

Award No. 1208
Docket No. 1128
2-DL&W-CM-'47

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee George A. Cook when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 78, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. (CARMEN)**

**THE DELAWARE. LACKAWANNA & WESTERN
RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES: That it is improper, under the current agreement, to assign carmen helpers to inspect cars for waste grabs and cut journals, and that accordingly the carrier be ordered to discontinue the assignment of carmen helpers to perform said work.

EMPLOYEES' STATEMENT OF FACTS: At Buffalo, New York, the carrier regularly assigns car inspectors to the inspection of cars in the train yard, except the inside inspection of journal boxes for defects. This is affirmed by the copy submitted of statement dated January 6, 1947, and signed by four car inspectors, identified as Exhibit A.

The carrier also regularly assigns at this point in the train yard carmen helpers (oilers) to the inspection of inside of journal boxes for defects in addition to the packing and oiling of journal boxes. This is affirmed by copy of the statement submitted, dated January 6, 1947, signed by five oilers, identified as Exhibit B.

This dispute has been handled in accordance with the collective agreement effective November 1, 1935, and amended effective May 1, 1945, up to and with the highest designated carrier officer to whom such matters are subject to appeal, with the result that this officer on more than one occasion has declined to adjust this dispute. This is affirmed by copies submitted of letters identified as Exhibits C and C-1, respectively dated July 25 and December 6, 1946.

POSITION OF EMPLOYEES: It is submitted that the inspection of such fundamental mechanical parts of cars as journals, journal brasses and journal wedges is inherently and contractually the duties of mechanics and not the duties of helpers.

It is plain to be seen from a careful collective examination of the first paragraph of Rule 27, which specifically states—

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.

Evidence in this case warrants a finding that inspecting cars for waste grabs and cut journals is car inspectors' work under the agreement and that it is so recognized on this railroad at points other than Buffalo.

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 December, 1947.