

Award No. 4240
Docket No. 4093
2-P&LE-TWU-'63

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Howard A. Johnson when award was rendered.

PARTIES TO DISPUTE:

**RAILROAD DIVISION, TRANSPORT WORKERS UNION OF
AMERICA, A. F. of L. — C. I. O.**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY AND
THE LAKE ERIE & EASTERN RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

Claim is herewith presented in behalf of Joe Adams, George Zetts and George Camuso for: Eight (8) hours at time and one-half rate for September 14, 1960 on account of trainmen being used to perform recognized carmen's work. On September 15, 1960 at 1:10 A. M. Yardmaster Mezzatesta instructed Conductor Palguta and Helpers Donnadio and Trinkaus, Trainmen on the New York Central crew operating out of McGuffey Street yards to couple air hose, closing of journal box lids on the following cars on the River Track at Struthers, Ohio; T&NO-60446, GATX-69146, GATX-9219, KCPX-4119, P&LE-36491, P&LE-36400, NYC-629866, C&NW-95166, DWCX-95, KCPX-4060, P&LE-1215 and P&LE-1216. It is submitted that the work performed by the trainmen in this instance is work which is normally performed by car inspectors at this point, however, on Sept. 15, 1960 Yardmaster Mezzatesta did not turn this train of cars over to the car inspectors to be worked for the simple reason that the car inspectors were working other work. Further, Rule 25 and Rule 26 of the controlling agreement specifically and clearly sets forth that the complained of work herein is work that accrues exclusively to carmen.

EMPLOYEES' STATEMENT OF FACTS: This case arose at Youngstown, Ohio and is known as Case Y-142.

That car oiling and packing, closing of box lids, coupling of air hose and making a terminal air test has always been considered as carmen's work and not trainmen's work.

2. Such work has never been assigned exclusively to any particular class or craft of employes on this property;
3. The issues of trainmen coupling air hose and testing air brakes have been taken to this Division by the employes on previous occasions, in which cases the claims were denied and the position of the carrier upheld, and
4. The organization has failed to produce any evidence to substantiate its position in this case.

Awards of the National Railroad Adjustment Board have been cited by the carrier in support of its position.

All data incorporated herein have been made known or available to the organization during conference or otherwise.

Carrier respectfully submits that the claim is completely devoid of merit and should be 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 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.

This claim is between the same parties as that in Award No. 4239, and is essentially the same except that this record includes a statement by three carmen that they observed the yard crew closing journal box lids, as well as coupling air hose and testing airbrakes.

None of these items of work is expressly included in Rule 25, the Classification of Work rule; it has repeatedly been held by this Division that trainmen may couple air hose and make visual brake tests preliminary to train movements, and no rule or award has been cited which makes or finds the closing of journal box lids the exclusive work of carmen.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 17th day of June, 1963.