

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11521
Docket No. 11221-T
88-2-86-2-30

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

(International Brotherhood of Electrical Workers
PARTIES TO DISPUTE: (
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

1. That in violation of the current Agreement, the Burlington Northern Railroad on three (3) occasions in the month of January 1985, did arbitrarily assign a Machinist Helper to clean main generator electrical component parts on January 9, 16 and 23, 1985 which historically and by agreement accrues to the electrical craft at its West Burlington Diesel Repair Facility.

2. That accordingly, the Burlington Northern Railroad be directed to compensate furloughed Electrician Helper S. M. Connolly of West Burlington two and seven-tenths (2.7) hours at the punitive rate for each of three (3) 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.

The Organization claimed that the assignment of a Machinists' Helper to clean electrical component parts on January 9, 16 and 23, 1985 is a violation of Rule 76. The Machinists' Helper used a Proceco parts washing machine, one of which has been assigned to the Electrical Workers' craft. The Organization claimed that they have the exclusive right at the West Burlington shop to clean electrical parts. The Organization claimed that as a result of this assignment, one of their members has been furloughed. The Carrier has no

right to assign this work to a different craft, and the Organization stated the assignment of only one Proceco to the Electrical Workers' craft while assigning seven to the Machinists' craft is improper. This allowed the Carrier to remove some of the cleaning activities historically performed by the Electrical Workers. The Organization argued that just because there was change in the method of cleaning, this does not give the Carrier the right to assign this work to members of a different craft. The Organization cited a number of Awards in support of its position.

The International Association of Machinists filed a Third Party Response in this case. They disputed the contention of the Electrical Workers that they received a disproportionate number of cleaning machines after the change to the Proceco equipment; and, in fact, they claimed that Electrical Workers have been assigned additional degreasing capabilities as a result of the change. The Machinists noted that the dispute is exactly the same as a previous case, Second Division Award 11441, in which the Electricians' claim was denied. The Machinists stated that it is the Electrical Workers that are trying to expand their work assignments through their work rule even though that rule specifically prohibits the use of the rule to change existing practices. The Machinists contend that "operating parts cleaning machines is work that machinists and machinists' helpers have performed for many years. Parts from all crafts were brought to the vats in cleaning rooms manned by machinists' helpers for parts cleaning." They have attached to their Submission statements from a number of their members to that effect.

In response to the Machinists' Submission, the Electrical Workers stated that Second Division Award 11441 is in error. They further contend that the IAM Submission is vague and contend again that the Electricians not only washed parts for other crafts, but they washed all of the parts for the Electrical craft. Again, they stated that the Claimant was furloughed as a result of this change in operation and that, even if the IAM does not want to take work belonging to the IBEW, they in fact have done this because of the Carrier's assignment.

The Carrier stated this matter has been resolved by Second Division Award 11441. The dispute is the same. The Claimant is the same. Only the dates of the work performance are different. The Carrier noted that both the Electrical Workers and the Machinists cleaned their own parts as well as those of other crafts in the past. Both the crafts were assigned the operation of some of the new equipment. The Carrier stated that the Note to Rule 76 supports the conclusion that cleaning was not exclusive to any craft, and Rule 98 (c) states that such methods of cleaning would continue. There is no evidence in the record that the Claimant's furlough was a result of the machinery replacement. The claim in Award 11441 was prior to the Claimant's furlough. Whether or not the equipment assignment was appropriate is not for the Board to decide under this claim nor is whether there is a need to establish another shift for Electrical Worker Helpers. Finally, the Carrier stated the work is not exclusive to the craft and submitted Awards favorable to this point.


Contrary to the Electrical Workers' contention in their Submission, the claim in this case does not dispute the assignment of Proceco equipment to the various crafts nor does it dispute the furlough of the Claimant. Therefore, the Board is not able to deal with either of these matters. The claim simply has to do with the work assigned to the Machinists' Helper on the three dates in question. The Electrical Workers bear the burden that this work was exclusive to their craft, and as in Second Division Award 11441, the Board finds no evidence that the work performed by the Machinists' Helper belongs exclusively to the Electrical Workers craft. The Board has no choice but to again deny the claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 3rd day of August 1988.