

Award No. 3783
Docket No. 3550
2-P&LE-TWUOA-'61

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

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

PARTIES TO DISPUTE:

**RAILROAD DIVISION, TRANSPORT WORKERS UNION OF
AMERICA, A. F. of L.-C. I. O.**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY AND
THE LAKE ERIE & EASTERN RAILROAD COMPANY**

Dispute: Claim of Employees:

DISPUTE: R. C. Hettrick is a helper. The Carrier has required this helper to place blue flags, remove them and lock switches. This is a violation of Rule 36 of our present agreement.

Since the helper was required to do this work the Organization requests that the Carrier compensate R. C. Hettrick the difference between a helper's rate of pay and the carmen's rate of pay for July 18, 19, 20, 21, 1958.

EMPLOYES' STATEMENT OF FACTS: This case arose at Youngstown, Ohio and is known as Case Y-111. That Rule 36 was violated when R. C. Hettrick was required to place the blue flags, remove them and lock the switches. He was a helper and the work performed by him should have been done by car inspectors or a foreman.

Helper R. C. Hettrick was required to place flags, remove them and lock switches on July 18, 19, 20, 21, 1958.

The case was handled on the property of the carrier in compliance with the provisions of the present agreement.

The Railroad Division, Transport Workers Union of America, AFL-CIO does have a bargaining agreement effective May 1, 1948 and revised March 1, 1956 with the Pittsburgh & Lake Erie Railroad Company and the Lake Erie & Eastern Railroad Company, covering carmen, their helpers and apprentices, (Car & Locomotive Departments), a copy of which is on file with the Board and is by reference hereto, made a part of these statements of facts.

POSITION OF EMPLOYES: That it is incorrect for the carrier to use Helper R. C. Hettrick to perform work that does not belong to the helpers. That because he was required to do this work that he be compensated as asked for in his original case.

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 employees 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.

This claim presents the same issue between the same parties and involving the same rules of the agreement as presented and determined in Award 3782, except that here specific dates of alleged violation of the agreement are named and claim for compensation is made in behalf of a named helper on the ground that he was required to perform work which belonged to employes of another classification. Consistency as well as reason requires like award here.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1961.