

The Second Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

Parties to Dispute: (Brotherhood Railway Carmen of the United States
(and Canada
(Burlington Northern Railroad Company

Dispute: Claim of Employees:

1. That the Burlington Northern, Inc. violated Rule 27(a) and Rule 83 of our Current Agreement when they assigned a supervisor to perform work reserved to the Carman Craft.
2. That accordingly, the Burlington Northern, Inc. compensate St. Cloud Carman Robert Malisheski in the amount of four (4) hours pay at the straight time rate for February 28, 1980.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

Claimant, Robert Malisheski, at the time this dispute arose, was employed as a Carman Mechanic at St. Cloud, Minnesota. On February 28, 1980, one of the supervisors at the St. Cloud Shop carried component parts to other mechanics to expedite the repairing of cars. Specifically, the supervisor carried some coupler shims to a point in the shop where a freight car in need of the shims was being repaired.

The Organization claims that the work performed by the supervisor belongs exclusively to carmen under the terms of Rules 27(a) and 83. It asks that Claimant be paid four hours at the straight time rate for February 28, 1980.

Rule 27(a):

"(a) None but mechanics or apprentices regularly employed as such shall do mechanics' work as per the special rules of each craft except foremen at points where no mechanics are employed. ***"

Rule 83 Classification of Work:

"Carmen's work shall consist of building, maintaining, dismantling (for repairs), painting, upholstering and inspecting all passenger and freight cars both wood and steel; *** and all other work generally recognized as carmen's work."

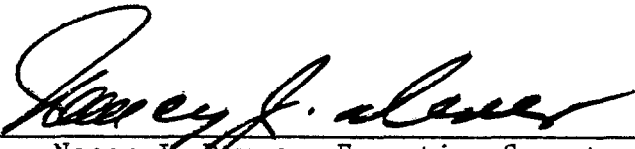
The language of these rules cannot be viewed, in any way, as reserving the work in question to Claimant or to members of the carmen craft. Therefore, the Organization was unable to shoulder their burden.

A W A R D

Claim Denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of March, 1984.