

The Second Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(
(CSX Transportation, Inc. (Baltimore and Ohio
(Railroad Company)

STATEMENT OF CLAIM:

1. That the Baltimore and Ohio Railroad Company arbitrarily violated Rule 125 of the Controlling Agreement and letters of Agreement of March 25, 1977 and August 31, 1984, when, on September 21, 1988, employee other than Electrical Workers were assigned to perform work which accrues exclusively to Electrical Workers at the B & O Railroad Company's Cumberland Ready Track; and

2. That the Baltimore and Ohio Railroad Company compensate Electrician S. Herrell an amount equal to twenty (20) minutes pay at the current rate of pay and further, that the B & O Railroad refrain from such action in violation of the Agreement in the future.

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 Firemen & Oilers was advised of the pendency of this dispute and filed a Submission with the Division. Also, the International Association of Machinists and Aerospace Workers, the Sheet Metal Workers International Association, Brotherhood Railway Carmen/ Division of TCU and United Transportation Union were advised of the pendency of this dispute, but did not file a Submission with the Division.

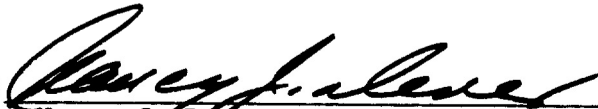
In a companion case involving the same parties and the same issue the Board denied the Claim on the grounds that the contested work performed by a Machinist was de minimus in nature. See Second Division Award 12238. In the case at bar, we find nothing in the facts and circumstances and the parties' positional arguments to justify a variant conclusion. The work performed by the Machinist on September 21, 1988, amounting to the removal of a Receiver Delay Unit (RDU) from one locomotive unit and its immediate placement in another locomotive unit was of the de minimus variety and, as such, we are constrained to deny the Claim. For further discussion of the de minimis principle, see Second Division Awards 10651, 10369, 9155, 8778, 7529, and Third Division Award 26671.

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 15th day of January 1992.