

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12596  
Docket No. 12463  
93-2-91-2-282

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

(International Brotherhood of Electrical  
(Workers  
PARTIES TO DISPUTE: (  
(Bessemer and Lake Erie Railroad Company

STATEMENT OF CLAIM:

"Claim submitted to General Foreman E. W. Richardson, Bessemer and Lake Erie Railroad Company by the Local Committee dated January 8, 1991, as follows:

Dear Mr. Richardson:

At the request of Traveling Electric Crane Operator E. R. Riley, I am submitting a time claim for work performed by another craft.

During the week of December 3 thru December 7, 1990, the electricians operated the Overhead Car Shop Cranes. On December 5, 1:30 hours, December 6, 3 hours, and December 7, 1:30 hours.

This is in violation of the National Agreement and Rule 16 in particular. Rule 16 gives the Crane Operators a seniority roster and there are no electricians listed on that roster. It is a clear violation of Mr. Riley's rights, to be furloughed, available for work, and the company use an employee from another craft to fill his position. No where in the Controlling Agreement or any Local Agreement, does the company have the right to furlough any employee and cross craft lines to fill his position.

We are asking for eight (8) hours pay at the current Traveling Electric Crane Operators' rate of pay for December 5, 6, 7; 10, 11, 1990, for a total of forty (40) hours. The five day request is being made under Rule 3 which requires a position to be five days. There is no provision for working less than

five days except by local agreement, or the filling of a vacancy."

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.

The issue in this claim is the same as that which this Board addressed in Second Division Awards 12371, 12372 and 12594. We find here for the same reasons as we did in those Awards, that there is no basis for the claim.

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 13th day of October 1993.