

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25578
Docket Number MW-25514

Stanley L. Aiges, Referee

(Brotherhood of Maintenance of Way **Employees**
PARTIES TO DISPUTE: (
(**The** Chesapeake and Ohio Railway Company

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

(1) The carrier violated the Agreement when it assigned Shop Craft employes instead of Bridge and Structures employes to perform welding **work** in connection with attaching angle iron supports to the top of the tool cage at the Huntington Repair Shop on September 27, 1982 (System File **C-TC-1453/MG-3696**).

(2) Because of the aforesaid violation, B&B Mechanics **K.D. Brown**, D. E. Scarberry, W. P. Steele, R. E. Adkins, C. Perry, H. B. Hunter, C. R. Stratton, I. Wiley, H. Caly, W. Smith and C. **Hanshaw** shall each be allowed pay at their respective rates for an equal proportionate share of the two (2) man-hours expended by Shop Craft employes performing the work referred to in Part (1) hereof.

OPINION OF BOARD: The 11 named Claimants here are ~~members~~ of the Carrier's Bridge and Structures Forces. They assert the welding of prefabricated angle iron supports to the top of the tool cage at the Huntington, **West** Virginia Repair Shop on September 27, 1982, was improperly assigned to two Boilermakers **employed** by the Carrier.

The Organization asserts the disputed **assignment** violated Rule 66 of the Agreement. The Carrier disagrees. It contends that Boilermakers and other Shop Craft **Employees** frequently attach racks, reels, brackets **and** the like to various structures in the Huntington Shop. Such work, it insists, has **never** been considered exclusively reserved to the Claimants. It points, in support, to Rule 79 of the C & O Shop Crafts Agreement.

Under applicable Board rules, the International Brotherhood of Boilermakers-Blacksmiths were notified of the Organization's claim of entitlement to the disputed work. The Boilermakers submitted an Intervening Statement. It asserts that the work **comes** directly within an application of the Rules Agreement covering Boilermaker Craft **Employees**. It cites, as did the Carrier, Rule 79. It also asserts a strong past practice supports its right to the disputed work.

Rule 66, while describing the Scope of the work within the Organization's jurisdiction, contains a specific exception as regards work which **"...is performed by other employees under other agreements in accordance with the rules of such agreements or past practice in the allocation of such work between the different crafts"**.

Rule 79 of the Boilermakers' Agreement specifies that:

"Boilermakers' work shall consist of .

• • •

"Boilermakers' work in connection with I-beam, channel iron, angle iron and T-iron work...

* • *

"Oxy-acetylene, thermit and electric welding on work generally recognized as boilermakers' work:

On balance, we are obliged to find that the welding of angle iron supports to structures at the Huntington Repair Shop falls within the exception contained in Rule 66. Such work seems clearly to fall within the purview of Rule 79 of the Boilermakers Agreement.

The Organization, in our judgment, has failed to meet its burden of proof in this case. It has not convincingly established the Claimant's right to the disputed work either under Rule 66 or an exclusive practice. Accordingly, the claim must be denied.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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:


Nancy J. Dyer - Executive Secretary



Dated at Chicago, Illinois, this 22nd day of August 1985.