

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rule 117 of the controlling Agreement by assigning other than those of the Carman's Craft to inspect freight car draft gears at North Little Rock, Arkansas starting August 1, 1979.
2. That the Missouri Pacific Railroad Company be ordered to compensate Carmen C. E. Ragsdale and G. E. Yarberry for eight (8) hours each at the punitive rate beginning August 1, 1979 and eight hours each for every day until the violation is corrected as outlined in Rule 31(d) of the controlling Agreement.

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.

As stated in the claim, the work in dispute here is the inspecting of freight car draft gears at North Little Rock. This work is performed by Blacksmiths in the Coupler Reclamation Shop, and in this claim the Organization asserts that this work properly belongs to Carmen.

The Blacksmiths Organization was notified as a third party at interest and filed a response with the Board.

While the work of repair of freight cars and inspection functions in connection therewith is not disputed as being Carmen's work, the work here is on equipment which is removed from cars and involves inspection only -- not repair work. The Organization fails to show how this work belongs exclusively to Carmen. The use of a press to make repairs in draft gears, cited by the Organization is not involved in the inspection work in the shop at North Little Rock. As argued by the Carrier in its submission, "... if Rule 117 (the Carmen classification of work rule) can be said in any sense to reserve to carmen the right to inspect freight cars, it cannot be said in any sense to reserve to carmen the right to

inspect parts which are no longer associated with freight cars and which may well never again be associated with a freight car." The Board concurs.

With this finding, the Board need not review the Carrier's argument that the claim may not have been properly handled on the property owing to the alleged failure of the Organization to reject the decision of the Shop Superintendent in timely fashion.

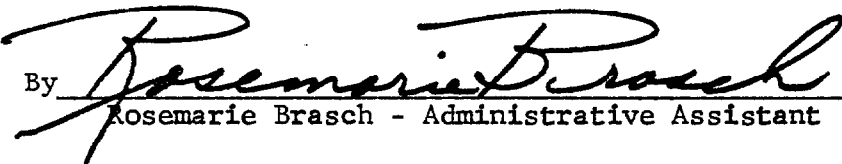
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 11th day of May, 1983.