

Award No. 665

Docket No. 640

2-CRI&P-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. 6, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

**THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYES: That Sam Alton, Clell Ruble, and Harrison Cox, carmen, located at Des Moines, Iowa, are each entitled to compensation for time lost amounting to eight hours at time and one-half or equivalent of twelve hours regular time at 86 cents per hour. A total of \$10.32. And, Isaac Dixon, Floyd Dixon and Vern J. Hayes, carman helpers, also located at Des Moines, Iowa, are each entitled to compensation for time lost amounting to eight hours at time and one-half or equivalent of twelve hours regular time at 60 cents per hour. A total of \$7.20. Account management using a carman and helper from another seniority point to perform work at their seniority point in violation of Rules 30 and 31 of the current agreement.

EMPLOYEES' STATEMENT OF FACTS: A carman and helper who were regularly employed and located at the seniority point of Chicago, Illinois, were sent to Des Moines, Iowa, another seniority point, and the seniority point of the claimants in this case, and did on the nights of August 15, 16, and 17, 1940, work eight hours each night applying safety appliances on coaches of rocket trains.

POSITION OF EMPLOYES: Rule 30 of the current agreement between the carrier and employees provides that seniority of employees in each craft covered by this agreement, shall be **confined to the point employed** and, therefore, this rule gives the employees of the particular seniority point the right to perform the work of their craft at that point.

Rule 31 is a point rule and provides that none but mechanics or apprentices **regularly employed** as such shall do mechanics' work as per special rules of each craft.

Our position is, therefore, that all work of the carmen craft to be performed in the seniority point of Des Moines, Iowa, belong to the carmen who hold seniority at that point, and that to bring men in from other points on the system to perform work to which the men located at Des Moines, Iowa, are entitled to perform, was a violation. Seniority in a particular point gives the employe, or employees, an equity in the right to perform work of their craft to which they are denied when employees are brought in from other seniority points.

Attention is called to Awards 535 and 574, of your Division of the National Railroad Adjustment Board, as our basis for contending that regular assigned employees, who have worked and been paid for such work, are not entitled to additional compensation on a second shift when they perform no work.

Rule 31 was not violated because a carman and a carman helper did perform duties in their classification, and Rule 30 was not violated because employees holding seniority at Des Moines were not qualified or competent to perform this special 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 dispute involved herein.

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

Since, under the provisions of Rule 30, the Chicago carmen and helpers held no seniority rights at Des Moines, their performance of work at that point on August 15, 16 and 17, 1940, constituted a violation of the agreement; and the carmen and helpers named in this proceeding, who were regularly located at Des Moines and held seniority rights there during this period, are entitled to compensation for time lost as specified in the claim.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

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