

Award No. 693  
Docket No. 699  
2-NC&StL-CM-'42

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 83, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. OF L. (CARMEN)**

**THE NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY**

**DISPUTE: CLAIM OF EMPLOYEES:** That laborers engaged in sticking rivets used in the rebuilding, maintaining and repairing of freight and passenger cars and other work generally recognized as carmen's work, are performing work classified under Rule 124 as carmen helpers' work.

**JOINT STATEMENT OF FACTS:** The work of sticking rivets used in the rebuilding, maintaining and repairing of freight and passenger cars is performed by laborers. Laborers have been used to perform this class of work for a number of years. This work consists of placing the hot rivet in the rivet hole to be driven by a mechanic and the mechanic's helper.

**POSITION OF EMPLOYEES:** The employees contend that this work is fully covered in Rule 124, reading in part:

"Employees regularly assigned to help carmen and apprentices, . . . , and all other work generally recognized as carmen helpers' work, shall be classed as helpers."

Rule 122, enumerating the work of carmen, includes the repairing, maintaining and building of freight and passenger cars, and certain work on engine tender frames, necessitating the use of bolts and rivets. Rule 124 is governed more or less by Rule 122, in that Rule 124 states that employees assigned to help carmen and apprentices are helpers. Since rivets are a part of the completed project and necessarily have to be put in the rivet hole by someone before being driven by the carman, there can be no doubt about the carman receiving help in performing this part of his duties. Rivet sticking is done by laborers, who are regularly assigned to do such, and thereby actually become a helper to the carman.

The carrier contends that because rivet sticking is not spelled out in Rule 124 as work of helpers, it is not the work of helpers. One acquainted with railroad shop work knows full well that it would be near an impossibility to enumerate every single item of work of each class of employees, therefore, the items of work not specifically named are covered by the part of the rule reading:

"and all other work generally recognized as carmen helpers' work."

The employees contend that the use of laborers to stick rivets should be discontinued and the work assigned to carmen helpers.

Carrier therefore submits that as Rule 124 confines a carman helper's work to that enumerated in the rule and/or to assisting carmen with the mechanics of their (carmen's) work; that as rivet sticking is not among the enumerated classes of work contained in the carman helper's classification rule, and it is obvious that the laborer sticking rivets is not assisting the carman with the mechanics of his work, the complaint here involved is not supported by the rule on which the employees base their protest.

\* \* \* \*

In consideration of all of which the carrier respectfully asks the Second Division to deny the claim and dismiss the petition herein.

**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 work of sticking rivets as described in the instant case is work of assisting the mechanic.

#### AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

ATTEST: J. L. Mindling  
Secretary

Dated at Chicago, Illinois, this 16th day of January, 1942.