

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13104
Docket No. 12910-T
97-2-94-2-77

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

**(Brotherhood of Railway Carmen, Division of
(Transportation Communications International Union**
PARTIES TO DISPUTE:(
**(CSX Transportation, Inc. (former Baltimore and
(Ohio Railroad Company)**

STATEMENT OF CLAIM:

"Claim of the Committee of the Union that:

- 1. That the Carrier violated Rule 138; of the controlling Agreement as revised and reprinted January 1, 1980, on February 12, 1992 when Carmen's Classification of work was performed by a Machinist Helper.**
- 2. That the Carrier be ordered to pay Carman J. G. Stewart the amount of two (2) hours and forty (40) minutes call time."**

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 Third Party in Interest, the International Association of Machinists and Aerospace Workers was advised of the pendency of this dispute and chose to file a Submission with the Board.

On February 12, 1992, Carman R. Hamilton was instructed to remove a windshield and then install a new windshield on Engine 8592. This work was performed in the Roundhouse of pit 7 at the Carrier's Cumberland, Maryland, Locomotive Shop. A Machinist Helper was instructed to assist Carman Hamilton with removing the old windshield and installing the new windshield on the engine.

The Organization contends that Rule 138, the Carmen's Classification of Work Rule, was violated when a Machinist Helper assisted Carman Hamilton rather than another Carman. It therefore submitted an overtime claim for two hours and 40 minutes on behalf of the Claimant whom the Organization insists should have been called to assist Carman Hamilton.

The evidence demonstrates that the Machinist Helper steadied and held in place a windshield while Carman Hamilton installed it on the locomotive. Classification of Work Rule 138 does not expressly reserve this unskilled work to Carmen. Nor have Carmen on this property exclusively performed this work by custom, practice or tradition. Moreover, it took Carman Hamilton two hours to remove the old windshield and install a new one. The Machinist Helper assisted him for less than one hour, according to the Carrier's estimate. Therefore, even if the assistance provided by the Machinist Helper was considered work reserved to Carmen by Classification of Work Rule 138, it was so de minimis that a Carman would not have been given an overtime call to perform it. The claim before us must be denied as a result.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 7th day of March 1997.