

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

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

Dispute: Claim of Employees:

1. That under the current agreement the Soo Line Railroad Company violated Rules 7, Para. 4, 10 Para. 6(a), 27, 28, 94 and 105 Para. 2 of the Shop Crafts Agreement, when on January 18, 1982, Assistant Car Foreman R. Putnam, performed Carmen's work, when he proceeded to procure an empty methanol can and filled it, he then transported it with the Soo Line repair truck assigned to the inspectors to perform their work, to the west end (258) and then carrier (sic) the full can to the reefer car S. P. 690155 on B-4 in the transportation yard, where he met Car Inspector Langford to service the aforementioned car, he then transported the can by truck back to location he obtained it from.

2. That accordingly, the Soo Line Railroad Company be ordered to compensate Carman R. Reing for call time of 2 2/3 hours at time and one half, for loss of compensated pay on January 18, 1982, when the Soo Line Railroad Company failed to call Carman Reing, who was next to be called from the overtime block, to be used, when extra carmen's work is needed to be performed.

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.

On January 18, 1982, two Carmen assigned to work the midnight shift called in sick. The two positions were blanked. Subsequently, at approximately 4:45 A.M., the Organization claims Assistant Car Foreman R. Putnam obtained a full can of methanol and transported the methanol by truck to

Reefer Car S.P. 690155 where Carman Langford serviced the heaters. Citing a number of Rules, the Organization contends the Carrier should have called the Claimant, Carman R. D. Reing, who was first out of the overtime block instead of having Assistant Car Foreman Putnam transport methanol or any other material to perform Carmen's work.

The Carrier argues the transporting of materials to and from the Transportation Yard is not work exclusively reserved to Carmen and that past practice indicates such work has been previously performed by Supervisors. In supporting this latter contention, the Carrier acknowledged the Classification of Work Rule refers to work "...generally recognized as carmen's work" and asserts that the historical application of such language requires a craft to establish a controlling past practice which shows the disputed work has been reserved to the craft by systemwide practice.

We note the Carrier, in addressing this subject, cited a letter dated August 10, 1982, and addressed to A. W. Durtsche, the Carrier's Director of Labor Relations, by the Organization's General Chairman states in pertinent part:

"This is to advise, that these claims are not being withdrawn, without prejudice as to any other claim, that may be similar and arise in the future, due to that there is not language in the past work rules pertaining to hauling material.

In the future, time claims will be filed on this same issue, if Foreman and Supervisor, continue to haul material, due to the fact that this would be in violation of Paragraph (h) of the new classification of work rules effective June 15, 1982."

That language is apparently quoted in the Organization's Submission and seemingly addresses the question raised by this Claim. Notwithstanding, the dispute herein arose prior to the adoption of Rule 94(h) and cannot be dispositive of this issue. Based upon the above quoted admission by the Organization, we will deny the Claim.

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Award No. 11145
Docket No. 10402-T
2-SOO-CM-'87

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 11th day of February 1987.