

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12602
Docket No. 12476-T
93-2-91-2-288

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division TCU
(
(CSX Transportation, Inc. (former Louisville
(& Nashville Railroad Company)

STATEMENT OF CLAIM:

- "1. That the Louisville & Nashville Railroad Company (hereinafter referred to as the Carrier) violated the provisions of the controlling Agreement, particularly, but not limited to, Rule 104 and 30(a), when on February 3, 7, 9, 10, 11 and 13, 1991 they allowed or instructed other than carmen to perform work reserved to carmen by contract.
2. And, accordingly, the Carrier should be ordered to compensate Carman J. Gamboa (hereinafter referred to as the Claimant) for eight (8) hours at overtime rate on each of those dates, as a result of said 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 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 Transportation Communications International Union was advised of the pendency of this dispute and filed a Submission with the Board.

This Claim alleges that Carrier is improperly using Clerks in certain tie down activities at Bedford Park, Illinois. Carrier made an agreement with the Clerks and Carmen coordinating its Bedford Park and Forest Hill facilities. In that agreement Clerks were given specific entitlements to tying down trailers at Bedford Park, regarding trains 137 and 138. The only work reserved to Carmen at Bedford Park, by the coordination agreement, is that set forth in its Classification of Work Rule. Accordingly, its Claim for tie down work now being performed by Clerks at Bedford Park is not supported by the Agreement.

The Claim will be 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 27th day of October 1993.