

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

Parties to Dispute: (System Federation No. 42, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Carrier assigned employees other than Carmen Painters to perform Painters' work at Savannah, Georgia running repair track.
2. That the following Carmen Painters, J. M. Faircloth, K. L. Davis, M. W. Conaway, E. C. Reynolds, and Pete Hardnett, be additionally compensated eight (8) hours' pay at straight time rate for each day, to be divided equally. The claim is for the following days: June 28, 29, July 1 through 18, July 22 through 31, 1971, and for all days after August 1, 1971 as a continuous claim as long as said violation continues.

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.

The claim here is predicated on the basis that since the Claimants were classified as Carman Painters, who have separate seniority from other Carmen, all work consisting of applying "paint remover to all I.D.T.'s, air dates, journal box repairs dates and scrape the same, then paint out a place for the new dates to be lettered on all of these cars", belongs exclusively to them and may not be performed by other Carmen not so classified. This issue, between the same parties, has been adjudicated by this Board in Award No. 6422.

After discussing Rules 15, 26 and 100 Award No. 6422 held "that there was no mutual agreement that this work was to be assigned by Carrier solely to painters, to the exclusion of other Carmen." Carmen other than painters have regularly been assigned to stenciling and applying Automatic Car Identification Modules (ACI) to cars. Further such work is incidental to a Carman's other duties. It is not painting as intended for those in the Carman Painter classification.

Award No. 6267, while not dealing with an identical claim, did consider a claim on this property by a Carman-Painter who complained that only he should have been assigned to paint over ground areas to prevent rust. The Board in that case held "We cannot find that Carman-Painters have a right to all painting work on this property."

We see nothing wrong with the findings in these Awards on this property. They are here affirmed.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By *Rosemarie Brasch*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 15th day of January, 1974.