

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (
(Chicago and North Western Transportation Company

Dispute: Claim of Employees:

1. The Chicago and North Western Transportation Company violated the Agreement of September 25, 1964 and Rules 15, 16, 17, 21, 28, 29, 53 and 124 of the controlling agreement on November 9, 1981, when it abolished Job 019 (Write-Up Man) and assigned a Foreman to perform Carmen's work, at Itasca, Wisconsin.

2. That the Chicago and North Western Transportation Company be ordered to compensate Carmen Bill Tribbey, Lawrence Noonan, Bernard W. Sislo, Howard Gronquist and L. R. Smith at eight hours for each day at the applicable time and one-half rate to be divided equally among the five Carmen Claimants dating from November 12, 1981. This is a continuing 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 employe or employees involved in this dispute are respectively carrier and employees 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 the Carrier violated a number of its Rules when it abolished bulletined Job Number 019 and assigned the billing write-up portion of that job to a Car Foreman and an Assistant Car Foreman.

The Carrier asserts that the work at issue is not exclusively reserved to Carmen, contending that it has been performed by Foremen at other locations.

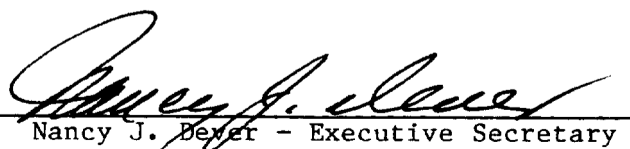
We conclude that Rule 124 is controlling here. While extensive arguments have been advanced by both parties, we give particular weight to the fact that the work in question on this property had been assigned by bulletin to Carmen. We are not persuaded by the record before us that it has been done by Foremen. Accordingly, we sustain Part 1 of the Claim.

We agree with Carrier, however, that the Claim, under the particular circumstances here, is excessive. Accordingly, Part 2 of the Claim is changed to 1 1/2 hours at the pro rata rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1986.