

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25469
Docket Number MW-25454

Herbert L. Marx, Jr., Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(Terminal Railroad Association of St. Louis

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

"(1) The Agreement was violated when B&B Mechanic J. Conley was not used to transport and install a sign on the East Approach of the Eads Bridge on September 16, 1982, and the Carrier instead used General Foreman J. Bess to perform such work (System File TRRA 1982-16).

(2) B&B Mechanic J. Conley shall be allowed one (1) hour of pay at his straight time rate because of the violation referred to in Part (1) hereof."

OPINION OF BOARD: There is no dispute that a General Foreman transported and installed a sign on the East Approach of the Eads Bridge on September 16, 1982, while Bridge and Building Department employees were engaged in general maintenance work on the Bridge. The Organization refers to Rule 2, CLASSIFICATION, which encompasses construction and maintenance of bridges. The Organization claims that the work performed by the General Foreman is that "customarily, historically and traditionally" performed by Bridge and Building Department Employees.

The Carrier argues that Rule 2 makes no specific reference to the type of work involved here and states further that the Organization has failed to show that such work is performed exclusively by Bridge and Building Department employees. Such, however, is not required in this instance, since it is readily shown that the work falls outside the tasks permissibly performed by a General Foreman. Since there is no showing that transporting and installing a sign on a bridge is inappropriate to Bridge and Building Department employees, the Claim is a valid one.

The Carrier would give importance to the fact that the task involved a few minutes. This, however, does not make it less of a rule Violation. The minimal remedy sought by the Organization is appropriate.

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 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

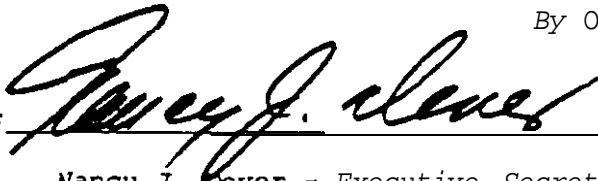
That the Agreement was violated.

A W A R D

Claim sustained.

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

Attest: _____



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois this 23rd day of May 1985.