

Award No. 671

Docket No. 653

2-T&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. 121, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

THE TEXAS AND PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That the agreement was violated when Y. L. Crumpton, "B" car repairer, was unjustly laid off September 7, 1940, while a car inspector helper, T. Goodlett, was assigned to his position and was required to do "B" mechanic's work.

Claim is made for pay for Y. L. Crumpton from September 9, 1940, the day Helper Goodlett was assigned to perform "B" mechanic's work on repair track at Texarkana, up to November 1, 1940, at which time Crumpton was returned to service.

EMPLOYEES' STATEMENT OF FACTS: On September 4, 1940, a bulletin was posted in Texarkana car shop, abolishing one position of B car repairer hours 8:00 A. M. to 5:00 P. M. seven days per week effective at 5:00 P. M. Saturday, September 7, 1940. This bulletin cut off one position as B car repairer which laid off Y. L. Crumpton. On September 7, 1940, another bulletin was posted abolishing one position as a car inspector helper in the train yard, hours being 3:00 P. M. to 11:00 P. M. effective Sunday, September 8, 1940. This helper was brought to the repair track and placed with the mechanic Crumpton, had been working with, and was required to do B mechanics' work formerly done by Crumpton before he was furloughed.

Under the date of September 4, 1940, the following bulletin was issued:

BULLETIN

Texarkana, Texas.
September 4th, 1940

All Car Department Employees:

Effective 5 PM Saturday September 7th, one position as "B" Car Repairer hours 8 AM to 5 PM 7 days per week will be abolished.

(Signed) V. D. Wood
Car Foreman

cc WMG

This bulletin cut off Y. L. Crumpton. Two days later another bulletin was issued cutting off one more position in the train yard as car inspector helper. Bulletin as follows:

assigning carman helper to help Davison; Third, that we at all times had sufficient B carmen employed at Texarkana to perform work coming under their classification.

Mr. Crumpton, in handling this case on the property stated that due to the fact that a helper was working with the A carman, and the carman assigned him to work opposite him on a car, that a B carman should have been employed. We must insist that helpers worked under the direction of the mechanic in line with Rule 21, (e), quoted:

(e) Helpers will work under the direction of the mechanics or apprentices whom they assist and both under the direction of the foreman. Helpers will be kept fully occupied at helper's work with a view of completing the work in a reasonable time.

There is no merit to Crumpton's contention and we feel that your Board will so agree. We are submitting as Exhibit B, assistant mechanical superintendent's letter to General Chairman Crumpton under date of January 6, 1941, as well as Assistant Vice President James' letter of April 5, 1941, to Mr. Crumpton.

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 evidence of record supports the conclusion that the carman helper was assigned to, and did in fact perform, the same type of work which had previously been performed by the furloughed "B" mechanic, and that this work was outside the duties of carman helpers.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 11th day of December, 1941.