

CORRECTED

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11923
Docket No. 11535-T
90-2-88-2-10

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

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

STATEMENT OF CLAIM:

1. That in violation of the current Agreement, Rules 27 and 76 in particular, the Burlington Northern Railroad Company arbitrarily assigned an employee of the Machinist Craft at its West Burlington Diesel Repair Facility to perform Electrical Craft work.

2. That accordingly, the Burlington Northern Railroad Company be ordered to compensate West Burlington Electrician G. D. Wentworth eight (8) hours daily at the pro rata rate for this violation beginning November 18, 1986, and continuing until an Electrical Craft employee is reassigned to perform the subject Electrical Craft work.

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 Association of Machinists and Aerospace Workers was advised of the pendency of this dispute and filed a Response with the Division.

This Claim involves cleaning of traction motor frames at Carrier's West Burlington, Iowa, Diesel Repair Facility. Prior to October 27, 1986, such work was performed by Carmen operating sandblasters. Upon abandonment of Carrier's Livingston, Montana, repair facility a glass bead shot blasting machine, known as a Wheelabrator, was relocated to the Diesel Facility at West Burlington. The Wheelabrator had been manned by Machinists at Livingston. When it was placed in operation at West Burlington it was operated by a member of the Electrical Workers Craft for approximately three weeks. Effective November 17, 1986, the operator assigned was a Machinist.

The Organization contends that its Classification of Work Rule, was violated when the operation of the Wheelabrator was assigned to a Machinist. The Organization also contends that prior to the installation of the Wheelabrator an understanding was reached with Management of the facility that the machine would be assigned to Electricians.

Carrier argues that this is a jurisdictional dispute, and, as such, an attempt must be made, pursuant to Rule 93, to resolve any controversy between IBEW and IAM. This has not been done, to Carrier's knowledge, thus the matter is not properly before this Division. Accordingly, it must be dismissed.

Carrier also argues that the work involved is work on traction motor frames, not traction motors. Before the frame can be placed in the Wheelabrator threads and taps must be protected. After the cleaning process is completed additional threading and tapping functions are necessary. This activity is more of the function of a Machinist than an Electrical Worker.

Carrier also points out that Machinists previously operated the exact same machine doing the same functions of work, by bid assignment, at Livingston before it was shipped to West Burlington.

Except for the three week period in October and November 1986, when an Electrician operated the Wheelabrator there is absolutely no showing that members of the Electrical Workers Craft performed any sand or bead blasting work connected with cleaning traction motor frames at West Burlington, Iowa, or any other location on Carrier's system. The evidence before us is uncontroverted that earlier at West Burlington, Carmen cleaned traction motor frames with sand blasting equipment. The evidence before us is also uncontroverted that earlier at Livingston, Machinists cleaned traction motor frames with the Wheelabrator machine now in service at West Burlington. It was only for a period of three weeks that the machine was operated by a member of the Electrical Workers Craft. This brief assignment, does not, in our opinion, vest members of the Electrical Workers Craft with an exclusive entitlement to the work.

The Organization has stressed that its Classification of Work Rule states that:

"Electrician's work shall consist of ... maintaining, electrical repairing, rebuilding ... inspection, testing, blowing of traction motors.

They shall also ... clean by whatever means all internal parts including inside and outside of stators, ..."

If the work in dispute pertained to traction motors the Organization's arguments might be persuasive. However, what is involved is not traction motors, but traction motor frames. Traction motor frames are not mentioned any place in the Rule, which is ten single spaced typewritten pages long. If the parties intended that Electricians had exclusive rights to cleaning traction motor frames, that function most surely could have been included within the Rule.

The Organization has not demonstrated that the work involved in this Claim is exclusively Electricians work under its Classification of Work Rule. The Organization has not demonstrated that it is entitled to do the work by custom or practice. Additionally, the Organization has not demonstrated that it acquired any entitlement to the work merely by operating the Wheelabrator for a three week period in late 1986.

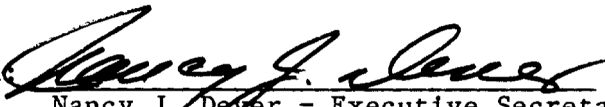
The Claim will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 8th day of August 1990.