

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

Parties to Dispute: (International Brotherhood of Firemen & Oilers
(Denver and Rio Grande Western Railroad Company

Dispute: Claim of Employees:

1. Under the current controlling Agreements, The Denver and Rio Grande Western Railroad improperly compensated Messrs. P. F. Lucero and A. Franco, laborers, Denver, Colorado, when arbitrarily denying them the right to work as inside hostler helpers.
2. That, accordingly, The Denver and Rio Grande Western Railroad Company be ordered to compensate Messrs. P. F. Lucero and A. Franco the difference in pay for the inside hostler helper and that of laborer, as requested in letter dated April 25, 1978.

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.

The Organization claims that the Carrier "arbitrarily transferred" the work of Inside Hostler Helper to employees not represented by the Organization, in violation of the scope rule, Rule 1. This rule, in principal part, simply lists a number of positions, among which is:

"22. Hostler Attendants (Inside Hostler Helpers)"

The scope rule does not define the job duties of this or any other work classification, nor does the Organization refer to any portion of the applicable agreement where such definition of work may be found.

The claim is vague as to how and when the Carrier may have "transferred" work. Without contradiction, the Carrier points out that the work of assisting hostlers is not confined to employees in the Firemen & Oilers bargaining unit and that no change in work assignment as suggested by the Organization has in fact occurred. The Carrier also points out, again without contradiction, that any claim for difference in pay is inappropriate in view of the fact that the pay rates of the Claimants as Laborers is identical to that of the pay rate for Inside Hostler Helpers.

The claim fails to identify properly the work in question and further offers the Board no basis to find that such work belongs exclusively to the Firemen & Oilers or that, in fact, there has been any change in long-standing practice of the assignment of the work. The Board has searched in vain for the specific basis of the claim and must thus find it without merit.

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 - Administrative Assistant

Dated at Chicago, Illinois, this 3rd day of December, 1980.