

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 12555  
Docket No. 12363-T  
93-2-91-2-176

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

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

STATEMENT OF CLAIM:

- "1. That the Southern Railroad Company violated the controlling agreement when work belonging to the Carmen's Craft (painters) was improperly assigned to employees of the Machinist Craft at John Sevier Train yard, Knoxville, Tennessee on April 30, May 4, and June 6, 1990.
2. That accordingly, the Southern Railroad Company be ordered to compensate Painter J. H. Strange two (2) hours pay for each of the incidents at the rate of time and one-half. Also, that the Painter position at John Sevier be readvertised and the Company stop assigning the work of the Painters' to other crafts."

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.

As Third Party in Interest, the International Association of Machinists and Aerospace Workers was advised of the pendency of this dispute, and filed a submission with the Board.

The claim in this Docket involves three instances where a Machinist performed work at Knoxville, Tennessee, which the Carmen's Organization claims its Painters' work reserved to members



of its Craft. The first instance occurred on April 30, 1990, when a Machinist was making minor repairs to the doors and window of a highway vehicle. In the process of performing this work the paint was damaged and the machinist performed some minor touching-up. The time devoted to touch-up painting took less than an hour. The second occurred on May 4, 1990, when a Machinist fabricated handrails for a new highway truck about to be placed in service. When the fabrication was completed the handrails were painted. Also, a Norfolk Southern logo decal was applied to the doors of the vehicle. These task took less than an hour. The last instance occurred on June 6, 1990, when a machinist applied paint to a rear grab iron on a locomotive he was inspecting for FRA defects. This task took less than 30 minutes.

Carrier maintains that it is permissible to have Machinists perform these minimal painting tasks as a part of their regular duties. Additionally, the Machinists' Organization has intervened as a Third Party in this matter and its response contends that members of its Craft have the right to perform minor touch-up painting and apply decals and logos as incidental activity when the painting and logo application is an integral part of the repair work being completed.

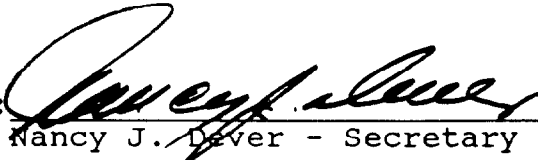
The Carmen's Organization has not demonstrated that its Agreement reserves the work involved in the three claims before this Board exclusively to members of its Craft. Instead, the evidence is conclusive, Machinists have in the past performed minor painting touch-up and logo application at various locations throughout Carrier's system. This work, being incidental to the primary task being completed by the Machinist, is not reserved exclusively to Carmen. Accordingly, the Board concludes that the Claim is without merit. It will be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Secretary to the Board

Dated at Chicago, Illinois, this 28th day of July 1993.