

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12104  
Docket No. 11944-T  
91-2-90-2-59

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (International Brotherhood of Electrical Workers  
(  
(Bessemer and Lake Erie Railroad Company

STATEMENT OF CLAIM:

1. Claim submitted to General Foreman E. W. Richardson, Bessemer and Lake Erie Railroad, Greenville, Pa. by letter dated March 6, 1989 for eight (8) hours' pay for Electrician R. N. Weary for work performed by another craft. The aforementioned claim letter reads:

"Dear Sir:

At the request of R. N. Weary, Electrician, I am submitting a time claim for eight (8) hours straight time pay, for work performed by another craft.

About February 20, 1989, the carpenters removed cleaned, and replaced the lights in the Butler Yard Office.

This is in violation of the National Agreement, and Rule 91 in particular.

If you desire a conference in this matter, please advise me of a time and place."

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.

This is a Claim for work performed by maintenance of way employees. The record shows that it involves the detachment or dropping of cover plates from ceiling lights, the cleaning thereof, including the lights so that the ceiling could be painted. Subsequently, the plates and lights were returned to their normal position.

Pursuant to the Railway Labor Act, as amended, notice was given to the Brotherhood of Maintenance of Way Employees of this Claim as a possible party of interest. That Organization has filed a statement, which is a part of the record properly before the Board.

The Organization has the burden to show that the work at issue is reserved to it by rule or that it has a system-wide past practice of exclusivity. It has not met either requirement. While it is apparent that the Organization has done some of the type of work as at issue here, the record also shows that the Maintenance of Way Employees have always done this type of work as well as the removal of switch and socket plates in preparation for painting.


For all the foregoing, we must deny the Claim.

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 7th day of August 1991.