



Award No. 5727

Docket No. 5585

2-LV-CM '69

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John H. Dorsey when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 96, RAILWAY EMPLOYES'
DEPARTMENT, AFL - CIO
(CARMEN)**

LEHIGH VALLEY RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That the Carrier violated the Controlling Agreement when it improperly assigned Trainmen and Conductor on August 23, 25 and 26, 1966 to perform the work of Carmen in making inspection, air test and the related coupling of air hoses incidental to such inspection and air brake test.
2. That accordingly the Carrier be ordered to compensate Carman Harold Owens for four (4) hours at the straight time rate of pay for August 23, 1966. Compensate Carman John Bloom for four (4) hours at the straight time rate of pay for August 25, 1966 and compensate Carman John Varga for four (4) hours at the straight time rate of pay for August 26, 1966.

EMPLOYES' STATEMENT OF FACTS: The above named Carmen, hereinafter referred to as the claimants, are all regularly assigned to car inspector positions, were off duty at the time, were available to be called for this work on their respective claimed date, but were not called.

The Carrier has for all time in its history maintained a yard known as Pioneer Street Yard at Newark, N. J., to which a Carman had been assigned for all time past to car inspector position on the 2:00 P.M. to 10:00 P.M., EST, shift to perform carmen duties in making inspection, proper air test and the related coupling of air hoses before trains left departure yard as well as making other minor repairs and applying air hose gaskets. After many years existence, the Carrier abolished this position and assigned the work to conductor and trainmen.

The work of the position, which prior to August 23, 1966 was always performed by Carmen, was not discontinued, but only the Carman position abolished, and his work transferred to conductor and trainmen.

On August 23, 1966 with Conductor K. Clewell and Crew, Engine 182, a train of nine (9) cars left departure yard at 6:45 P.M.

3. The employees have failed to produce any rule or evidence to substantiate its position in this case.

4. The work herein complained of has never been assigned exclusively to any particular class of employees on this property.

Awards of the National Railroad Adjustment Board have been cited by the carrier in support of its position.

Carrier respectfully submits this claim is without merit and should be denied.

(Exhibits not reproduced.)

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.

In Award No. 1636 we stated:

“ . . . We have said several times that the coupling and uncoupling of air hose may be performed by more than one craft. It is recognized as carmen's work when performed in connection with their regular duties of inspection and repairs. . . .”

In nine Awards—Award Nos. 5192 (Weston); 5439 (Kane); 5462, 5463 and 5464 (Coburn); 5535 and 5536 (Ives); 5566 (Murphy) and 5651 (Ritter)—we have held that on Carrier's property the coupling of air hoses and set-up and release test of air is not by contract exclusively vested in Carmen except to the extent that it is performed as an incident of work reserved to Carmen. The assignment of work to Trainmen, herein complained of, was of a kind that has been historically performed on the property, but not exclusively, by employes in that craft. In legal import the facts herein are analogous to those in Award No. 5462. For reasons stated in that award we will deny the instant Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 27th day of June, 1969.

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