

The Organization contends the Carrier sent an employee of other than the carmen's craft to Biwabik because the remaining first shift carmen were all occupied with other work. According to the Organization, the Carrier improperly instructed a member of the electrical craft to perform the work to avoid paying overtime to Claimant. The Organization cites the following portion of Rule 57 to support its claim:

"Carmens' work shall consist of building, maintaining, dismantling (except all wood freight train cars), ... and inspecting all ... freight cars, both wood and steel ... and all other work generally recognized as carmens' work."

On the property, the Organization presented twenty-eight statements from carmen that show the carmen have historically and exclusively performed work consisting of the replenishment of caboose water tanks at various points along the Carrier's system.

The Carrier concedes that at many points, including Keenan and Biwabik, members of the carmens' craft have usually performed the disputed work. However, according to the Carrier, at Proctor, Store Employees (who are not represented by the Organization) have traditionally and exclusively filled caboose water tanks. The Carrier also points out that Rule 57 is silent with regard to work consisting of caboose servicing and thus, the carmen do not have sole jurisdiction to the disputed work either by rule or past practice.

An examination of Rule 57 discloses that Rule 57 does not expressly refer to the particular work in dispute. The question becomes whether or not the work is within the general or catchall provision of Rule 57. Numerous decisions of this Board have ruled that in order to establish exclusive rights to work which is not expressly reserved to the Organization in a classification of work rule, the Organization has the burden of proving, by past practice, that the work traditionally and exclusively belongs to carmen on a systemwide basis. Second Division Awards No. 5316 (Johnson) and No. 7295 (Twomey). The statements of carmen proffered by the Organization during the handling of this claim on the property merely demonstrate that carmen fill caboose water tanks at certain local points along the system. None of the carmen providing statements on the past practice declared that carmen have performed the disputed work at Proctor. The Organization has not met its burden of proving an exclusive right to perform the task on a systemwide basis and so we must deny the claim.

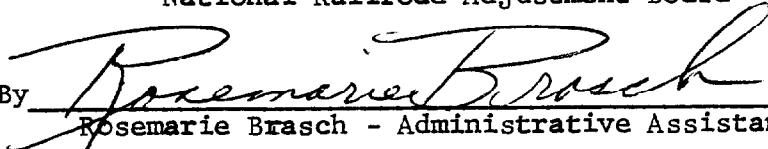
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of April, 1982.