

RATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21898
Docket Number MW-21587

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of **Maintenance** of Way **Employees**
(Southern Pacific Transportation **Company**
(Pacific Lines)

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

(1) The **Agreement** was violated when, on **June 6,7 and 8,1973**,
otlier than **Water Service Sub-department employees** were used to repair an
air **conditioner** unit at Sparks, **Nevada (System File MorW 152-785)**.

(2) **Water Service Mechanic A. Mydin** be allowed **twenty-four**
(24) hours' pay at his **straight-time** rate account of the aforesaid
violation.

OPINION OF BOARD: The Employes assert that on the **claim** dates, an
air **conditioner** unit **was repaired by** Electrical
Department Employees, rather than **Water Service Sub-department** Employes.
The Organization contends that a historical separation of work between
the crafts results in electrical work on air conditioners being
performed by Electrical forces and all other work **performed** by Water
Service forces.

We have taken into account the Parties' contentions
regarding Rule **M 790, as well** as their assertions concerning prior
work **performance**. The scope clause before us is general in nature
and **consequently, in** order to prevail, the **Employees** are required to
prove, to our satisfaction, a historical work **custom**, to the exclusion
of **others, on a systemwide** basis. Our extensive review of the record
fails to convince us that such a burden has been satisfied.

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;

That the Carrier and the **Employes** involved in this dispute are respectively Carrier and **Employes** 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 **dismissed**.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February 1978.

