

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12582
Docket No. 12016-T
93-2-90-2-136

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

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

STATEMENT OF CLAIM:

- "1. That on July 10, 1989 the B&O arbitrarily assigned work which properly accrues to electricians headquarters at Cincinnati, Ohio, to other than Electrical Workers, and; in violation of Agreement Rules 29, 125 and 126 and all other applicable rules.
2. That the B&O compensate Electricians Joseph Huhn and Charles Blatt four (4) hours at the current time and one half rate of pay."

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 employe 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 Brotherhood of Railroad Signalmen was advised of the pendency of this dispute and filed a Submission with the Board.

This case arises from a claim submitted on August 18, 1989 which, in essence, asserted that the Carrier assigned work to its Signal forces that fell within the work assigned to Electricians. Specifically, the work at issue was the installation of conduit and the hanging of disconnects for wiring inside "a new air compressor building." The Carrier mainly contends that the work at issue fell within the Signalmen's Scope Rule. It asserts that the practice on

the property has been for Signal forces to perform all electrical work from the point of power delivery in facilities used exclusively for Signal Department purposes.

Although certain procedural objections have been presented, we find that this matter is best resolved on the merits.

The Organization has not met its burden of proof in the matter before us. The evidence shows that the Carrier, at its Queensgate Yard in Cincinnati, Ohio, replaced a structure whose purpose is to house and protect three air compressors. The structure is of the type used throughout the Carrier's system and prevalent in the railroad industry. The Electricians installed a designated point of electrical delivery outside of the structure housing the air compressors. The Electricians provided the power from the source of the power supply to the safety disconnect switch.

The Board finds that it has been the general practice on the property for signal forces to perform all electrical work from the point of power delivery in facilities used exclusively for Signal Department purposes. This assertion was not substantively rebutted on the property. Moreover, until the instant case, the work now claimed has not been a matter of dispute by the IBEW. Last, we note that Second Division Award 6343 supports the Carrier's position. That Award addressed the same question at issue here, and in pertinent part held:

"It has been generally accepted in prior Awards that the electricians' work terminates at the point of delivery and signalmen's work begins at this point where power is utilized for Signal Department facilities."

For all of the foregoing reasons, the claim is denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 15th day of September 1993.