

Award No. 3601
Docket No. 3375
2-C&O-CM-'60

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Wilmer Watrous when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L.-C. I. O. (Carmen)**

**CHESAPEAKE & OHIO RAILWAY COMPANY
(Southern Region and Hocking Division)**

DISPUTE: CLAIM OF EMPLOYEES: 1—That the assigning of other than Carmen to operate an electronic device and reading of tape to detect overheating of journals, and gauging the heat on journals on passing trains at Norge, Virginia, is in violation of Rule 154 of the controlling agreement.

2—That accordingly the Carrier be ordered to assign the work involved in this case to Carmen Inspectors.

EMPLOYEES' STATEMENT OF FACTS: A "Servosafe Hot Box Detective" was installed at Norge, Virginia, and operated by telegraphers. The Servograph recording unit is located in the telegraph office at Norge. As the "Servosafe Hot Box Detective" makes an individual inspection of each journal as it passes over the electronic eye, the findings are recorded on a paper tape on the recording unit in the telegraph office and inspecting of the tape to ascertain whether there is evidence of a hot box is done by telegraphers in the telegraph office seven days per week.

"Detectives" are located at Norge, Virginia.

Prior to the installation of the "Servosafe Hot Box Detectives", carmen, in connection with the inspection of passenger and freight cars in trains, inspected journal boxes to determine whether or not there were hot boxes or any defects which might cause hot boxes. The recommended manner for inbound and outbound inspection is shown on Page 16 of the lubrication manual put out by the Association of American Railroads and the inspection procedure is set forth on Page 1195 of Car Builders Cyclopedia, 19th Edition.

The dispute was handled with carrier officials designated to handle such affairs who all declined to adjust the matter.

The agreement effective July 1, 1921, as subsequently amended, is controlling.

or a total of four carman positions, including a relief position, all of these for the purpose of reading 10 hot box detector tapes for a 24-hour period.

Electronic hot box detectors are merely one of the many new devices being introduced for the betterment of the railroad industry and which are improving efficiency, safety, working conditions, etc. In the instant case, the installation of the hot box detector at Norge has deprived no one of work. It is quite apparent, however, that hot box detectors are time and labor saving devices. The employes here seek to offset any advantage management may have gained by taking away from it the advantages of technical advances made in the field. Such position is as practical as returning to the old steam type locomotive, or to the taking of automobiles off the highways and returning to the horse and buggy.

Experience has shown in numerous instances where the hot box detector has performed its function in a manner far superior to that which can be performed by man. In one instance, the hot box detector indicated a hot journal on a car. The train crew, after stopping the train, checked the car and were convinced they had received a false indication. They did, however, open the journal box lid and were surprised to see the box burst into flame as soon as the lid was opened. Many hot boxes have been found by the detector long before there was any outward sign the journal was over-heating; thus saving considerable delays and possible wrecks or derailments.

Not only is the hot box detector a time and labor saving device, it also has many advantages from a safety standpoint, and for the job for which it is designed must be considered as more efficient than its human counterpart.

As stated in carrier's statement of facts, no mechanical department employes, including carmen, are or ever have been assigned at Norge, Va., The closest point at which carmen are assigned is at Newport News, Va., 33 miles to the east. For your Board to hold that carmen should be assigned at Norge for the purpose of observing the hot box detector would require the assignment of carmen at a point where they hold no seniority and where they have never previously been assigned and would usurp the prerogative of management in its efficient and economical operation of the railroad.

Carrier has shown:

(1) That telegraphers should be made a party to the instant dispute before decision in this case can be rendered.

(2) The work claimed by carmen in this case is not work which has been performed by or accrues to any class or craft of employe exclusively.

(3) The work claimed by carmen is not covered by Rule 154 of the shop crafts agreement and such rule has no application in the instant dispute.

(4) The employes by their claim are endeavoring to impede progress and force carrier to employ additional unneeded and unwarranted employes.

FINDINGS: The Second Division of the Adjustment Board, based 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 carrier installed an automatic electronic Hot Box Detector on the eastbound main line in November, 1956 at Norge, Virginia, a point midway between Richmond and Newport News, Virginia. The telegrapher at Norge has traditionally watched the passing trains, about ten per day, with the responsibility of notifying the operating crews if smoke or flame from the journals was detected. The telegrapher now reads the detector tape and more accurately warns the trainmen of the existence of hot boxes.

The organization claimed that the nature of the telegraphers "inspection" has been altered from a situation where he depends upon seeing smoke or flame to one where he in effect actually inspects each individual journal for detailed heat readings.

The organization contended that the operation of this electronic device and reading of the tape to detect overheating of the journals is inspection within the intent and meaning of the provisions of rule 154, Carmen's classification of work, of the controlling agreement.

It is the opinion of the Board that the Hot Box Detector functions as a tool to increase the efficiency of the telegraphers traditional duty of warning the crews of passing trains of hot journal boxes and when so used does not encroach upon Carmens work of inspection, maintenance or repair. The Carrier did not violate rule 154 of the agreement.

AWARD

The claim is denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 5th day of December, 1960.

LABOR MEMBERS DISSENT TO AWARD No. 3601

The majority's conclusion that the carrier did not violate Rule 154 shows lack of understanding of the agreement. Rule 154 of the controlling agreement is a specific scope rule and without exception includes the work of inspecting all passenger and freight cars. What kind of machine is used to detect defects in car journals is of concern only to the carrier but under the scope of Rule 154 carmen are entitled to take the readings from the machines detecting the defects.

Edward W. Wiesner
R. W. Blake
Charles E. Goodlin
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James B. Zink