

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number **20756**
Docket Number MW-20713

William M. Edgett, Referee

PAKCIES TO DISPUTE: ((Brotherhood of Maintenance of Way **Employees**
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood that:

(1) The Agreement **was** violated when other than B&B forces **were** used to construct and to paint a bench for use at the roundhouse at Livingston, Montana (System File **B-RM-106C/MW-84(c)-3** 4-3-73).

(2) Second Class Carpenter Bill Garcia be allowed 8 hours' pay at his straight time rate and First Class Painter Ronnie Nebeker be allowed one hour of pay at his straight time rate because of the afore-said violation.

OPINION OF BOARD: Carrier assigned a **carman** to build and paint a bench for use in the roundhouse at Livingston, Montana. The Maintenance of Way Organization contends that the work, by Agreement and practice on the former NP Railroad, belongs to employees represented by it. The Brotherhood of Railway Carmen has filed a submission which takes the position that the practice has been to have benches to be used by employees of their craft constructed, repaired, or painted by them. They recognize that a bench to be used by another facility would not be properly assigned to them.

The record supports the contention made by the Carmen. For example, there is evidence that prior to the merger Carmen built benches and did other carpentry in connection with facilities for their own shop. The Rules applicable to each craft are consistent with the practice.

The Board finds that employees of the **Carmen** craft have customarily performed the work in question and that the Rules are consistent with that practice. The claim is denied.

FINDINGS: The Third Division of the Adjustment Board, upon the **whole** record and all the evidence, finds and holds:

That the parties waived oral hearing;

Award Number 20756
Docket Number MW-20713

Page 2

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor **Act**, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

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

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 18th day of **July**, 1975.