

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(Brotherhood Railway Carmen of the United States  
( and Canada  
PARTIES TO DISPUTE: (  
(Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM:

1. That the service rights of Carman Painter, Jeffery Harshbarger, and Carman's special Rule 154 were violated on September 28, 1983, account other than carman painters were assigned to perform carman painter's work of removing accumulation of paint from spray paint booth components.

2. Accordingly, Carman Painter, Jeffery Harshbarger, is entitled to be additionally compensated fourteen (14) hours at time and one half carman painter rate in lieu of said violations.

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.

As Third Party in Interest, the International Brotherhood of Electrical Workers were advised of the pendency of this dispute and filed a Submission with the Division.

Claimant is employed as a Carman Painter by the Carrier at its Huntington, West Virginia shop. On September 28, 1983, Carrier assigned two Electricians to remove an accumulation of paint from twelve access doors that are bolted to the Carmen Painters' mobile spray paint booth. The Organization thereafter filed a time claim on Claimant's behalf, arguing that this work belongs to the Carman Painters' craft.

This Board has reviewed the evidence in this case, and we find that the Organization has met its burden of proof that the work in question was improperly assigned. This work should have been performed by Carmen, and the Claim must be sustained.

However, this Board also finds that the record contains no evidence to support the claim for pay totalling fourteen hours at time and one-half. There is evidence that the painters' work performed by the electricians took a total of four man hours, and we will Award payment of the claim in that amount, at the straight time 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. Dover - Executive Secretary

Dated at Chicago, Illinois, this 6th day of April 1988.