

The Second Division consisted of the regular members and in addition Referee Hyman Cohen when award was rendered.

(Brotherhood Railway Carmen of the United States
(and Canada

Parties to Dispute: (

(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Rules 12(a) and 24(a) when they selected three (3) Carmen to operate Pettibone at Houston, Texas, February 14, 1983.

2. That the Missouri Pacific Railroad Company be required to post for bid the job of operating Pettibone and compensate Carmen O. Williams, J. Smith and J. St. Julian in the amount of twelve (12) hours each at the straight time rate for each day starting February 15, 1983 and continuing until violation is corrected.

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.

The Carrier operates a freight car repair facility at its Settegast Yard, at Houston, Texas.

Historically the repair track at the Carrier's Settegast Yard facility used a Pettibone crane for the purpose of moving cars on the spot repair track. Due to its age and use the crane was replaced with a new Pettibone crane. When the new Pettibone crane was delivered to the Settegast Yard repair facility the Carrier selected three (3) Carmen who received instruction on the use of the Pettibone crane and who would be responsible for the operation of the crane.

The Organization contends that the Carrier selected the Carmen to operate the Pettibone crane without regard to seniority and that the Carrier is to be required to post for bid the job of operating the crane.

Examination of the record requires that the Claim be denied. The Pettibone crane is nothing more than a piece of equipment which is incidental, and is of limited use to the primary functions performed by the employees at the Carrier's facility. The use of the Pettibone crane ordinarily does not take up more than one (1) or two (2) hours cumulatively during a shift. Such a casual use of equipment and the assignment of particular tasks has never been bulletined on the property. The assignment of operating a Pettibone crane is comparable to assigning the operation of jacks and other equipment to certain Carmen. The assignment of such duties is not unusual; indeed, it is routine. Moreover, the operation of the Pettibone crane is not so much a "duty" as it is the operation of a piece of equipment incidental to the performance of the core duties of the job. To require the Carrier to advertise a new job every time a Foreman decided to restrict the use of a piece of equipment to particular employees would seriously impair the efficiency and flexibility of the Carrier in the operation of its facility.

The Organization makes no claim that the operation of the Pettibone crane is found in the Carmen's Classification of Work Rule. No such "duty" is found in the Rule. Accordingly, this Board cannot conclude that the operation of the Pettibone crane belongs exclusively to Carmen. See Second Division Award No. 10671. Indeed, it is undisputed that historically the Pettibone crane had been operated by laborers.

The Organization relies upon Rules 12(a) and 24 in support of its position. Rule 12(a) provides that new jobs and vacancies are required to be bulletined and assigned on the basis of seniority. However, the Rule does not provide that bulletins must specify each individual duty incidental to the performance of a particular job. In any event the operation of the Pettibone crane is not a new job that has been created or a vacancy as required under Rule 12(a).

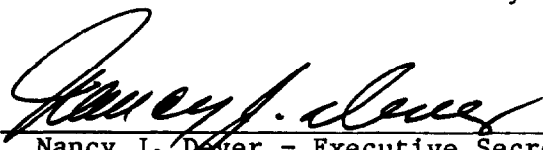
Rule 24 emphasizes seniority as a controlling factor. Presumably the Organization relies upon this Rule in support of the view that seniority controls the assignment of the operation of equipment, such as a Pettibone crane, which is a task incidental to the performance of the core duty, namely, the repair of freight cars. There is no merit to the Organization's position and no express or implied terms can be found in Rule 24 to support such a position.

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 13th day of August 1986.