

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12380
Docket No. 12291
92-2-91-2-79

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
(
(CSX Transportation, Inc. (former Chesapeake and
(Ohio Railway Company)

STATEMENT OF CLAIM:

1. That the Chesapeake & Ohio Railroad Company (CSX Transportation, Inc.) (hereinafter referred to as "carrier") violated the service rights of Carman F. Reeves (hereinafter referred to as "claimant") and the provisions of Rules 32 and 154 of the controlling agreement when on March 3, 1989 the carrier utilized an outside concern to perform carmen's work in violation of the aforementioned agreement rules.

2. Accordingly, the claimant is entitled to be compensated for twelve (12) hours at the applicable rate of time and one-half for said violation.

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.

The Claim arose because an outside contractor erected scaffolding on No. 6 Track at the Carrier's car repair facility at Raceland, Kentucky.

At the outset, the Board notes that the Carrier's submission to the Board has presented certain new arguments that will not be considered in our deliberations because they were not raised on the property.

We agree with the Organization that the work in question is reserved to the Carman craft. In so holding, we mainly rely upon the Organization's letter of February 16, 1989, and the Carrier's letter of reply dated February 24, 1989.

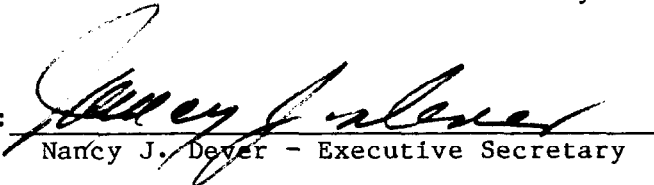
With respect to damages, we again follow a long line of Awards that have held that work not performed is compensable at the straight-time rate.

A W A R D

Claim sustained in accordance with the Findings.

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.