

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

Parties to Dispute: (International Brotherhood of Electrical Workers
(
(Consolidated Rail Corporation

Dispute: Claim of Employees:

1. On the morning of February 16, 1983 the Supervision of the C&S Department, L. D. White and C. E. Smitley assigned and assisted the following BRS Signal Department employees - B.R.S. Signal Gang foreman, W. P. Hutchinson, B.R.S. Signal gang member, D. R. Wineiger, B.R.S. Signal gang foreman J. W. Caruso, B.R.S. Signal Mtrs. J. E. Davis and E. M. Willemburg to break into the Radio Shop store room at 2703 North 25th Street, Terre Haute, Indiana, remove radio equipment and spare parts, load onto a B.R.S. Signal truck, took radio equipment and spare radio parts to East Yard, at Terre Haute, Indiana, put radio equipment and spare radio parts into Railroad box cart to be shipped to Columbus, Ohio.
2. On the afternoon of February 17, 1983, the C&S Supervision assigned B.R.S. Signal foreman W. P. Hutchinson and gang member D. R. Wineiger to work in (same) radio shop store room and equipment room rearranging storage shelves, radio equipment and parts.
3. That IBEW Radio Maintainer E. L. Bean be compensated at the overtime rate for 14 hours for February 16, 1983. (Two (2) hours for each of the said B.R.S. and Supervisory representatives of the Consolidated Rail Corporation for violation of said rules on February 16, 1983).
4. That IBEW Radio Maintainer E. L. Bean be compensated at the overtime rate for four (4) hours for February 17, 1983 (two (2) hours each said B.R.S. Signal gang member on the afternoon of February 17, 1983). For violation of said rules.

That the Consolidated Rail Corporation violated the pertinent rules of the controlling agreement when one of their representatives assigned B.R.S. Signal employees to perform IBEW Radio work which,

obviously, is work covered in Rule II, Rule 5-F-1(b) of the May 1, 1979 Agreement, also violation of Public Law Board Award 2543 and also App. 7, Rule 10(a) of the System Federaton 54 Agreement.

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.

Pursuant to Section 3, First (j) of the Railway Labor Act, as amended, notice was given to the Brotherhood of Railroad Signalmen (BRS) of this Claim as a possible party of interest. The BRS has filed a statement on this matter and the Organization has submitted its rebuttal to the BRS submission. The Board has carefully reviewed these submissions as well as the remainder of the record provided by the parties before arriving at its Award.

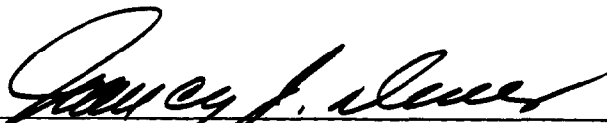
While the Claimant in this dispute has progressed a number of personal issues and concerns, the question basically before us for adjudication is a Scope Claim. The Record indicated that employes of another craft removed old radio equipment and other items from a storeroom in the Claimant's work area and then rearranged storage shelves in that same area. The Claimant earlier had been instructed by his Supervisor to clean up his storeroom.

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 27th day of August 1986.