

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12377
Docket No. 12043-T
92-2-90-2-164

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

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

STATEMENT OF CLAIM:

1. That the Southern Railway Company violated Rules 5, 27 and 132 of the current Agreement when they assigned employees, laborers and a carman, to work that is specifically assigned to painters. These violations of the current Agreement took place on July 7, 10, 13 and August 1, 4 and 7, 1989 at Coster Shops, Knoxville, Tennessee.

2. That accordingly, the Southern Railway Company now be ordered to compensate Painter L. D. Carter for five (5) hours for the work performed on July 7, 10 and 13, 1989 and for five (5) hours on August 1, 4 and 7, 1989 on C. R. Wyrick. This is a five (5) hour call for each day.

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.

At Third Party in Interest, the International Brotherhood of Firemen and Oilers was advised of the pendency of this dispute, but chose not to intervene.

This claim arose because various employees held stencils for the Claimant, who is a painter, on the claimed dates.

The Carrier denied the claim asserting that Rule 132 of the controlling Agreement does not award the work claimed exclusively to the painters and that there was not a system-wide practice to support the Organization's contention that the claimed work belonged to the Carman Craft.

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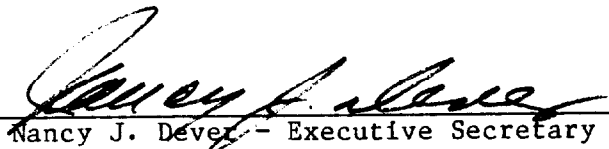
The holding of stencils is not included in Rule 132. Moreover, that part of the record developed on the property that is properly before us shows that other craftsmen and supervisors have held their own stencils or have at times held stencils for others throughout the shop area.

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 8th day of July 1992.