

**Award No. 3410  
Docket No. 3128  
2-CRI&P-CM-'60**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee James P. Carey, Jr., when award was rendered.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 6, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L.—C. I. O. (Carmen)**

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the assignment of locomotive carpenter R. W. Pitts to paint the sun visor and metal awning on engine 743, Biddle, Little-Rock, Arkansas, on August 3, 1957 was not authorized or proper under the current agreement.
2. That accordingly the Carrier be ordered to compensate Carman painter William Kenney for four (4) hours at the applicable locomotive painters' rate.

**EMPLOYEES' STATEMENT OF FACTS:** The carrier maintains a repair shop at Biddle, Little Rock, Arkansas, where diesel locomotives, passenger and freight cars, both wood and steel, are repaired. Carman Painter William Kenney, hereinafter referred to as the claimant, is regularly assigned at the repair track and roundhouse, with assigned hours 8:00 A. M. to 4:30 P. M., Monday through Friday, rest days Saturday and Sunday.

On Saturday, August 3, 1957, General Foreman R. H. Young assigned Locomotive Carpenter R. W. Pitts to paint the sun visor and metal awnings on Diesel Engine 743, which is affirmed by a statement by Locomotive Carpenter R. W. Pitts, identified as employees' Exhibit A, and Mr. Mallery's letter dated December 2, 1957, identified as employees' Exhibit B.

This dispute has been handled with all carrier officers designated to handle such disputes, including the highest designated officer of the carrier, all of whom have declined to make satisfactory adjustment.

The agreement between the Chicago, Rock Island and Pacific Railroad Company and System Federation No. 6, Railway Employees' Department effective October 16, 1948, as subsequently amended, is controlling.

**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.

Parties to said dispute were given due notice of hearing thereon.

The assignment of locomotive carpenter Pitts to perform painting work on Engine 743 requiring 1½ hours at Biddle, Little Rock, Arkansas, on August 3, 1957, constituted an infringement of carman painter Kenney's seniority rights under Rule 27 of the applicable agreement, and a sustaining award is indicated. The proper rate of compensation for work not performed is the pro rata rate.

#### AWARD

Claim sustained for one and one-half hours at carman painter's pro rata rate.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of March 1960.