

**Award No. 3524**

**Docket No. 3369**

**2-RDG-CM-'60**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

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

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 109, RAILWAY EMPLOYES'  
DEPARTMENT, A. F. of L. - C. I. O. (Carmen)**

**READING COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:**

1 — That under the applicable agreement the Carrier has improperly assigned the operation of a so-called "Twin Vise Recorder" to employes other than carmen at West Trenton, New Jersey.

2 — That accordingly the Carrier be ordered to pay each of the following, in a rotating manner, 8 hours at time and one-half rate of pay, per shift, 3 shifts per day, since October 20, 1957:

John Boorse  
E. J. Erb  
H. W. Young  
M. Mullee  
G. Harrison  
C. A. Young

John Phillips  
R. S. Jackson  
W. J. Cutler  
T. Petetrich  
R. Jacques  
Leonard Schaub

**EMPLOYES' STATEMENT OF FACTS:** On or about October 20, 1957, the carrier had installed a "Servosafe Hot Box Detective" at West Trenton, New Jersey.

As a part of this electronic device installed as above described, there is attached to same, by means of wiring, the Servosafe recording unit. This part of the installation was placed in the Building No. 230 at West Trenton, New Jersey, for the observation of the telegraphers when trains pass over the track mechanism, for them to observe and report defects as detected by the track mechanism and simultaneously recorded on the recorder. As the trains pass over this device, the heat from the journal boxes is registered, or recorded, on a graph tape in the building which reflects whether there is evidence of a hot box.

Prior to the installation of the "Servosafe Hot Box Detectives" carmen, in connection with the inspection of passenger and freight cars in trains, inspected journal boxes to determine whether or not there were hot boxes or any defects

is properly and reasonably assignable to employees represented by The Order of Railroad Telegrapher.

Part 2 of the organization's claim is a request that carrier be required to compensate designated employees at punitive rate for eight hours around the clock continuing from October 20, 1957. This, in carrier's opinion, would be an unnecessary and unwarranted penalty payment which is directly opposed to carrier's managerial and statutory responsibility of operating efficiently and economically in the interests of its patrons and has no basis under carrier's agreement with the carmen's organization.

Carrier also desires to point out to the Board that with respect to the merits of this dispute the instant claim involves essentially identical facts and circumstances as those contained in this claim filed with the Board in letter dated August 12, 1958 from President Michael Fox of the Railway Employees Department to Executive Secretary Sassaman. Carrier, therefore, incorporates by reference into this docket all material contained in its original submission in that dispute, which was forwarded to the Board by carrier under date of November 5, 1958.

For reasons set forth hereinbefore, the carrier requests the Board not to assume jurisdiction in this dispute but to dismiss same. However, should the Board assume jurisdiction, it is carrier's position that the organization's claim was not handled in accordance with the provisions of Article V of the August 21, 1954 National Agreement and is, under the facts and circumstances surrounding this case, unwarranted and without merit and carrier respectfully requests that the claim be denied in its entirety.

**FINDINGS:** The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

Carrier installed Hot Box Detector machines along its right of way which transmitted information as to the relative heat of the journal boxes on the cars of passing trains to recording devices placed in towers located near the machines. Towermen as incidental to their other duties were instructed to watch the recorder as trains passed by and in case of a hot journal to have the train stopped and notice given of the journal involved.

The Organization asserts that carmen have the exclusive right to inspect passing trains for hot boxes, but even if so that does not justify the claim. The towermen were not required to inspect the train; that service was performed by the detector machines. The towermen were not required to operate those machines; the machines were automatic. The towermen only received the information imparted to them by the machines and gave proper signal indications dependent on the information received. That was not carmen's work.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois this 29th day of July 1960.

**DISSENT OF LABOR MEMBERS TO AWARDS 3523 AND 3524**

Prior to the installation of the detector machines carmen inspected journal boxes of passenger and freight trains to determine whether or not there were hot boxes or any defects which might cause hot boxes. Rule 108 of the controlling agreement is a specific scope rule and without exception includes the work of inspecting all passenger and freight cars. What kind of machine is used to detect defects in car journals is of concern only to the carrier but, under the scope of Rule 108, carmen are entitled to take the readings from the machines detecting the defects detected by carmen prior to installation of the machine.

**Edward W. Wiesner**

**R. W. Blake**

**Charles E Goodlin**

**T. E. Losey**

**James B. Zink**