

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: { International Brotherhood of Electrical Workers
 { Toledo, Peoria and Western Railway Company

Dispute: Claim of Employees:

1. That under the current agreement the Toledo, Peoria and Western Railroad Company improperly assigned a Machinist to install a "walkie-talkie" radio on Locomotive 2733 on March 9, 1980.
2. That the Toledo, Peoria and Western Railroad Company be ordered to compensate Electrician P. E. Burk four (4) hours at the straight time rate for improperly assigning another craft the work that rightfully belongs to the Electrical Workers.

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.

On March 9, 1980 a Machinist carried a portable radio and placed it in the cab of a locomotive. Electrician R. E. Burk filed a claim alleging that Carrier assigned Electrician's work to a Machinist in violation of the Rule 99 classification of Electricians and Memorandum of Agreement No. 2. The Organization contends that the Rule and the Memorandum clearly state that the installation and maintenance of radio equipment belong to it. Consequently, a four-hour straight time claim is payable to Claimant.

Carrier argues that it did not violate Rule 99 or Agreement No. 2, since no installation work took place. The radio was just carried by the Machinist and placed in the cab. The whole operation only took five minutes.

The record of this case reveals that the work performed in this instance was by all standards de minimus. As such, it does not constitute a scope violation that would warrant a four-hour claim be paid. See Second Division Awards 7587 (Eischen) and 7529 (Searce).

Form 1
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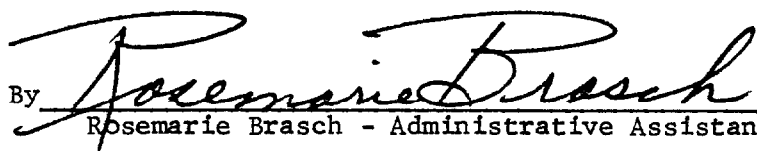
Award No. 9155
Docket No. 9024-T
2-TP&W-EW-'82

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 30th day of June, 1982.