

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12765
Docket No. 12583
94-2-92-2-107

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

PARTIES TO DISPUTE: (Brotherhood of Railway Carmen
(A Division of TCIU, AFL-CIO
(
(Norfolk Southern Railway Company
(former Southern Railway)

STATEMENT OF CLAIM:

"1. That the Norfolk Southern Railroad Company and/or its Corporate Parent, the Norfolk Southern Corporation, violated the terms and conditions of the current Agreement on June 6, 7 and 8, 1991, when work belonging to the Carmen's Craft was improperly assigned to an employee who was not an employee of the Carmen's Craft, at Norton, Virginia.

2. That accordingly, the Norfolk Southern Railroad Company and/or its Parent, the Norfolk Southern Corporation, now be ordered to provide the following relief to Carmen E. G. Mullins, G. D. Beck and V. E. Williams: pay of eight (8) hours each at the rate of time and one-half."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 of hearing thereon.

Carrier used a Service Attendant to reconstruct an end and install a door on a trailer that was used as a storage facility for end-of-train devices in its Norton, Virginia yard. The Carmen argue that members of its Craft had ought to have been used on the task because its Classification of Work Rule covers "carpenter work in shops and yards." Carrier's principle defense was that the trailer was utilized by its Transportation Department, it was not a shop building, thus Carmen had no right to perform the carpentry

work in question. This defense is not persuasive. The claim has merit. It will be sustained.

AWARD

Claim sustained.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date this award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois this 17th day of November 1994.