpers to perform the 'aforesaid' work", and the work referred to is the dismantling of freight car trucks preparatory to removing defective wheels and assembly of parts dismantled, after new wheels have been applied. The carrier submits that it has not assigned or substituted carmen helpers to perform that work. The repairing of trucks is carmen's work, as stipulated in the carrier's statement of facts, and as carried in the findings of Award 1105. Carmen helpers on our property have never been assigned to repair trucks, which includes removing defective wheels and the reassembly of parts dismantled, after new wheels have been applied, nor have carmen helpers been "substituted" to perform that work. Carmen have always been assigned to that work and the carmen so assigned are furnished with sufficient competent help in connection with their work. Carmen helpers are regularly assigned to help carmen, and carmen helpers do help the carmen in the dismantling of freight car trucks preparatory to removing defective wheels and the reassembly of parts dismantled, after new wheels have been applied.

General Chairman Wolff does not want carmen helpers to help carmen dismantle and reassemble the truck parts in applying new wheels. It would be ridiculous for the carmen helpers to only stand at the carmen's side, to fetch and carry tools or to wait on the carmen, and not to participate in the work. We don't know of any situation anywhere, where a mechanic's helper, under the shop crafts agreement performs in that manner. Freight car truck work is heavy work and rough work and although mechanical aids have been provided to lessen the physical burden, it takes two men, the carman and his helper, to take down and reassemble the parts. The carman is assigned to do the job. He is responsible for its accomplishment and the manner in which the work is performed. He directs the work of the helper in all things. The helper, as well as the carman, does knock out cotter keys and brake pins and brake shoe keys, and lifts out springs and does lift out journal bearing wedges and journal bearings, and like unskilled and rough functions. On the truck assemblies that have journal box bolts he uses an open-end wrench to take off and reapply the nuts, but this usual and customary function of the mechanic and his helper carrying on the work does not in any way constitute the assignment of the carman helper to perform carman's work nor the substitution of a carman helper for a carman.

The Board's attention is directed to the findings and awards in Awards 556, 562, 646 and 957. We think it is implied in those awards that carmen helpers may help carmen perform any work on which the carmen may be engaged.

CONCLUSION

Carmen only are assigned to perform freight car truck work. The carmen so assigned are furnished competent experienced helpers to assist them in the performance of that work. The carmen are in charge of the work and in all cases direct the work of the helpers. The organization is clearly seeking an award to this Board to prohibit carmen helpers from helping carmen in freight car truck repair work contrary to the terms of the agreement by the parties and its application on the property.

Wherefore, premises considered, the carrier respectfully requests that the claim made in this case be in all things 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 respectfully 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.

Repairing of freight car trucks is carmen's work. The work here involved consists of the disconnecting and removal of parts essential to the removal of the old wheels and the reassembling of such parts after the wheels have been replaced by new ones. This work, within the rules of the agreement, belongs to carmen. However, it would appear that some help is actually needed to do this work. To the extent that help is actually needed to do the work, a helper is proper and can and should be utilized for that purpose but, the work itself must be done by carmen.

Substituting carman for machinist, then what was said by this Division in Award 1174 is applicable here. Therein we said: "If as alleged: * * * A Machinist is assigned to work on one side of the car * * * and a Machinist Helper is assigned to work on the opposite side of the Machinist, using identical tools as used by the Machinists and performing the same identical work as performed by the Machinist. * * *" such an arrangement would constitute a violation of the agreement."

The record here establishes such to be a fact and therefore, because of such violation, the claim should be sustained. See Awards 671 and 1105.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 20th day of July, 1948.