

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13708

Docket No. 13567

03-2-00-2-48

The Second Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

(Brotherhood of Railway Carmen Division
(Transportation Communications International Union

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. That the Springfield Terminal Railway Company violated the terms of our current agreement, in particular Rule 2 when they arbitrarily assigned employees of other crafts and strangers to our agreement to perform work historically and contractually recognized as Carman’s work.
2. That according, the Springfield Terminal Railway Company be ordered to compensate William M. Dostie and Richard A. Dixon in the amount of eight (8) hours pay at the overtime rate. This is the amount of compensation they would have earned had the carrier properly assigned this work.”

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 employee 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 were given due notice of hearing thereon.

In June 1999, a Machinist and a Sheet Metal Worker were utilized by the Carrier to remove and replace a broken window and casing on a business car. Claim was filed by the Organization under Rule 2.1(c) asserting that Carmen were contractually entitled to "remove and replace defective components" and perform "other work generally recognized as carmen's work."

The Agreement does not exclusively reserve the disputed work to Carmen. Further, based on statements provided by the Carrier, the record shows that since at least 1993, employees in crafts other than the Carmen have performed this work.

Based on the above, the Organization has not shown that the disputed work is exclusively reserved to the Carmen by rule or practice.

The claim will therefore be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 28th day of February 2003.