

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

Parties to Dispute: (System Federation No. 2, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(Houston Belt and Terminal Railway Company

Dispute: Claim of Employees:

1. That the Houston Belt and Terminal Railway Company violated the current agreement when they assigned Machinist Apprentice C. R. Jackson to perform work within the scope of the Electrical Workers.
2. That accordingly, the Houston Belt and Terminal Railway Company be ordered to compensate Electrician Leo Wilson in the amount of eight hours (8') at the straight time rate for Saturday, November 18, 1972.
3. In addition to the money amounts claimed herein, the Carrier shall pay Claimant an additional amount of 6% per annum compounded annually on the anniversary date of the claim.

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 waived right of appearance at hearing thereon.

On the claim date in question a Machinist Apprentice, in the process of assisting a Machinist repair a locomotive truck, used an overhead crane. The Organization contends that this violated its agreement, and that an Electrician should have been called to operate the overhead crane because it was within the scope of the Electrical Workers' Agreement.

In the handling on the property, the Organization charged the Carrier solely with violation of Rule 100 of the Agreement between the parties.

Rule 100 provides:

"Rule 100
CLASSIFICATION OF WORK-ELECTRICAL
WORKERS

Electricians' work shall consist of maintaining, repairing, rebuilding, inspecting and installing all electric wiring of generators, installing switchboards, meters, motors and controls, rheostats and controls, static and rotary transformers, motor generators, electric headlights and headlight generators, electric welding machines, storage batteries, axle light equipment and electric lighting fixtures; winding armatures, fields, magnets, coils, rotors, transformers and starting compensators; wiring at shops and all conduit work in connection therewith; wiring steam and electric locomotives, passenger train and motor cars, and electric tractors and trucks; and all other work generally recognized as electricians work."

It is obvious that Rule 100 has no application to the facts and circumstances of this dispute and the Organization's reliance on Rule 100 is without validity.

In the Organization's Submission and Rebuttal filed with this Board, Rule 100 is essentially abandoned, and the Organization charges, for the first time, that Carrier also violated Rules 22, 23, 50, and 102.

The prevailing view on this Board is that failure to cite specific rules violations during the handling on the property precludes any consideration of such alleged rules violations before the Board.

In Third Division Award No. 18246, the Board said:

"In regard to the merits, the Organization, in its ex parte submission to this Board, for the first time alleges that the Scope Rule and Rules 4 and 5 of the Agreement were violated by Carrier in this instance. However, the Organization failed to allege that said Rules were violated on the property, and failing to do so prohibits this Board from considering herein such a contention or charge in the determination of this dispute." (Underscoring added.)

Form 1
Page 3

Award No. 6792
Docket No. 6636
2-HB&T-EW-'74

Having determined that Rule 100 has no application, and having further determined that there are no alleged rules violations before it, the Board finds that this dispute must be denied.

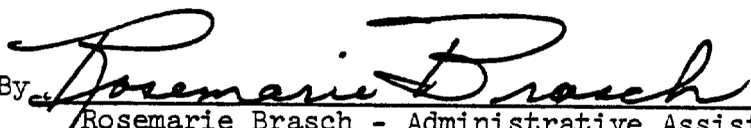
A W A R D

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 25th day of November, 1974.