

Award No. 957
Docket No. 888
2-NC&StL-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. 83, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)

THE NASHVILLE, CHATTANOOGA AND ST. LOUIS
RAILWAY

DISPUTE: CLAIM OF EMPLOYEES: (a) That at Nashville, Tennessee Shop, the carrier is and persists in violating Rule 26 and Rule 122 of the current agreement by requiring carmen helpers assigned to help carmen to perform identically the same mechanical work assigned mechanics regularly employed as carmen.

(b) That the carrier be ordered to cease and desist assigning or requiring carmen helpers to perform any mechanical work classified and recognized as carmen's work as covered in Rule 122.

EMPLOYEES' STATEMENT OF FACTS: Carmen helpers are regularly assigned to help carmen and/or carmen apprentices and are required to do identically the same mechanical work as carmen and/or apprentices, except to use saws, wood chisels, planes, hatchets and hand axes, and operate air hammers in driving rivets.

On freight truck work, both the carman and the helper repair and assemble the trucks, and at times the carman and helper work separately and independently of one another. On passenger truck work, both the carman and the helper repair and assemble the trucks, and most of the time the carman and the helper are making repairs and assembling separately and independently of one another.

In applying flooring, lining, siding and roofing, both the carman and the helper place the pieces of timber and both nail them in place.

In the application of bolts and nuts in siding of single sheathed cars, the carman and helper both drive the bolts through and apply the nuts. In some instances the carman will drive the bolts through and the helper will apply the nut; in other instances the helper will drive the bolt through and the carman will apply the nut.

In assembling and bolting up steel cars preparatory to riveting, both the carman and the helper apply bolts and nuts.

The evidence of record **does not sustain** the employees' position that the work complained of **was actually flue work** as the term is usually understood." (Emphasis supplied.)

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 the dispute involved herein.

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

The evidence of record supports the following conclusions: that the work described in this proceeding, as required of and performed by carmen helpers, is not "identically the same mechanical work assigned mechanics regularly employed as carmen"; that this work is being done in conformity with the provision of Rule 26 of the agreement which specifies that "helpers may assist mechanics and apprentices in performing their work," and with the provision of Rule 47 of the agreement which specifies that "helpers assigned to mechanics and apprentices will help them in performing their work"; that the helpers thus used in connection with the work of mechanics "in all cases work under the direction of the mechanics," as further specified in the latter rule; and that the work required of and performed by carmen helpers, as described in this proceeding, does not constitute a violation of the carmen's Special Rule 122 (classifying the work of carmen) or 124 (classifying the work of carmen helpers).

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.