

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12863
Docket No. 12584
95-2-92-2-144

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

PARTIES TO DISPUTE: (International Brotherhood of Electrical
(Workers
(
(Burlington Northern Railroad

STATEMENT OF CLAIM:

- "1. That in violation of the governing Agreement, the Burlington Northern Railroad assigned Mechanical Department Electricians at the Havelock (Lincoln), Nebraska Car Shop to perform work which under the terms of the Agreement, should have been performed by System Electrician Foreman S. R. Martin, Lead Electrician G. W. Youngquist, Lead Electrician L. L. Wells and System Electricians R. K. Dittrich, B. C. Wright, N. A. Gotelaere and T. W. Bolen.
2. That accordingly, the Burlington Northern Railroad should be instructed to compensate Electricians Martin, Yhounquist, Wells, Dittrich, Wright, Gotelaere and Bolen 85 hours each at the punitive rate of pay."

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.

During July and August 1991, Carrier utilized "Shop Electricians" to complete a major electrical project in Building 33 at is Havelock Shop. The Organization contends that the project should have been assigned to "System Electricians" by the terms of the Division of Work Agreement effective January 1, 1979. The Board has reviewed the January 1, 1979 Division of Work Agreement and concludes that by its terms the work complained of was work that should have been assigned to System Electricians rather than Shop Electricians. Accordingly, the claim will be sustained, but at straight time rates.

AWARD

Claim sustained in accordance with the Findings.

ORDER

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 the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 17th day of April 1995.