

The Second Division consisted of the regular members and in addition Referee John B. LaRocco when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That the Seaboard Coast Line Railroad Company violated the controlling agreement when carmen were utilized to do carmen painters' work on SCL 610240 at Tampa, Florida on February 1, 1978. This occurred on the "B" end of said car on Track No. 2 at Tampa Repair Track.
2. That accordingly, the Seaboard Coast Line Railroad Company be ordered to compensate Carman Painter J. Thompson in the amount of two (2) hours and thirty (30) minutes at overtime rate of pay for said violation.

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.

On February 1, 1978 during the first shift, the Carrier's Foreman assigned a Carman to paint and stencil the B end of car number ACL 610240 on a Tampa repair track. Claimant, a second shift Carman Painter, seeks two and one half hours of pay at the premium rate contending all painting and stenciling work must be assigned to Carmen Painters pursuant to Rule 15, 99 and 100 of the applicable Agreement.

The Organization argues that since, within the Carmen's craft, Carmen Painters maintain and accrue seniority on a separate roster-division under Rule 15, the disputed work is exclusively reserved to Carmen Painters. The Carrier contends that neither the rules cited by the Organization nor historical practice supports the instant claim.

The work in dispute is clearly reserved to the Carmen's craft by Rule 100. Rule 15 divides Carmen into four roster-divisions but does not, either by its express terms or by implication, exclusively relegate every painting and stenciling task solely to Carmen Painters. Second Division Award No. 6267 (Harr). In two prior decisions involving these same parties and similar disputes, this Board has ruled that the maintenance of separate seniority rosters for painters, standing alone, does not exclusively reserve all painting and stenciling work to painters. Second Division Awards No. 6422 (Shapiro) and No. 6618 (Dolnick). According to these decision, on this property there is no historical practice to support the

Form 1
Page 2

Award No. 9242
Docket No. 9384
2-SCL-CM-'82

Organization's position that all painting work would be assigned to Carmen Painters to the exclusion of all other Carmen. For the reasons more fully set forth in Awards No. 6422 and No. 6618, we must deny this claim.

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 22nd day of July, 1982.