Award No. 556
Docket No. 505
2-IC-CM-'41

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee William E. Helander when award was rendered.

PARTIES TO DISPUTE:

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

ILLINOIS CENTRAL RAILROAD COMANY

DISPUTE: CLAIM OF EMPLOYES: That Carman Norman Horace be paid for eight hours at carman's rate of pay for each day, May 1, 2, 3 and 4, and Carman R. A. Provow be paid for eight hours at carman's rate of pay for May 2, for time worked by carmen helpers working opposite carmen at East St. Louis, Illinois, on those dates, and that the practice should be discontinued.

EMPLOYES' STATEMENT OF FACTS: At East St. Louis, Illinois, May 1, Carman Helper Tom Flagg, working opposite Carman Samuel Lewis, jacked one side of car MKT 95313, box load, with air jack, also disconnected brake rods to move trucks from under car body, and then worked on opposite side of trucks, moving trucks out, removing brake beams, hangers, brake rods, and assembled same, when wheels were removed and new wheels applied.

On May 2, Carman Helper U. Cowgill, working on opposite side of IC 243435, box, from Carman R. Banks, performed the following operations on the car: Operated air jack on one side of car to raise body from trucks, removed brake hangers, brake levers, brake beams, pins and cotters, from inside of truck, removed truck springs, journal brasses and wedges from outside of truck, and replaced same after defective wheel was removed and new wheels applied.

On May 2, Carman Helper P. R. Greer, working on opposite side of car SLRX 6004, refgr., from Carman J. A. Claiborn, performed the following operations: Operated air jack on one side of car, removed top brake rod pin and cotter, removed and replaced brake hangers, brake levers, brake beam, brake pins and cotters, account of removing defective wheels, and replacing same after defective wheels were removed and new wheels applied.

On May 3, Carman Helper P. R. Greer, working on opposite side of car SP 20164, box, from Carman J. A. Claiborn, performed the following operations: Removed brake beam, brake lever, brake hangers, brake pins and cotters, and after the defective wheels were removed and new wheels applied, the helper replaced brake beam, brake lever, brake hangers, brake pins and cotters on one side of trucks opposite to the carman.

On May 4, 1939, Carman Helper P. R. Greer, working on opposite side of car to Carman J. A. Claiborn on SWLX car 486, tank, performed the

tion about the number of men assigned, but only about the classification of men. As all cars were finished by two men in an hour, excepting one, the claim is unwarranted and without equity. All that work requiring skill or practical knowledge, within the limitation of the qualification of a carman in the dismantling, inspecting, and assembling of the average present day freight car truck can be done in much less than the elapsed time for one man. Additional time for helping, moving, or holding of heavy materials, removing or replacing packing, cleaning journals, etc., is helper work within the limitation of the carmen helpers' rule and the prime reason for such men being regularly assigned to help carmen. The spontaneous cooperation of the carman and helper is only natural.

This is a clear request to partially replace a helper with a carman, contrary to the schedule, with corresponding increase in expense to carrier of $440.60 per man per year. The established practice has not been infringed and the granting of this claim would place an interpretation on the existing rules which would in fact be a new rule.

The precise and only issue involved is whether the carrier is required to change a practice or working condition that was in effect when the schedule was negotiated, and of a nature specifically covered by the language in Rule 129 reading, ". . . and all other work generally recognized as carmen helpers' work, . . ." The Railway Labor Act (Section 6) prohibits changing working conditions without agreement and to change this practice now would be a definite violation of the provisions of this act.

A careful review of the facts will warrant a straight rejection of the claim and the carrier respectfully asks that this claim be denied.

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.

The employes contend that carmen helpers worked opposite carmen and were performing the same work. The carrier contends that the helpers were assisting the carmen and performing the work generally recognized as helpers' work.

The evidence in the instant case does not support the employes' claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 29th day of January, 1941.