

Award No. 3179
Docket No. 2986
2-ART-F&O-'59

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee D. Emmett Ferguson when award was rendered.

PARTIES TO DISPUTE:

**INTERNATIONAL BROTHERHOOD FIREMEN AND OILERS
RAILWAY EMPLOYES' DEPARTMENT, A. F. of L.—C. I. O.**

AMERICAN REFRIGERATOR TRANSIT COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That under agreement dated November 1, 1939 and subsequently amended, Claimants C. Jones and A. M. Bell are being deprived of work.
2. That accordingly the American Refrigerator Transit Company be ordered to compensate the aforesaid claimants eight (8) hours at pro rata rate beginning with February 1, 1957 and all subsequent dates.

EMPLOYES' STATEMENT OF FACTS: Clara B. Jones and Anna M. Bell (hereinafter referred to as the claimants) were employed by the American Refrigerator Transit Company at their St. Louis, Mo., shops on September 17, 1943 and on March 21, 1945 respectively, which is confirmed by roster dated January 1, 1957 submitted herewith as Exhibit A, and worked as yard cleaners until they were affected by force reduction, notice posted on January 28, 1957, the effective date of which was 4:30 P. M., January 31, 1957. Bulletin submitted herewith identified as employees' Exhibit B.

Following the force reduction on January 31, 1957 the management, beginning with February 1, 1957, assigned following employees to perform work heretofore performed by the claimants, work consisting of cleaning shop and yard premises, machine shop, and runways:

Lenard Dillon, Willie G. Vasser, Jr., Charles D. Evans, Charlie J. Williams, E. L. Mabrey, Ben Fitzpatrick, Clinton Daniel, Jr., L. A. Jackson. (Morris Evans, a car helper). Robert Dillon and E. C. Rutherford. On

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.

Parties to said dispute were given due notice of hearing thereon.

In this case female yard cleaners who had been employed as such, were carried on a separate seniority roster. Now that the company has bought a machine to sweep concrete drives, which was formerly done by the claimants, and has furloughed them, the claim is advanced that male laborers with less seniority are performing claimants' work when they pick up trash and clean the shop and runways.

We find the carrier has shown that the female yard cleaners occupied a special work assignment limiting them to jobs within their capabilities. The sweeper purchased is now doing their work and they should not be permitted to move into a laborers classification for which they were not hired and which is in general beyond their abilities although at times male laborers duties of the moment may be light work.

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 20th day of April 1959.