

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

**Award No. 13105  
Docket No. 12911-T  
97-2-94-2-79**

**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 April 25, 1992 when Carmen's Classification of work was performed by an Electrician at the Cumberland, Maryland Locomotive Facility.**
- 2. That the Carrier be ordered to pay Carman J. O. Friend 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 Brotherhood of Electrical Workers was advised of the pendency of this dispute, but it chose not to file a Submission with the Board.

On August 25, 1992, Carman Z. Whitlock was required to remove a seat from Engine 8635 on 6 pit at the Carrier's Locomotive Shop in Cumberland, Maryland. An Electrician was instructed to assist Carman Whitlock in removing the seat in the locomotive. The Organization maintains that Rule 138, the Carmen's Classification of Work Rule, was violated when an Electrician assisted Carman Whitlock in removing the seat rather than another Carman.

The Organization contends that a Carman should have been used to help remove the locomotive seat because this is work reserved to the Carmen's craft by Rule 138. It therefore submitted a two hour and 40 minute overtime claim on behalf of the Claimant whom the Organization maintains should have been called to assist Carman Whitlock in removing the seat from the locomotive.

The record demonstrates that an Electrician helped Carman Whitlock lift two cab seats on April 25, 1992. He lifted them off the trunnion and then placed them back on. Classification of Work Rule 138 does not expressly reserve this unskilled work to Carmen. Additionally, Carmen have not exclusively performed such work on this property by custom or practice. In any event, it only took the Electrician 15 minutes to lift the two cab seats off the trunnion and place them back on. Consequently, even if this work was exclusively reserved to the Carmen craft, a Carman would not have been given an overtime call to perform such because it was so de minimis. The claim for an overtime call must therefore be denied.

### **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.