

Award No. 954

Docket No. 872

2-GN-CM-'43

**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. 101, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

GREAT NORTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That O. J. Boissoneau, carman, at Hillyard, Wash., should be compensated at the rate of 96¢ per hour from January 1, 1942 for all time spent repairing and assembling triple valves on freight equipment.

JOINT STATEMENT OF FACTS: O. J. Boissoneau, carman, Hillyard, Washington, is being compensated at the rate of 88 cents per hour, account of repairing and assembling triple valves used on freight equipment.

POSITION OF EMPLOYEES: O. J. Boissoneau, carman, Hillyard, Washington, first entered the service of the Great Northern Railway Company, as a carman on January 4, 1910, and has worked continuously for the carrier, with the exception of seven weeks period during the strike of 1922. He was first assigned to testing and repairing triple valves December 2, 1912. For a period of several years he operated the test rack exclusively.

We contend that to compensate Mr. Boissoneau at the rate of 88 cents per hour for repairing and assembling triple valves is a violation of the agreement which reads in part as follows:

“Test rackmen assigned to repair, assemble and test triple valves for all cars.” Rate 96 cents per hour.

The carrier contends that inasmuch as the man in question is not assigned to operate the test rack, the higher rate does not apply. The work of repairing and assembling of triple valves for all types of cars is classed within Rule 88. Rule 88 provides for the payment of 96 cents per hour for employes performing any work within this classification. If as the carrier contends the higher rate does not apply to this man for the reason he does not operate the test rack, then it would be just as reasonable to say the test rackman would not be paid the 96 cent rate for the reason he is not assigned to repair or assemble triple valves. If that be the case, then the 96 cent rate would not apply to any employe when required to repair, assemble or test triple valves.

We desire to direct attention to the language of Rule 88. This rule reads in part as follows:

“A passenger carman is an employe assigned to the following work.”

The rule then enumerates the work of this class of employes. The work of repairing assembling of triple valves for ALL types of cars comes within this

assemble and test triple valves for all cars." Obviously, the clause must apply to "Test rackmen," since it so clearly so states and there would be no question as to the application of the 96 cent rate if Mr. Boissoneau operated a test rack, even though such operation was entirely concerned with freight equipment, since such rate is being paid in all such cases. The fact remains that he is not a "test rackman"; does not have anything to do with the operation of a test rack and, hence, very clearly is not covered by the clause in question. The test rackman's work is that of handling triple valves as such, and not of repairing airbrakes on cars. He works upon valves, not upon cars. He not only tests valves, but of necessity disassembles, repairs and reassembles such valves and must do so in order to test them. The repair and assembly specified as included in his classification and rating is such work in connection with testing them; the rating paid him is for such test work, together with its necessary adjuncts, not merely for repairing them. The airbrake man, on either freight equipment or passenger equipment is assigned to and works upon all the airbrake equipment on a car, including the triple valve, and the passenger airbrakeman is rated higher than the freight airbrakeman. In so doing, he may or may not have to repair, or assemble, the triple valve. The test rackman, on the other hand, is a specialist. He works on and tests triple valves, not as an integral part of the airbrakes on a car, but as an individual unit of machinery. He is not concerned with a clogged airpipe, as is an airbrakeman, but he is vitally concerned with a triple valve which does not function properly and which the airbrakeman cannot effect ordinary repairs on, and which the airbrakeman can not test. The test rack may even be necessary to determine the nature of the defect. Both test rackman and airbrakeman may have occasion to make repairs to a triple valve or to assemble one, in different degrees. They also, each of them, may have occasion to use a screw driver or wrench; but such fact does not govern their classification. Boissoneau has been properly compensated as an "air brakeman" under the provisions of Rule 89 (a) while working on freight equipment, and claim of employees, therefore, must be denied.

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 Carman Boissoneau has been compensated for all time spent repairing and assembling triple valves on freight equipment, since January 1, 1942, in full conformity with the provisions of the prevailing agreement. Under Rule 88 of that agreement only "Test rackmen assigned to repair, assemble and test triple valves" are entitled to the 96-cent rate for triple-valve work on freight equipment.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois this 20th day of October, 1943.