

The Second Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rule 102 and 25(a) of the Controlling Agreement when they used other than carmen to do carmen work on the following cars, applying bridge plates to piggy back cars- TTAX 973983, WTTX 930115, and ITAX 980284 on May 6, 1983 at the St. Louis Terminal piggy back ramp.

2. That the Missouri Pacific Railroad Company be ordered to compensate Carman V. E. Schroeder one (1) hour pay at the pro rata rate and restore the maintenance work on piggy back cars in St. Louis Terminal Division to the employees of the Carman's craft.

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 employes 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 alleges that the Carrier violated Rules 102 and 25(a) when it allowed Truck Drivers to perform Carman's work. Specifically, Truck Drivers on May 6, 1983, applied bridge plates to piggyback cars TTAX 973983, WTTX 930115, and TTAX 980284 as they either loaded or unloaded the cars. Rule 102 states in pertinent part that:

"Carman's work, including regular and helper apprentices, shall consist of building, maintaining . . . of all passenger and freight cars. . . "

As such, the Organization argues that such work of applying bridge plates is reserved for Carmen in their classification of "maintaining" cars. Inasmuch as a hammer and bar were used to apply the plates, the Organization further argues that it constitutes mechanical work as specified in Rule 25(a). Although the Organization notes that the plates were only temporarily applied, it argues that such work "maintains" the cars "in condition for service with supplies and equipment."


The Carrier denies any Rule violation noting that temporary bridge plates are used by Truck Drivers in the loading and unloading of trailers. Such plates are applied in minimal time by use of a pin to hold them in place. No special skill, equipment or tools is required. The Carrier asserts that as "preparing cars for loading and unloading is not maintenance," the Agreement has not been violated.

By long established precedent this Board has held that the Organization carries the burden of proof to establish that the disputed work belongs to the Carman in the instant case (See Second Division Awards 10415, 10076, 10091). A search of the record establishes no probative evidence that by history, tradition or system-wide past practice Carmen have been vested the exclusive right to apply bridge plates. A review of the Rules in question and particularly the language of Rule 102 which includes no mention of the specific work in dispute, fails to support the Organization's burden. There is no probative evidence to support the argument that such temporary (or permanent) bridge plates used between cars is "maintenance." Even further, a review of the facts and circumstances which formed the basis of Second Division Award 10634, indicates that in nearly identical circumstances, between the same parties the Claim has previously been denied. Therefore, the Claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of December 1986.