

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

(International Brotherhood of Firemen and Oilers
Parties to Dispute: (
(Seaboard System Railroad

Dispute: Claim of Employes:

1. That under the current controlling agreement employees other than Laborers were improperly used to perform the work of operating the fork lift to pick up and deliver material and equipment, dump trash into the dumpsters, wash down floors under ramps, wash engines and cleaning air compressor compartment of engines at Seaboard System Railroad, Uceta Shops, Tampa, Florida.

2. That accordingly, the Carrier be ordered to compensate Laborer's time and one-half rate of pay for the amount described in Attachment "A".

ATTACHMENT "A"

No.	Claimant	Date of Violation	Amount of time Claimed	Work Performed In Violation
1.	R. Wilson	2/03/84	1. hr 30 min.	Washed Engine No. 1794
2.	B. Bludsaw, Jr.	2/03/84	2 hours	Washed Engine No. 379
3.	E. I. Everette	2/09/84	3 hours	Moved material with fork-lift
4.	S. A. Johnson	2/10/84	1 hour	Washed Engine No. 1750
5.	M. E. Smart	2/15/84	8 hours	Drove fork-lift
6.	J. M. Bass	2/15/84	45 minutes	Washed an engine
7.	J. M. Bass	2/24/84	6 hours	Drove fork-lift
8.	G. J. Brown	3/01/84	2 hours	Washed floor underneath the ramp
9.	B. A. Smith	3/02/84	3 hours	Washed Engine No. 1809
10.	M. A. Harvey	3/02/84	1 hr. 30 min.	Washed Engine No. 1784
11.	E. L. Williams)			
	R. W. Nail)			
	L. J. Jones)	3/06/84	5 hours	Washed the ramps and No. 1 pit.
	A. Hill)			
12.	R. Wilson	3/16/84	3 hours	Dumping garbage cans in the shop
13.	M. E. Smart	3/16/84	3 hours	Dumped garbage cans at Uceta Enginehouse
14.	A. Hill	3/22/84	2 hours	Washed the floor under Ramp 2 and the Pit in Track 2

15.	G. J. Brown	3/22/84	2 hours	Washed the floor under Ramp No. 2 and the Pit in Track No. 2
16.	L. J. Jones	3/26/84	6 hours	Cleaned the air compressor compartment of Engine No. 372
17.	M. A. Harvey	3/26/84	6 hours	Cleaned the air compressor compartment of Engine No. 372.
18.	C. C. Phillips	3/26/84	3 hours	Washed the floor under Ramp No. 2 and washed Pit No. 2.

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.

Claim on behalf of Laborers was initiated by the Organization in April, 1984. It alleges that Carrier violated the Scope Rule of the Fireman and Oilers Agreement when they assigned Laborers work to various Crafts not covered under the Agreement. In the separate Claims as handled on property, the Organization charges that the Carrier is in violation of the Agreement by using Boilermakers, Machinists and Electricians to operate fork lifts, deliver materials, wash floors under ramps, dump trash and do other work belonging to Laborers under the Fireman and Oilers Agreement.

The Carrier denies any Agreement violation. It argues that such work has never been exclusively reserved to the Fireman and Oilers and in fact has historically been required of all Shop Crafts in the maintenance and safety of their work areas. It further notes that in two similar cases on the property there was no evidence indicating exclusivity in denial Awards under similar circumstances (Public Law Board No. 2941, Award 1 and Award 2). It denies that in any of the aforementioned alleged violations that there is exclusivity reserved to any Craft.

This Board has carefully reviewed the evidence as presented on the property and finds nothing in the Agreement Rules cited of clear and unambiguous language assigning such work as herein disputed exclusively to the Laborers' ranks. Nor does this Board find probative evidence presented by the Organization to establish by history, practice or tradition that such work belongs exclusively to those of the Fireman and Oilers on a systemwide basis. Evidence of record does not provide sufficient evidence to carry the Organization's burden in establishing a Scope Rule violation.

The burden of proof lies with the Organization in the Claim at bar and it has failed to sustain its burden. It is our determination after reviewing all pertinent Rules, evidence and Awards cited in support, that the work herein disputed has been a shared responsibility within the specific conditions of "work areas" as in the facts of this case. As such, this Board must deny the Claim as the Organization has not met its burden of proof.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 11th day of February 1987.