

Award No. 171

Docket No. 188

2-IGN-CM-'37

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 14, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**INTERNATIONAL-GREAT NORTHERN RAILROAD
COMPANY**

DISPUTE: CLAIM OF EMPLOYES: That the work of removal of decayed, worn out, and broken parts of cars undergoing heavy repairs should be performed by carmen mechanics and their apprentices.

EMPLOYEES' STATEMENT OF FACTS: Laborers are being used in shop at South San Antonio to remove decayed, worn out, and broken parts from cars undergoing heavy repairs, and are equipped and required to use all tools necessary to perform this work, including hammers, cold chisels, wrecking bars, and air-driven tools.

POSITION OF EMPLOYES: Rule 106 of the agreement showing classification of work of carmen reads as follows:

"Carmen's work, including regular and helper apprentices, shall consist of building, maintaining, painting, upholstering and inspecting of all passenger and freight cars, both wood and steel, planing mill, cabinet and bench carpenter work, pattern and flask making and all other carpenter work in shops; carmen's work in building and repairing motor cars, lever cars, hand cars and station trucks, building, repairing, removing and applying wooden locomotive cabs, pilots, pilot beams, running boards, foot and headlight boards, tender frames and trucks (see note); pipe and inspection work in connection with air brake equipment on freight cars, work, caboose and commissary cars; applying patended metal roofings; work done with hand forge and heating torches in connection with carmen's work; painting with brushes, varnishing, surfacing, decorating, lettering, cutting of stencils and removing paint (not including use of sand blast machines or removing in vats); all other work generally recognized as painters' work under the supervision of the locomotive and car departments, except the application of blacking to fire and smoke boxes of locomotives in engine houses; joint car inspectors, car inspectors, safety appliance and train car repairers, oxyacetylene, thermit, and electric welding on work generally recognized as carmen's work, and all other work generally recognized as carmen's work.

NOTE: Truckmen's Work—All work below sills, to include application of draft gear and couplers.

NOTE: Draft gear does not apply to draft lugs and draft arms.

"When cars undergo repairs and any portion of the lumber, that is, siding or decking, is to be reused on the equipment to be repaired, then car forces will be assigned to strip this material in its entirety from the cars. This practice is now being followed and has been adhered to in the past.

On the other hand, when the entire wood work is to be scrapped, as in the case of the ballast cars referred to in your letter, then it is our position the dismantling incident to the scrapping of such parts can be performed with any class of available help."

The above quoted paragraphs outline fully the practice that has been employed in the performance of this work for a number of years. Laborers are only used when completely scrapping wooden car bodies. In the maintenance of cars where certain parts have to be removed, like siding, a portion of roofing, running boards, etc., mechanics are used in all instances to remove the decayed, broken or worn parts, and the complaint in question is only applicable to cars being entirely rebuilt, on which the entire wooden structure is built with new material, no part of the old material removed being reused.

The scrapping of wooden bodies of cars should be classed as work of common laborers. No skill is required in the performance. Tools required in the performance of this work require no particular skill in their operation.

It is the claim of the carrier that the present or previous schedule has not been violated in using laborers to perform this work, and that they are clearly authorized to use laborers for same under the terms of Rule 42, Section (c) of schedule effective December 1, 1936, and the previous schedule, Rule 43, Section (c), which was effective April 1, 1929.

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.

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

Rule 106 of the agreement defines carmen's classification of work.

Rule 43, Section (c), provides:

"Work of scrapping engines, boilers, tanks and cars or other machinery may be performed by any class of available help."

The work in question was not scrapping the equipment, but dismantling for rebuilding or repairs, and comes under Rule 106.

AWARD

Claim of employees sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 21st day of July, 1937.