

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers
(
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

1. Claim on behalf of Electrician Randall P. Gould submitted to the National Railroad Passenger Corporation under date of November 7, 1986 as follows:

Employee C. McCain was observed inspecting trains #193, 175, 177, 179, on the following dates: October 28, 29, 30, 31, Nov. 3, 4, 5, 6, of 1986. Inspection of all electrical equipment has always been done by the Electricians.

Settlement Required: 8 hrs. at time and one-half for 8 days.

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 United Transportation Union was advised of the pendency of this dispute, but did not file a Submission with the Division.

On the dates noted in the Statement of Claim Carrier required a Conductor assigned under an Agreement between Amtrak and the United Transportation Union to set up trains at South Hampton Street Yard, Boston Massachusetts. The tasks involved in setting up these trains were lighting of smoking and no smoking signs in cars, turning on lights, opening trap doors and compilation of a report on obvious train defects.

The instant Claim was filed on the basis that the inspection of electrical equipment has always been done by Electricians.

Before dealing with the merits of this Claim we must first dispose of a procedural objection raised by Carrier contending that Organization did not process this Claim in strict accordance with the provisions of Appendix F of its Agreement. Appendix F provides in pertinent part:

"It is understood that where such specific work assignments result in employee grievances, the parties will endeavor to resolve the difficulties as promptly as possible by joint check between the Director of Labor Relations and the General Chairman, as necessary. Failing to resolve the matter, it may be handled in accordance with the grievance procedure."

It is obvious that the matter under review here involves a disputed "specific work assignment" which resulted in an employee grievance. Search of the record fails to indicate that an attempt was made to resolve the difficulty through a joint check between the Director of Labor Relations and the General Chairman. Accordingly, the procedural requirements of Appendix F have not been met.

While we are loathe to dispose of Claims on technical or procedural grounds Carrier is within its rights in insisting upon compliance with the procedural niceties the parties have included within their Agreements. (In this regard see Second Division Award 11665). Accordingly we must dispose of this matter on procedural grounds without consideration of the merits of the matter. The Claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of April 1989.