

Award No. 1142

Docket No. 1067

2-IC-CM-'46

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 99, RAILWAY EMPLOYES'
DEPARTMENT, A. F. OF L. (CARMEN)**

ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: That whether welded side, roof and end sheets of passenger cars are finished smooth by the process of chipping and filing or by portable grinding machines, such work is carmen's work, and not the work of carmen helpers.

JOINT STATEMENT OF FACTS: Classified repairs to passenger cars are made at carrier's Burnside Shops, Chicago, Illinois.

In repairing passenger cars it sometimes is necessary to renew steel side, roof and end sheets. When new sheets are welded into place, a raised bead is left which must be removed before the car can be finished. This bead is removed by grinding with portable power grinders in the majority of cases, although in a few cases a hammer and chisel or file may be used to remove the bead from the corners of windows, doors and other places inaccessible to a grinder. Carmen helpers have been and are assigned to perform this work.

The controlling agreement has effective date of April 1, 1935, and is by reference thereto made a part hereof.

POSITION OF EMPLOYES: It is submitted that within the meaning of the carmen's classification of work Rule 127, in part reading:

"Carmen's work shall consist of **building, maintaining . . . pas-senger and freight cars, both wood and steel . . .**" (emphasis ours).

the facing off welds and built up places in connection with building and maintaining these passenger cars, whether performed by the method of chipping and filing or with a portable power grinding machine, is carmen's work. Obviously, the facing off of these welds to bring the parts welded down to a smooth surface in unison with the original unwelded surface of such car parts constitutes the completion of the job of welding. This is distinctly a fundamental part of the welding job, and it is definitely carmen's work.

It is the further contention that the work stipulated in the statement of facts, which is substantiated by Exhibit A (herewith submitted), dated June 29, 1945, addressed to the undersigned by Local Chairman Gawlik, is a positive part of the building and maintaining of these passenger cars. After this welding and finishing thereof operation has been concluded in the manner herein described, other carmen and including painters then complete the maintenance or repair work on these cars for returning to passenger service.

2. Helpers have always been assigned to and have performed this work, mechanics have never been engaged therein and none but helpers' rate of pay has ever been paid therefor,

3. The work in question has been assigned to and performed by helpers, by the acquiescence of the parties, from its inception in 1930.

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 respectfully 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 enumerated in the claim comes within the scope of carmen's work as provided for in Rule 127.

AWARD

Claim of employes sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 4th day of April, 1946.