

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25815
Docket Number MW-25490

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(The Chesapeake and Ohio Railway Company (Southern Region))

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

1. The Carrier violated the Agreement when it assigned Shop Craft laborers instead of Bridge and Structures forces to patch the floor of the Diesel House at Huntington Shops on July 30, 1982 and August 4, 1982 (System File C-TX-1421/MG-3674)

2. Because of the aforesaid violation, each member of B&B Force 1404, working on the claim dates, shall each be allowed pay at their respective rates for an equal proportionate share of the thirty-two (32) man-hours expended by Shop Craft laborers performing the work referred to in Part (1) hereof."

OPINION OF BOARD: This Claim arose after the Carrier assigned a Shop Craft Laborer to perform what it contends were emergency repairs to the floor of the Diesel House at Huntington Shops, Huntington, West Virginia.

The International Brotherhood of Firemen and Oilers were notified of this Claim as possible parties of interest but that Organization determined not to intervene.

The Board finds sufficient evidence that the work claimed is reserved to the Bridge and Structures Group forces. Moreover, given the content of the Carrier's initial denial of the Claim in its November 12, 1982 letter to the General Chairman, its later assertions that the condition of the floor constituted a safety hazard requiring immediate repairs is not established by the evidence.

In view of the foregoing, we award a total of three (3) hours of pay, divided equally and at their respective straight time rates to the members of B & B Force 1404.

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;

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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 is sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dyer - Executive Secretary

Dated at Chicago, Illinois, this 12th day of December 1985.