

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

Parties to Dispute: ( System Federation No. 76, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( Chicago and North Western Transportation Company

Dispute: Claim of Employes:

1. That the Carrier improperly assigned D.W.P. Car Inspectors to inspect cars in the Duluth train yards on dates of December 2, 3, 4, and 5, 1975.
2. That accordingly, the Carrier be ordered to compensate Carman Bernard Sislo eight (8) hours at time and one-half rate of pay for December 2, 1975; Lester Sullivan eight (8) hours at time and one-half rate of pay for December 3, 1975; Leo Shears eight (8) hours at time and one-half rate of pay for December 4, 1975; and Roger Falk eight (8) hours at time and one-half rate of pay for December 5, 1975.

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.

This is a dispute based on an alleged improper assignment of D.W.P. Railroad Car Inspectors to freight cars in the Chicago and North Western Railroad yards at Duluth, Minnesota.

The carrier has defended on the basis of an alleged agreement between the parties. The existence of said agreement has been denied by the organization and the carrier has failed to prove the existence of same.

The agreement between the parties is clear and the inspecting of freight cars is work that has been reserved to the carmen on this property.

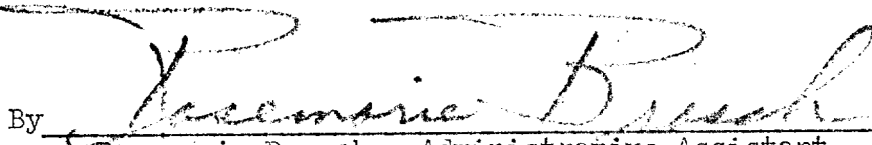
In Award No. 6635 between these parties dealing with facts substantially the same as those presented herein, the Board found that the actions of the carrier were violative of the agreement between the parties. The holding in Award No. 6635 is sound and we will follow same.

A W A R D

Claims sustained, limited to compensation at the pro rata rate for the actual work time involved in performing the claimed work.

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 21st day of July, 1978.