

Award No. 2896
Docket No. 2477
2-BRC-CM-'58

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 130, RAILWAY EMPLOYES'
DEPARTMENT, AFL-CIO (Carmen)**

THE BELT RAILWAY COMPANY OF CHICAGO

DISPUTE: CLAIM OF EMPLOYES:

1. That under the current agreement Supervisors of The Belt Railway Company in the Clearing District, Chicago, Illinois, were improperly assigned by the Carrier to perform work rightfully belonging to the craft and class of Carmen, i.e., performing duties as checker on the Repair Tracks on Saturday and Sunday—while the work was performed properly by carmen from Monday through Friday the balance of the week.

2. That, accordingly, the Carrier be ordered—

(a) To discontinue this practice of improperly and arbitrarily assigning Supervisors to perform this work on Saturday and Sunday (account of carmen being on relief days) as it is a strict violation of the current working agreement in effect on this property.

(b) To compensate the two Claimants hereinafter mentioned, for 8 hours each day listed at the time and one-half rate of pay because of this violation. The two Claimants were on their relief days and were available for work the days in question:

Carman R. Rodeck —October 1, 2, 8, 9 and 16, 1955.

Carman M. Loescher—October 1, 2, 8, 9 and 15, 1955.

EMPLOYES' STATEMENT OF FACTS: R. Rodeck and M. Loescher, hereinafter referred to as the claimants, are employed by The Belt Railway Company of Chicago, hereinafter referred to as the carrier, as carmen in the Clearing District, Chicago, Illinois.

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.

Claimants, Carmen, as part of their regular work from Monday through Friday, performed Checkers' work which the employes stated consisted of checking the work of car repairers to see that it is properly done, and that the repaired cars are fit for service, writing billing repair cards, and handling requisitions for material, and approving or billing repaired cars for service. The carrier stated that checkers' work involved the writing up of billing repair cards, defect cards, transfer and adjustment of lading bills, etc. When the work in question was bulletined for periods in the car department by the carrier on March 22, 1945 and May 31, 1950 and February 1, 1951, the said position was described as follows:

"Combination Checker, Car Repairer and Inspector. Applicant must be qualified to perform the following work. Repairing cars, inspecting cars, coupling hose, checking repairs, handling requisitions for material and writing billing repair cards, etc. Off Duty—Saturday and Sunday."

On Saturdays and Sundays on the days set forth in the claim herein (the claimants' day of rest), supervisors and foremen performed the work of checkers.

In our Award 1825, which was followed in our Award 2273, we laid down two principles applicable here. The principles were as follows:

"Work normally incident to a position may ordinarily be performed by the occupant thereof (but when, from Monday through Friday, it has been assigned to and performed by employes of another class or craft the work belongs to that class or craft on rest days and does not flow back to the position on such rest days so as to permit the occupant of the position to perform it.)"

"When work is not the exclusive right of any one class or craft carrier may have the employes of any class or craft perform it who have a right thereto. However, if carrier assigns it to employes of one craft or class from Monday to Friday that class or craft has the right to the same work if performed on Saturdays and Sundays and carrier cannot assign it on those days to another class or craft."

The work of checker done by the claimants throughout their regular work week from Monday through Friday was on their days of rest on the Saturdays and Sundays alleged, done by the supervisors and foreman. The work of checkers on said Saturdays and Sundays which was performed by carmen through the work week belonged to the carmen when the said work was performed on Saturdays and Sundays.

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624

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1958.