

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

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada (Carmen)
(
(Port Authority Trans-Hudson Corporation

Dispute: Claim of Employees:

1. That under the current agreement, the Carrier assigned other than Car Repairmen to modify the equipment by drilling holes in order to place town plaques in each car.
2. That accordingly, the Carrier be ordered to compensate Car Repairman C. Falkenstein twenty-four hours pay at the premium rate of pay because of this violation.

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.

As a means of furthering its public relations and to honor the various communities it serves, Carrier decided in 1974 to affix a plaque bearing the name of the community on each of its passenger cars. A ceremony was held in each of the communities in connection with the affixing of the plaque. Initially the plaques were affixed by Car Inspectors by means of adhesive backing, but Carrier decided to affix them by means of screws after many of the plaques disappeared because of vandals or souvenir hunters. Carrier utilized Car Inspectors to perform the work which consisted of measuring, drilling holes into the passenger cars and putting the plaques securely into place by the use of screws.

Claimant, a Car Repairman, contends that this work belonged to Car Repairmen because the work involved building onto or modifying passenger cars. Carrier asserts that the use of Car Inspectors was proper either because it was "servicing" of a car which is work belonging to Car Inspectors, or that the work wasn't exclusively reserved to any craft or class.

It is difficult to perceive of this work as Car Inspector "servicing;" and it is equally difficult to perceive of this work as the "building or modifying of passenger cars" reserved to Car Repairmen.

The Board is constrained to find that it is neither, and that it falls into a category of unique and new work that was not contemplated by any of the parties at the time the jurisdictional and scope rules were written. The Board finds Second Division Award No. 6150 to be analogous:

"Carrier maintains that the application of the ACI labels to freight cars is new work, and cannot have been within the contemplation of the parties when the collective bargaining agreement was signed. To be sure, the work involved does consist of some painting and other related work generally associated with that of a painter. However, this is not the principle part of the work performed, a substantial portion of which would, from our reading of the description of the process used, is work not generally associated with that of a painter. It is new work developed in the late 1960's. Carrier, except insofar as it limited itself by law or agreements, has great latitude in the assignment of new work. It has exercised its managerial prerogatives, and since there is no rule or agreement which requires Carrier to assign this work to Carmen painters or any other class or craft of shop craft employe, we must of necessity issue a denial award."

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of April, 1977.