

Award No. 5154
Docket No. 4878
2-P&LE-TWUOA-'67

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

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

PARTIES TO DISPUTE:

**TRANSPORT WORKERS UNION OF AMERICA,
RAILROAD DIVISION, AFL-CIO**
THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
and
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

That the Pittsburgh and Lake Erie Railroad Company compensate A. Sylvester four (4) hours at pro rata rate (call) for June 3, 1964 account of trainman used to couple air hose, inspecting, and making a car to car air brake inspection and test on 20 cars in the Farrell yard at Sharon, Pa.

EMPLOYEES' STATEMENT OF FACTS: A Sylvester hereinafter referred to as claimant, is employed by the carrier at Youngstown, Ohio Seniority District as an extra board car inspector.

Claimant holds seniority at Sharon, Pa., a facility where freight trains are inspected and the location where violation occurred by agreement dated July 1, 1955, attached hereto and identified as Employees' Exhibit A.

Claimant is entitled to be called for work at Sharon, Pa. as described in rule 48 of the agreement which is presented herein and identified as employees' Exhibit B.

Car Inspectors always performed the work mentioned in the claim, on the second shift at Sharon, Pa. where car inspectors were employed on regular positions up to May 25, 1964, when the carrier abolished the car inspector position and gave the work to trainmen.

A statement from a member of the crew who performed the work in dispute is attached hereto and identified as Employees' Exhibit C, to show that the work was performed by the train crew.

2. Carrier submits the doctrine of "Res Judicata" is applicable and dictates dismissal of the claim.
3. This division has on numerous occasions ruled on the same issues involved herein, in dockets involving the same parties here involved, and has found the claims of the employees to be without merit.
4. Awards of the Second Division, National Railroad Adjustment Board, and Special Boards of Adjustment support carrier's position in the instant case.

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 employees 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.

The claim was filed by a Car Inspector because the work of coupling air hoses and testing of air brakes was done by a trainman.

A trainman in connection with the movement of their own train cars can perform the above duty. The coupling and testing function is not the exclusive work of carmen.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 28th day of April, 1967.