

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12488  
Docket No. 12036  
92-2-90-2-147

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

(International Brotherhood  
(of Electrical Workers  
PARTIES TO DISPUTE: (  
(Chicago and North Western  
(Transportation Company

STATEMENT OF CLAIM:

1. That the Chicago and North Western Transportation Company violated the current agreement effective December 1, 1985, specifically Rule 28(a) when Carrier's Officers failed to timely deny the claim of Communication Department, Local Chairman, G. R. Prins within sixty (60) days and failed to allow the claim as presented.

2. That the Chicago & North Western Transportation Company violated the controlling agreement, in particular Rule 2(b) when bulletined Equipment Installer Electrician positions, in particular Job Nos. 953 and 954 with other than a Monday thru Friday schedule and failed to comply with the provisions therein.

3. That the Chicago & North Western Transportation Company be ordered to change those Equipment Installer Electrician positions, in particular Job Nos. 953 and 954 to positions with Saturday and Sunday rest days, because of their failure to show this work could be performed outside the scope of Rule 2(b).

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 employe 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 two jobs involved in this Claim, Equipment Installer Electrician Position Nos. 953 and 954, located at Beverly, Iowa, and Mankato, Minnesota, were established on May 9, 1980 (Bulletin No. 12) and August 15, 1979 (Bulletin No. 6), with rest days of Sunday and Monday. In March 1989 (approximately ten years later) the Organization presented a grievance contending that the work of the positions could be handled Monday through Friday. The Claim did not seek monetary reparations of any sort, nor did it offer specifics in support of the allegation that the jobs could be worked with Saturday and Sunday rest days.

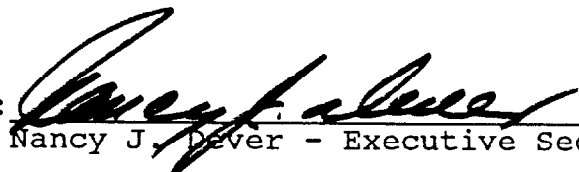
Carrier asks that the Claim be denied or dismissed on a variety of grounds, including laches. The Board agrees with Carrier. If either job was improperly established it was incumbent upon the Organization to have made these challenges at the time they were bulletined. Ten years is way too late to perfect such challenges.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 2nd day of December 1992.