

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11770
Docket No. 11527-T
89-2-87-2-181

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

(Clayton R. Suggs, Jr.

PARTIES TO DISPUTE: (

(Southern Railway Company

STATEMENT OF CLAIM:

1. That at the Asheville, North Carolina Station on the following dates, the company violated the controlling Collective Bargaining Agreement when non-electricians, T. M. Rhodes, W. Moore, J. W. Finney, R. E. Presley, L. S. Walters, W. Taylor, I. S. Waters, M. Woodby, W. Moore, III, W. B. Rice, E. E. Hall, C. T. House, H. Manis, J. E. Towe, R. Fortner, R. A. McDonald and R. W. Haygon were assigned to perform the duties of journeyman electrician when electrician, Clayton R. Suggs, Jr. was available for work:

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
4-18-86	T. M. Rhodes	SVC ATT	#103	2
4-19-86	"	"	"	2
4-20-86	"	"	"	2
4-20-86	"	"	"	2
4-21-86	"	"	"	2
4-24-86	"	"	"	1
4-25-86	"	"	"	2
4-26-86	"	"	"	2
4-27-86	"	"	"	1
4-16-86	W. Moore	SVC ATT	#103	2
4-17-86	W. Moore	SVC ATT	#103	2
4-17-86	"	"	"	2 (over- time)
4-20-86	"	"	"	2
4-21-86	"	"	"	1
4-22-86	"	"	"	2
4-23-86	"	"	"	2
4-24-86	"	"	"	1

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
4-16-86	J. W. Finney	SVC ATT	#103	2
4-17-86	"	"	"	1
4-18-86	"	"	"	2
4-22-86	"	"	"	2
4-23-86	"	"	"	2
4-24-86	"	"	"	2
4-25-86	"	"	"	2
4-26-86	"	"	"	1
4-28-86	"	"	"	1
4-29-86	"	"	"	2
4-17-86	R. E. Presley		#103	2
4-18-86	"		"	2
4-19-86	"		"	2
4-20-86	"		"	2
4-23-86	"		#103	2
4-23-86	"		#709	2
4-24-86	"		#103	2
4-25-86	"		#103	2
4-19-86	L. S. Walters	SVC ATT	#103	1
4-18-86	Wayne Taylor	SVC ATT	#103	2
4-19-86	"	"	"	2
4-20-86	"	"	"	2
4-21-86	"	"	"	2
4-22-86	"	"	"	3
4-25-86	"	"	"	1
5-1-86	I. S. Waters	SVC ATT	#103	2
5-2-86	"	"	"	2
5-2-86	Wayne Taylor	SVC ATT	#103	1
5-5-86	"	"	"	1
5-6-86	"	"	"	2
5-9-86	"	"	"	1
5-7-86	Roy Pressley	SVC ATT	#103	1
5-8-86	"	"	"	2
5-9-86	"	"	"	3
5-10-86	"	"	"	2
5-11-86	"	"	"	2

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
5-3-86	M. Woodby	SVC ATT	#103	2
5-4-86	"	"	"	2
5-5-86	"	"	"	1
5-6-86	"	"	"	2
5-7-86	"	"	"	1
5-10-86	"	"	"	2
5-11-86	"	"	"	1
5-12-86	"	"	"	2
5-1-86	L. M. Rhodes	SVC ATT	#103	2
5-2-86	"	"	"	2
5-3-86	"	"	"	3
5-4-86	"	"	"	2
5-5-86	"	"	"	1
5-8-86	"	"	"	2
5-9-86	"	"	"	1
5-10-86	"	"	"	2
5-11-86	"	"	"	1
5-12-86	"	"	"	2
5-1-86	J. W. Finney	SVC ATT	#103	2
5-2-86	"	"	"	1
5-3-86	"	"	"	2
5-4-86	"	"	"	2
5-6-86	"	"	"	1
5-7-86	"	"	"	2
5-8-86	"	"	"	1
5-9-86	"	"	"	2
5-10-86	"	"	"	1
5-13-86	"	"	"	2
5-1-86	W. Moore, III	SVC ATT	#103	1
5-4-86	"	"	"	1
5-5-86	"	"	"	1
5-6-86	"	"	"	1
5-7-86	"	"	"	1
5-8-86	"	"	"	2
5-11-86	"	"	"	2
5-12-86	"	"	"	1
5-13-86	"	"	"	2

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
5-16-86	T. M. Rhodes	SVC ATT	#103	2
5-17-86	"	"	"	1
5-18-86	"	"	"	2
5-19-86	"	"	"	2
5-22-86	"	"	"	2
5-23-86	"	"	"	2
5-24-86	"	"	"	1
5-26-86	"	"	"	2
5-29-86	"	"	"	2
5-16-86	J. W. Finney	SVC ATT	#103	1
5-17-86	"	"	"	2
5-20-86	"	"	"	2
5-21-86	"	"	"	2
5-22-86	"	"	"	1
5-23-86	"	"	"	1
5-24-86	"	"	"	2
5-27-86	"	"	"	1
5-28-86	"	"	"	1
5-29-86	"	"	"	1
5-20-86	W. Taylor	SVC ATT	#103	1
5-23-86	"	"	"	1
5-27-86	"	"	"	1
6-2-86	"	"	"	1
6-3-86	"	"	"	1
6-6-86	"	"	"	1
6-7-86	"	"	"	1
6-8-86	"	"	"	1
6-9-86	"	"	"	1
6-10-86	"	"	"	1
6-13-86	"	"	"	1
6-14-86	"	"	"	1
6-15-86	"	"	"	1
5-17-86	M. R. Woodby	SVC ATT	#103	2
5-18-86	"	"	"	2
5-19-86	"	"	"	1
5-20-86	"	"	"	2
5-21-86	"	"	"	2
5-24-86	"	"	"	2

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
5-25-86	M. R. Woody	SVC ATT	#103	2
5-27-86	"	"	"	3
5-28-86	"	"	"	1
6-1-86	"	"	"	1
6-2-86	"	"	"	1
6-3-86	"	"	"	1
6-4-86	"	"	"	1
6-8-86	"	"	"	1
6-9-86	"	"	"	1
6-10-86	"	"	"	1
6-11-86	"	"	"	1
6-15-86	"	"	"	1
5-16-86	R. E. Pressley	SVC ATT	#103	2
5-17-86	"	"	"	2
5-18-86	"	"	"	2
5-29-86	"	"	"	2
6-1-86	"	"	"	3
6-4-86	"	"	"	1
6-5-86	"	"	"	1
6-6-86	"	"	"	1
6-7-86	"	"	"	1
6-8-86	"	"	"	1
6-11-86	"	"	"	2
6-12-86	"	"	"	2
6-13-86	"	"	"	1
6-14-86	"	"	"	1
6-15-86	"	"	"	1
5-21-86	W. B. Rice	SVC ATT	#103	2
5-22-86	"	"	"	2
5-23-86	"	"	"	2
5-24-86	"	"	"	2
5-25-86	"	"	"	2
5-18-86	W. Moore	SVC ATT	#103	1
5-19-86	"	"	"	2
5-20-86	"	"	"	2
5-21-86	"	"	"	2
5-22-86	"	"	"	2
5-25-86	"	"	"	1
5-26-86	"	"	"	1
5-27-86	"	"	"	1
5-28-86	"	"	"	1
5-29-86	"	"	"	1

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
5-21-86	E. E. Hall		#709	4
5-21-86	C. T. House		#709	4
5-19-86	H. Manis		#709	4
5-19-86	"		#103	4
5-22-86	"		#709	8
5-16-86	J. E. Towe		#103	4
5-22-86	"		#709	8
5-23-86	"		#709	2
5-27-86	"		#709	3
5-27-86	"		#103	3
5-28-86	"		#709	2
5-28-86	"		#103	2
6-1-86	R. Fortner	Carman	#709	2
6-1-86	I. S. Waters	SVC ATT	#103	1
6-7-86	"	"	"	1
6-8-86	"	"	"	2
6-9-86	"	"	"	1
6-12-86	"	"	"	1
6-13-86	"	"	"	1
6-15-86	"	"	"	1
6-7-86	R. A. McDonald	SVC ATT	#103	1
6-1-86	T. M. Rhodes	SVC ATT	#103	2
6-2-86	"	"	"	1
6-4-86	"	"	"	2
6-5-86	"	"	"	2
6-6-86	"	"	"	1
6-7-86	"	"	"	2
6-9-86	"	"	"	1
6-10-86	"	"	"	2
6-11-86	"	"	"	2
6-12-86	"	"	"	2
6-13-86	"	"	"	1
6-14-86	"	"	"	1
6-15-86	"	"	"	1

<u>DATE</u>	<u>NAME</u>	<u>CRAFT</u>	<u>JOB PERFORMED</u> <u>(Function Code)</u>	<u>HOURS</u> <u>WORKED</u>
6-1-86	W. Moore	SVC ATT	#103	1
6-2-86	"	"	"	1
6-3-86	"	"	"	2
6-5-86	"	"	"	1
6-7-86	"	"	"	2
6-8-86	"	"	"	2
6-9-86	"	"	"	1
6-10-86	"	"	"	2
6-11-86	"	"	"	1
6-12-86	"	"	"	2
6-13-86	"	"	"	2
6-15-86	"	"	"	1
6-8-86	R. W. Hygon	Carman	#709	1
6-3-86	J. W. Finney	SVC ATT	#103	2
6-4-86	"	"	"	2
6-5-86	"	"	"	1
6-6-86	"	"	"	2
6-14-86	"	"	"	2

2. That electrician, Clayton R. Suggs, be compensated for eight hours for the dates that the non-electricians were assigned the duties of journeyman electricians listed above in violation of the controlling agreement.

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 Parties in Interest, the International Brotherhood of Firemen and Oilers and the Brotherhood Railway Carmen/Division of TCU were advised of the pendency of this dispute. The Fireman and Oilers filed a Response with the Division; the Carmen chose not to intervene.

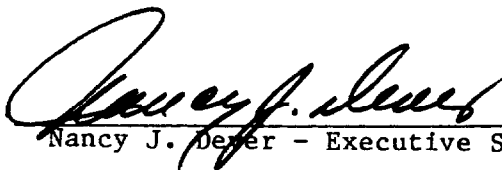
Before getting to the merits of this Claim we must first dispose of a threshold issue, raised by Carrier, concerning jurisdiction. It is contended that the Claim must be dismissed because it was not handled on the property as required by Section 3, First (i) of the Railway Labor Act. The evidence before us supports this conclusion. Accordingly we are compelled to dismiss the matter without consideration of the merits.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 4th day of October 1989.