

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12065
Docket No. 11988-T
91-2-90-2-97

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division of TCU
(Southern Railway Company

STATEMENT OF CLAIM:

1. That under the current Agreement the Southern Railway Company violated the terms of same when they assigned an employee (a supervisor) other than the regular assigned relief DC crane operator on June 5 and 6, 1989 to operate the above mentioned crane on the aforementioned dates.

2. That accordingly, the Southern Railway Company now be ordered to compensate the regular relief DC crane operator, Carman H. C. Hackworth, the amount of four (4) hours at the regular rate and one and one-half (1 1/2) hours at the overtime 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.

As Third Party in Interest, The American Railway and Airway Supervisors Association was advised of the pendency of this dispute but chose not to file a Submission with the Division.

On the claim dates, the Organization contends that Carrier utilized a Foreman to operate a crane, in the absence of the regular operator (who was on vacation) instead of using the services of the Claimant who is the assigned relief operator. Thus, according to the Organization, the Carrier permitted a Foreman to perform mechanic's work.

While the dispute was under active review on the property, the Carrier contended that the Foreman was merely training an employee in crane utilization and that neither productive work nor mechanical activity was performed.


The Organization questions the Carrier's assertion, but we do not find evidence of record to rebut it, and, in fact, Organization Exhibit J is a Statement from the Trainee confirming the Carrier's factual assertions for one of the claim days.

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 5th day of June 1991.