

(Advance copy. The usual printed copies will be sent later.)

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6472  
Docket No. 6362  
2-C&NWT-CM-'73

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

Parties to Dispute: ( System Federation No. 12, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
( Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. That the Carrier unjustly removed Steven Tiesman, Carman, from sand blasting job. After working this job from February 5, 1971 to August 17, 1971 - 6 months and 15 days.
2. He was paid Helper's rate of pay instead of the Carmen's rate while performing Carmen's work.
3. That the Carrier be ordered to compensate Mr. Tiesman the Carmen's rate of pay from February 5, 1971 to August 17, 1971 and from August 18, 1971 until he is restored to the sand blasting job, which is a continuing claim.

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 waived right of appearance at hearing thereon.

Rule 124 of the July 1, 1921 agreement was violated when Claimant was demoted to helper and assigned to the sand-blasting job on February 5, 1971

Rule 124 reads in part:

"Other carmen's work shall consist of \* \* \* burning off or sand-blasting paint; \* \* \*."

Rule 14 of the July 1, 1921 agreement was violated when claimant was paid carmen helper's rate of pay from February 5, 1971 until August 17, 1971. However, since a claim was not filed until August 21, 1971, the claim is barred by Article V of the August 21, 1954 agreement to the extent that claimant is only entitled to the difference in helper's rate of pay and carmen's rate of pay beginning June 21, 1971 until August 18, 1971.

Rule 16 of the July 1, 1921 agreement was violated when the sand-blasting job was not bulletined.

Rule 16 reads in part:

"When new jobs are created, or vacancies occur in the respective crafts, such new jobs or vacancies will be bulletined."

A W A R D

Claim 1 - Denied. Claimant was classified as a helper. The sand-blasting job was carmen's work and should have been bulletined as such.

Claim 2 - Sustained. Sustained in accordance with the Findings.

Claim 3 - Sustained. Sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

E. A. Killean

Executive Secretary

Dated at Chicago, Illinois, this 30th day of April, 1973.