

Award No. 664

Docket No. 639

2-IHB-CM-'41

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee I. L. Sharfman when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 103, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

INDIANA HARBOR BELT RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the inspection and testing of air on cars in trains is carmen's work in accordance with Carmen's Special Rule No. 154.

JOINT STATEMENT OF FACTS: The rule on which this contention is based is Carmen's Special Rule 154 in the agreement dated February 1, 1939, between the Indiana Harbor Belt Railroad Company and System Federation No. 103, reading as follows:

Carmen's work shall consist of building, maintaining, dismantling (except all-wood freight train cars), painting, upholstering and inspecting 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 and yards, except work generally recognized as bridge and building department work; carmen's work in building and repairing motor cars, lever cars, hand cars and station trucks, building, repairing and removing and applying locomotive cabs, pilots, pilot beams, running boards, foot and headlight boards, tender frames and trucks; pipe and inspection work in connection with air brake equipment on freight cars; applying patented metal roofing; operating punches and shears doing shaping and forming; work done with hand forges 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 machine or removing in vats); all other work generally recognized as painter's 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; oxy-acetylene, thermit and electric welding on work generally recognized as carmen's work; and all other work generally recognized as carmen's work.

It is understood that the present practice in the performance of work between the carmen and boilermakers will continue.

There are approximately 67 Indiana Harbor Belt trains departing from Blue Island in a twenty-four-hour period on which the air brake test is made.

4. The carrier's rules and instructions to the employes definitely include this as trainmen's duties and it has been so performed over a period of years.

5. There have been no carmen laid off due to trainmen performing this work.

6. The air brake rules of the Association of American Railroads recognize that those tests are and may be performed by trainmen.

7. The Interstate Commerce Commission has recognized these tests, when performed by trainmen, as satisfactory.

8. To transfer the work to carmen is not required by any rule or agreement. If the work was delegated to carmen, it would cause serious delay and decrease efficiency of operation, unless additional forces, at considerably increased expense, were employed, with no possibility of fully utilizing such additional forces. Because of the increased time which would be consumed if the application and release tests were made by carmen, it would increase the dead time of trainmen who now make these tests and such time could not be otherwise utilized.

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.

Under the circumstances disclosed in the record of this proceeding the practices described in the joint statement of facts do not constitute a violation of the agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 4th day of December, 1941.