

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**Second Division**

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 14, RAILWAY EMPLOYEES'**

**DEPARTMENT, A. F. OF L. (CARMEN)**

**MISSOURI PACIFIC LINES**

**INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY**

**SAN ANTONIO, UVALDE & GULF RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES.**—Preparing cars for melon loading is carmen's work.

**JOINT STATEMENT OF FACTS.**—Laborers have been assigned to prepare cars for melon loading at various points on these lines. The greater proportion of cars loaded are stock cars, some refrigerators used. In preparing stock cars, protruding nails are drawn or driven in and the space between the permanent boards on side of stock cars is reduced by use of lath or small prepared strip nailed to the side posts. In preparing refrigerators, protruding nails are drawn or driven in. In both classes of cars, door on one side is boarded up about 3 feet to prevent load shifting against door and in some cases where 40 feet cars are used, bulkheads are installed to reduce loading space to 36 feet.

**POSITION OF EMPLOYEES.**—It is the practice at some points on these railroads to fit slats between the side slats of stock cars to provide an even and reasonably smooth inner surface to make these cars suitable for melon loading and avoid damaging by contact with sharp or uneven surfaces. Also, bulkheads are often built across the ends of the cars to reduce the length from forty feet to thirty-six feet and the side doors are boarded up on one side inside of the car. These slats and door boards are applied up to about three feet in height from the floor of the car and the end bulkheads are about the same height; this being approximately the height to which melons are loaded. In the case of refrigerator cars, boards are nailed across door opening on one side of car to about 3 feet in height. In both stock and refrigerator cars, additional boards are placed inside of car to board up other side door by shipper after car is about fully loaded.

We contend that cutting material to fit and nailing it in place to the extent that the first three feet of sides above the floor are made into a different type of side and length of car is reduced from forty feet to thirty-six feet by building in a bulkhead is carmen's (mechanic's) work.

**POSITION OF CARRIER.**—In preparing cars for commodity loading, generally called cooping cars, it has been the practice on these lines to use laborers. There are no repairs made to cars by these laborers, their work consisting of, in most cases in driving down, or drawing protruding nails, placing temporary wooden strips between side slats of stock cars and in a few cases, placing temporary bulkheads to reduce inside length from 40' to 36'. Also applying three boards in front of one of the doors to prevent shifting against the door.

In view of past practice, it is the contention of the Carrier that it has been the practice for numbers of years not only on these but other lines in the surrounding territory to "coop" cars with laborers, and that it cannot be considered carmen's work.

**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.

The parties to said dispute were given due notice of hearing thereon.

**AWARD**

Other than carmen may prepare cars for melon loading but shall not be permitted to perform repair or maintenance work, within the meaning of Rule 107 of the current agreement.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: J. L. MINDLING  
*Secretary*

Dated at Chicago, Illinois, this 20th day of April, 1936.