

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: (United Steelworkers of America
(A. F. of L. - C. I. O.
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(The Lake Terminal Railroad Company

Dispute: Claim of Employees:

- (1) That the current Agreement specifically Rule 16(e)1, when the Carrier used a Car Repairman-Crane Operator, to oil journal boxes on bad order cars on repair tracks 609 and 609A, on January 1, 1976.
- (2) That, accordingly, the Carrier be ordered to compensate Car Repairman Helper, H. Messer, #1478, twelve (12) hours pay at the Helper's rate in addition to all other earnings, as penalty for the instant violation. Mr. Messer was qualified, willing and available to perform the work in question.

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 waived right of appearance at hearing thereon.

A Car Repairman Helper claims pay because a Crane Operator & Car Repairman (a journeyman mechanic of the Carmen craft) oiled journal boxes on bad order cars on a holiday when Car Repairman Helpers were scheduled off duty.

The record shows that Car Repairman Helpers regularly oil journal boxes, but nothing in Rule 16 (Car Department Special Rules) precludes the use of a journeyman mechanic to do any of the duties assigned to a Helper. The language of the applicable agreement, and many numerous previous awards, establishes the right of the Carrier to have a journeyman perform duties performed by a helper, even if the reverse is not true; indeed, this concept is logical in the relationship of one who helps to a worker being assisted.

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Award No. 7354
Docket No. 7237
2-LT-USWA-'77

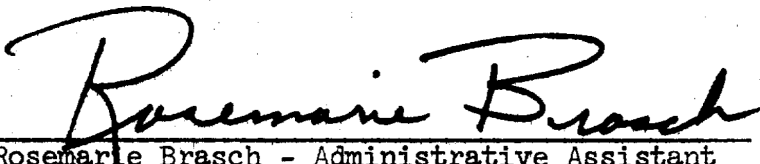
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of September, 1977.