

Award No. 4565
Docket No. 4284
2-C&O-CM-'64

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph M. McDonald when award was rendered.

PARTIES TO DISPUTE:

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

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

DISPUTE: CLAIM OF EMPLOYES:

1. That the Chesapeake and Ohio Railway Company violated the current agreement, particularly Rule 154, when employes of train crews were assigned April 28, 1961, to perform the work of car to car terminal air brake tests, inspection and coupling of air hose. Ronceverte and Durbin, West Virginia.

2. Accordingly, the Carrier be ordered to compensate Carman J. R. Holliday, April 28, 1961, 8 hours and eight (8) hours each day five days each week subsequent thereto, and A. J. Keaton, Carman, April 28, 1961, eight (8) hours and eight (8) hours each day four (4) days each week subsequent thereto, account of said violation, until said violation is corrected.

EMPLOYES' STATEMENT OF FACTS: Prior to April 28, 1961, three carmen positions existed at Ronceverte, West Virginia, two carmen assigned eight (8) hours each day five days each week. One relief carman assigned four (4) days each week, eight (8) hours each day. On April 28, 1961, one (1) carman regularly assigned position and the relief position were abolished, which resulted in claimants J. R. Holliday and A. J. Keaton being furloughed. On date of April 28, 1961, the work of making the car to car air brake inspection terminal tests and coupling of air hose was assigned to and performed by employes of the train crews, and each date subsequent thereto.

Ronceverte, West Virginia is located on the main line of the Chesapeake and Ohio Railway Company's main line. Approximately 150 cars a day arrive and depart from that point and trains arriving and departing are required initial terminal car to car air brake inspection tests, which consist of checking the air brake pistons for length and see that all brakes set and release, and checking of the air brake equipment to see that all equipment is safe to be run.

(3) The work in question has never been recognized or performed exclusively by carmen and, in fact, has been performed by trainmen for many years.

(4) The carmen have accepted previous decisions made by the carrier and are here endeavoring to force upon the carrier an impractical work assignment.

Carrier submits that the claim of the employes is not supported by the agreement rules and should be denied in its entirety.

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.

Ronceverte, W. Va. is the home terminal for the Greenbrier local, which Carrier operates between Ronceverte and Durbin, W. Va., a distance of approximately 100 miles.

Prior to April 28, 1961 there were two Carman positions and one relief assignment at Ronceverte. Effective that date, these were reduced to a single Carman's position from 7:00 A. M. to 4:00 P. M., six days a week.

There have been no Carmen positions at Durbin for many years.

It is the Organization's contention, that the work of making car to car terminal air brake tests, inspection and coupling of air hoses at Durbin and Ronceverte is being performed by train crew employes in violation of the current agreement.

It is undisputed in this record that the single Carman at Ronceverte performs all outbound and inbound interchange inspections on the cars of the Greenbrier local. Apparently there is no interchange at Durbin. Durbin however is an initial terminal for the Greenbrier local three days a week as is Ronceverte its initial terminal three days a week.

It is the initial terminal air brake tests at Ronceverte and Durbin, which includes the coupling of air hoses, which is the subject matter of this dispute.

The Organization maintains that the work of performing these tests is Carmen's work under the Classification of Work Rule of the current agreement (Rule 154).

Carrier contends that this is an operational inspection which is properly performed by trainmen, and that Carmen have no exclusive right to such work, except when incidental to the inspection and repair of cars.

We have considered numerous similar disputes wherein we have attempted to determine to which craft or class, work such as is here involved, belongs.

In Award 457 we said:

"Coupling air hose and making the usual air tests, incidental to the duties of train service employes, is not a violation of the carmen's agreement. The coupling of air hose in connection with inspection and repairs to cars and air brake tests, incidental to inspection and repairs to cars, is carmen's work."

Carmen are given no exclusive right under the agreement before us to the work herein involved, nor is past practice a factor.

Turning to our former interpretations, we reiterate that which we said in Award 457 (supra), and hold that where the work of coupling of air hose and making of inspections and tests is identical to the operational duties of train service employes, they may properly perform such without violating the Carmen's agreement. Where incidental to the inspection and repair of cars, such work belongs to the Carmen.

The work here involved was not incidental to the inspection and repair of cars, but was an operation incidental to the work of train service employes, and did not infringe upon the Carmen's rights under the controlling agreement.

AWARD

Claim 1: Overruled.

Claim 2: Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: Harry J. Sassaman
Executive Secretary

Dated at Chicago, Illinois, this 24th day of July 1964.