

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

(Brotherhood Railway Carmen of the United States
(and Canada
PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM:

1. Carman Welder K. Maher was deprived of his contractual rights when the Chicago & North Western Transportation Company violated the controlling agreement on August 18, 1985 when they permitted Carman R. Nowak, an unqualified welder, to perform welding work on freight cars CNW 8997 and ITTX 911744 at Proviso, Illinois.

2. That the Chicago & North Western Transportation Company be ordered to compensate Carman Welder K. Maher in the amount of eight (8) hours pay at the time and one-half rate of pay.

FINDINGS:

The Second Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

Claimant is employed as a carman welder by Carrier at its Proviso, Illinois, facility. On August 18, 1985, Carrier assigned welding work to a carman who is not certified as a welder. The Organization thereafter filed a claim on Claimant's behalf, challenging Carrier's assignment of this welding work.

This Board has reviewed the evidence in this case, and we find that although bulletined welder positions require that a successful applicant be certified, there is no prohibition on the use of a qualified welder to do welding on a "spot" basis. The record reveals that Nowak was qualified to do some welding. There is no evidence that Nowak did anything more than he was qualified to do on only two cars. The welding work was incidental to his normal duties, and he was qualified to do it. Therefore, the claim must be denied.

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Award No. 11477
Docket No. 11327
88-2-86-2-172

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 May 1988.