

**Award No. 319**

**Docket No. 322**

**2-IC-CM-'39**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'  
DEPARTMENT, A. F. OF L. (CARMEN)**

**ILLINOIS CENTRAL SYSTEM (YAZOO AND MISSISSIPPI  
VALLEY RAILROAD COMPANY)**

**DISPUTE: CLAIM OF EMPLOYEES:** That furloughed Carmen O. B. Stegall and J. G. Anding at Baton Rouge, Louisiana, be compensated at the carmen's hourly rate of pay for all time lost from September 8, 1937, to May 7, 1938, account of carmen helpers performing carmen's work.

**EMPLOYES' STATEMENT OF FACTS:** Carmen helpers were assigned to the performance of the following work at Baton Rouge, Louisiana, during the period of time that Carmen O. B. Stegall and J. G. Anding were furloughed:

Coupling air hose on outbound trains.  
Testing and inspecting air brake equipment on outbound trains.  
Closing, inspecting and securing car doors.

**POSITION OF EMPLOYEES:** This case has been handled in accordance with the established practice of handling grievances on the Illinois Central System, and we contend that Rules 33 and 127 of the agreement between System Federation No. 99 and the Illinois Central System have been violated by the carrier at Baton Rouge, Louisiana.

In order that the members of this Board may have a clear picture of the facts surrounding this case, we desire to state the following:

Since September 8, 1937, Carmen O. B. Stegall and J. G. Anding at Baton Rouge, Louisiana, have been furloughed. One of these men had worked on the second shift working 4:30 P. M. to 12:50 A. M., with twenty minute lunch period on his own time, and one on the third shift working 12:50 A. M. to 9:10 A. M., with twenty minute lunch period on his own time, and Carmen Helpers J. G. Tilton and A. L. Haacks were instructed to assist in getting out the trains on the second and third shifts. There were trains 172 listed at 9:10 P. M. and 173 listed at midnight or later that were handled by these helpers, which we contend to be in violation of Rules 33 and 127, which are quoted below:

"Rule 33. None but mechanics or apprentices regularly employed as such, shall do mechanic's work as per special rules of each craft, except foremen at points where no mechanics are employed.

This rule does not prohibit foremen in the exercise of their duties to perform work.