

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

Parties to Dispute: (System Federation No. 121, Railway Employees'
(Department, A. F. of L. - C. I. O
((Carmen)
(Texas and Pacific Railway Company

Dispute: Claim of Employees:

1. That the current agreement was violated when Carrier sent other than Carmen (Water Service Employees) to Denton, Texas to install space caboose heaters in outfit cars MFX 4735 and MFX 4736 on November 5, 6, 7 and 8, 1974.
2. That accordingly, the Carmen be made whole by additionally compensating Carman R. L. Perkins and R. L. Sagstetter eight (8) hours at the overtime rate November 5, 1974; Carman J. T. Freeman and R. F. Wilson eight (8) hours at overtime rate November 6, 1974; Carman R. A. Lowe and B. R. Cox eight (8) hours at overtime rate November 7, 1974; and Carman W. K. Warren and B. J. Woodall eight (8) hours at overtime rate November 8, 1974.

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.

In this case, Water Service Employees who belong to the maintenance of way craft installed space heaters in outfit cars located in the vicinity of Denton, Texas. This location is approximately 35 miles from the yard at Fort Worth, Texas, and 40 miles from the car repair facility in the Maintenance of Equipment Department at Fort Worth. The Claimants are carmen who claim this work belonged to them under their classification of work rule number 83.

The Carrier acknowledges this work would be performed by carmen if the cars were located on the car repair track, but deny that such work should be performed by carmen on line of road. The cover of the controlling agreement provides that:

"It is understood that these rules shall apply only to those performing work as specified in this agreement, in the Reclamation Plant and Maintenance of Equipment Department."

This Board has consistently held that such a provision limits the application of the classification of work rule to work that is performed in the Maintenance of Equipment Department and the Reclamation Plant. See Second Division Awards 6253, 6194 and 6493. The space heaters were not installed in the Maintenance of Equipment Department so the classification rule would not apply.

Rule 91, however, does prescribe when Carmen will be sent out to perform road work. It provides:

"When necessary to repair cars on the road or away from the shops, carmen, and helpers when necessary, will be sent out to perform such work as putting in couplers, draft rods, draft timber, arch bars, center pins, putting cars on center, truss rods and wheels, and work of similar character."


The Organization has not shown that the installation of space heaters falls within this rule. This Board therefore must deny the claim.

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 31st day of July, 1978.