

**Award No. 3801**  
**Docket No. 3269**  
**2-CRI&P-CM-'61**

**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 & PACIFIC RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the current agreement it was improper to assign other than Carmen Helpers to operate drill presses on January 20 and January 21, 1958, Cedar Rapids, Iowa.
2. That, accordingly, the Carrier be ordered to additionally compensate Carmen Helpers Carl Sorenson and Robert McCreedy for sixteen (16) hours equally divided between them at the time and one-half rate.

**STATEMENT OF FACTS:** The Chicago, Rock Island and Pacific Railroad Company, hereinafter referred to as the carrier, maintains a car repair shop at Cedar Rapids, Iowa, where carmen helpers are employed and who hold seniority as carmen helpers, as shown on the seniority roster revised to January 1, 1958.

The assigned hours are 7:30 A. M. to 12:00 Noon, and 12:30 to 4:00 P. M., working Monday through Friday, Carmen Helpers Carl Sorenson and Robert McCreedy, hereinafter referred to as the claimants, are regularly employed at this shop.

On January 20 and 21, 1958, at its shop in Cedar Rapids, Iowa, the carrier assigned carmen to operate drill presses instead of carmen helpers.

This case has been handled up to and including carrier's highest officer authorized to handle claims of grievances, with the result that he declined to adjust it.

of freight and passenger cars, and changing brasses in connection therewith, and trimming of brasses by machines provided for such work; cleaning journals, repairing steam and air hose; tool room attendants; operators of bolt threaders, nut tappers, drill presses and punch and shear operators (cutting only bar stock and scrap); bucking and heating rivets; striking chisel bars, side sets and backing out punches, using backing hammer and sledges in assisting carmen in the straightening of metal parts of cars and all other work generally recognized as carmen helpers' work." (Emphasis ours.)

We submit that the above-quoted carmen helper's scope rule contemplates that it applies only to full time operation of drill presses and where an "operator" is assigned, such as at our larger facilities. However, at a small location, such as Cedar Rapids in the instant dispute, where there are only two carmen helpers employed performing many duties and drill presses are only used occasionally and in this case only a portion of the day, it is our position that a carman may perform drilling when such is necessary in connection with their duties.

We maintain that a carman mechanic can perform any work of the carman craft and that helpers are assigned merely to assist mechanics. In this case, the mechanics required no assistance. Classification of work rules are only for the pay purposes. We refer the Board to Arbitration 219 (Case No. E-22) Pennsylvania Railroad and United Railroad Workers Division, Transport Workers Union of America, AFL-CIO, dated March 1, 1957.

As previously stated, the instant claim was filed on the property for pro-rata rate of pay and for some unknown reason altered by the employes for time and one-half rate of pay when they appealed this dispute to your Board. The claimants involved were actually on duty when work involved was performed.

We submit on basis of the facts in this case, there was no violation of the agreement nor have the employes produced any evidence of loss by the claimants, nor basis, under the rules, and we respectfully request denial of the claim.

**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 waived right of appearance at hearing thereon.

Claimants were regularly employed as Carmen Helpers at the carrier's car repair shop at Cedar Rapids, Iowa on January 20 and 21, 1958. They maintain that on each of said dates the carrier assigned carmen to operate drill presses in violation of the carmen helpers classification of work rule, and consequently seek monetary redress for work allegedly denied them.

The classification of work rule (Rule 112) of the effective agreement, insofar as pertinent provides:

“Employees assigned to help carmen and apprentices; employees engaged \* \* \* (as) operators of \* \* \* drill presses \* \* \* and all other work generally recognized as carmen helper’s work.”

The carrier asserts that at various times on the dates involved carmen operated a drill press in connection with their main duties when it was necessary that skilled drilling be performed, and that no appreciable amount of time was devoted to such drilling. It is also shown that claimants were performing other duties at the times in question.

The record indicates that the drill press work performed by carmen was a comparatively minor incident to their principal work on the days in question. While Rule 112 defines carmen helpers in terms of the type of work to which they may be assigned, it does not establish exclusive jurisdiction over work in relation to that which carmen may be used to perform in their customary daily activities. In the instant case the operation of a drill press was incidental to the carmen’s general duties and did not constitute an unauthorized invasion of the helpers’ exclusive assignments. We think that a proper interpretation of Rule 112 does not preclude the incidental work done by carmen in this case. A sustaining award is therefore not indicated.

#### AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June 1961 .