

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE (International Association of Machinists and  
( Aerospace Workers  
(  
(Southern Pacific Transportation Company  
(Western Lines)

PARTIES TO DISPUTE:

1. That the Carrier, on October 3, 1985, unilaterally assigned the engine crew the task of cutting locomotives in the Fresno, California, yard, thereby violating the provisions of Rules 57, and Memorandum "A" of the Agreement depriving Machinist R. Luevano (hereinafter referred to as Claimant) of work that is contractually his.

2. That, accordingly, the Carrier be ordered to compensate Claimant two (2) hours and forty (40) minutes at the time and one-half rate, a call.

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.

As Third Party in Interest, the Brotherhood of Locomotive Engineers was advised of the pendency of this dispute but chose not to intervene.

Claimant is employed as a machinist by the Carrier at its Fresno, California, facility. On October 3, 1985, Carrier assigned to an engine crew the task of cutting two locomotive units from a train prepared for multiple control operation. The Organization thereafter filed a claim on Claimant's behalf, challenging the assignment of this work to the engine crew.

This Board has reviewed the record in this case, and we find no merit to the procedural objections raised by both parties.


With respect to the merits, the Organization has not met its burden of proof that it had exclusive rights to the work at issue on a systemwide basis. The record is clear that the disputed work is not expressly enumerated in the Classification of Work Rule. Moreover, the record demonstrates that assignment of that work to other crafts and employees has occurred in the past. As this Board has stated in the past, the Organization has the burden of proving its entitlement to work on the basis of a specific Scope Rule or exclusive systemwide basis. It has not done that in this case. Therefore, the claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 11th day of May 1988.