

Award No. 883

Docket No. 787

2-ACL-CM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 42, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

ATLANTIC COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES: (a) The maintenance of air brakes involves the following operations: removing and applying cylinder pistons, cleaning and greasing air brake cylinders, removing and applying triple valves, cleaning and oiling retainer valves, cleaning dirt collectors, repairing brake pipes, stenciling air brake cleaning dates, operating individual car testing device, and is therefore mechanics' (carmen's) work.

(b) J. L. Roberson should be compensated the difference between helper's and mechanic's rate of pay (\$114.20) for all time assigned to perform the above work (April 11, 1941 to June 15, 1941).

EMPLOYEES' STATEMENT OF FACTS: J. L. Roberson entered the service of the Atlantic Coast Line Railroad Company on August 14, 1922, as carman helper in its Emerson shops, Rocky Mount, North Carolina. He served as step-rate mechanic and acquired mechanic's seniority date under the then effective rules, of August 29, 1923. He later acquired both helper and mechanic's seniority date on the coach and locomotive carpenter's roster. He is shown on the present rosters as follows:

Freight Carman Roster

J. L. Roberson, mechanic 8-29-23
helper 8-14-22

Coach & Locomotive Carpenter Roster

J. L. Roberson, mechanic 9-7-39
helper 9-7-39

Roberson is therefore qualified and eligible to accept work as mechanic or helper either in the coach shop or freight car shop in accordance with seniority dates shown above.

On or about April 1, 1941, J. L. Roberson, having been previously furloughed as mechanic and having exercised his helper seniority and accepted work as car repairer helper, was assigned by the foreman to work with E. L. Patrick, air brake repairer, maintaining air brake equipment on freight cars in the rip track. Roberson continued on this assignment until June 15, 1941.

In the occasional absence of E. L. Patrick, who incidentally was also wrecker derrick engineer, Roberson worked with F. F. Faulk, and in both instances under the direct and immediate supervision of rip track foreman.

such further answer and defense as it may deem necessary and proper in relation to all allegations and claims as may have been advanced by the petitioners in such petition and which have not been answered in this its initial answer.

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.

Sufficient evidence has been presented showing that Carman Helper Roberson, in certain instances, performed work described in claim (a) in violation of Rules 27 (a) and 402 of the current agreement.

Carmen helpers should not be used to perform any operation in violation of the provisions of Rules 27 (a) and 402 of the agreement.

AWARD

Claim (a) Sustained.

Claim (b) The question of such compensation as may be due is remanded to the parties for disposition through negotiation.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 18th day of December, 1942.

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**INTERPRETATION NO. 1 TO AWARD NO. 883
DOCKET NO. 787**

NAME OF ORGANIZATION: Railway Employees' Department, A. F. of L.
(Carmen)

NAME OF CARRIER: Atlantic Coast Line Railroad Company

Upon application of the representative of the carrier involved in the above award, that this Division interpret the same in the light of the dispute between the parties as to its meaning, as provided for in Sec. 3, First (m) of the Railway Labor Act, approved June 21, 1934, the following interpretation is made:

It is not understood that the provisions of Rule 27 (a) permit helpers to perform mechanics' work. Helpers can render such assistance as may be required by a mechanic in the performance of his work.

Rule 402 (a) defines the classification of work of carmen, including the provision:

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

In sustaining claim (a), Docket No. 787, the Division recognized the work outlined as being that which belongs to mechanics.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 13th day of January, 1943.