

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12793
Docket No. 12596-T
94-2-92-2-113

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

(International Association of Machinists
(and Aerospace Workers
PARTIES TO DISPUTE: (
(The Union Pacific Railroad Company

STATEMENT OF CLAIM:

"That the Missouri Pacific-Union Pacific Railroad Company violated Rules 26 and 52 of the current controlling agreement dated June 1, 1960, when it assigned the duties of welding lock tabs to the head of two hundred 1" x 6" truck binder bolts, thereby preventing Machinist E. D. Lairry from performing this work, which has historically been performed by Machinists at the North Little Rock Truck Shop.

Carrier shall compensate Claimant eight (8) hours at the current Machinists Welder's rate of pay for work that was misassigned to a Boilermaker apprentice on June 3, 1991."

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 at hearing thereon.

As Third Party in Interest, the International Brotherhood of Boilermakers and Blacksmiths were notified of the pendency of this dispute, and it filed a Submission with the Board.

The Organization has argued that its Agreement was violated when Carrier assigned a Boilermaker to weld lock tabs on truck binder bolts on June 3, 1991. Lock tabs are welded onto truck binder bolts so that they may be tightened with a single wrench. The bolts are utilized when Machinists make repairs to locomotive trucks. Carrier argues that both Machinists and Boilermakers have, in the past, been used to weld tabs to binder bolts at its North Little Rock facility.

For the Organization to prevail it must demonstrate that the work performed by the Boilermaker was reserved exclusively to Machinists at the North Little Rock facility. This has not been done in this record. Instead, the evidence is conclusive that both crafts have performed the work in the past. Further the task is simple in nature and requires very little time to accomplish. It is apparent that both Machinists and Boilermakers possess the necessary skills to do the work.

Inasmuch as the Organization has not established that the work complained of is exclusively reserved to the Machinist craft, the claim must 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 the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 9th day of December 1994.