

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12703
Docket No. 12533
94-2-92-2-59

The Second Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

(International Brotherhood of Electrical
(Workers
PARTIES TO DISPUTE: (
(St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

- "1. That in violation of current controlling Agreement, at the Kansas City Yard, the St. Louis Southwestern Railway Company, improperly assigned Fireman Hostlers to perform Electricians' work on April 1, 10, 18, May 8 and 11, 1991.
2. That accordingly, the St. Louis Southwestern Railway Company be ordered to compensate Electricians F. Pierre, G. C. Doty, V. E. Herbert, E. Meyers and W. N. Williams, of Kansas City, Kansas, four (4) hours' pay at the punitive rate each for the violation of April 1, 10, 18, May 8 and 11, 1991.
3. The Carrier should be ordered to cease and desist from continual assignment of other than Electricians to perform Electricians 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 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 Board has reviewed the instant record. We find that the facts at bar indicate that on numerous dates in April and May, 1991, Hostlers disconnected locomotive control cables in Armourdale Yard at Kansas City, Kansas. The Organization alleges Carrier violation of Rules 34, 63 and 64 of the Agreement. The Organization has pursued this Claim arguing that the Carrier has violated the practice on the property, as well as the current Agreement wherein the work belongs to the electrical workers.

The Carrier denies any Agreement violation and argues that the work is not protected by Agreement Rule to the electricians. The Carrier further maintains that the disputed work was performed consistent with long standing past practice.

This Board finds all the essential facts consistent with our decision in Second Division Award No. 12702. This is particularly true of our decision to accord little weight to the evidence of record due to its near consecutive submission with the Notice of Intent. The denial of full weight to the evidence and argument not fully joined on property is in line with numerous past Awards (Third Division Awards 20025, 22762, 20773). Based on the logic of Second Division Award No. 12702, the Claim is denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Linda Woods
Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.