

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12774
Docket No. 12651
94-2-93-2-4

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
(Division of TCUI, AFL-CIO
(
(Norfolk Southern Railway Company
(former Southern Railway)

STATEMENT OF CLAIM:

"1. That the Norfolk-Southern Railway Company, hereinafter referred to as the Carrier, violated the Rule 132 of the controlling agreement as well as paragraph (c) (1) of the memorandum of Understanding between the Carmen, Maintenance of Way employees, and the Carrier dated January 16, 1951, when on February 20, 1992, it assigned other than Painters to paint a metal fuel tank base and a metal fire extinguisher cabinet.

2. Accordingly, Carrier shall be ordered to additionally compensate Painter L. D. Carter, hereinafter the Claimant, for eight (8) hours pay at the straight time rate due to said violation.

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.

On February 21, 1992, two Carmen fabricated a 275 gallon fuel tank. When they completed the fabrication, they painted the tank and base with an airless sprayer. The next day the same two Carmen fabricated a fire extinguisher cabinet, and also painted it with the airless sprayer. The Organization contends that the painting chore should have been performed by Carmen Painter.

The Board cannot agree with the Organization. In our Award 12776 the Board noted that the November 27, 1991 Imposed Agreement

(July 31, 1992 Imposed Agreement for the IAMAW) expanded the Incidental Work Rule and allowed Carriers greater license in the assignment of work between Crafts when the work involved was incidental to the main task, or did not require special skills or tools to complete. The work complained of in this case took less than two hours to perform for each task, did not require special skill or tools, and by any test was incidental to the basic task performed by the Carmen who erected the tank and fabricated the cabinet.

The claim is without merit. It will be denied.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

..

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