

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25816
Docket Number MW-25491

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(The Chesapeake and Ohio Railroad 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 employes instead of Maintenance of Way and Structures Department employes (Bridge and Building forces) to paint light fixtures at the Huntington Shops August 4 through August 18, 1982 (System File C-TC-1424/MG 3673)

2. Because of the aforesaid violation Bridge and Building employes W. Smith, I. Wiley, G. Gosnay, H. Clay, D. L. Dean, C. Stratton, C. Hanshaw, S. Byrd and D. L. Farnsworth shall each be allowed an equal proportionate share of the one hundred sixty (160) man-hours consumed by Shop Craft employes in the performance of the work referred to in Part (1) hereof."

OPINION OF BOARD: The issue is whether the Carrier violated the Scope Rule of the Maintenance of Way and Structures Department Agreement when it assigned employees outside the scope of the Agreement to paint fluorescent light reflectors. The Organization avers that work of this character has customarily and traditionally been performed by its craft and is contractually reserved to them under Rule 66 - Classification.

The Brotherhood Railway Carmen of the United States and Canada were notified of this Claim as possible parties of interest and have provided a submission for the Board's consideration.

The Board has carefully reviewed the evidence properly before us, and from this, concludes that the Organization has not successfully met its burden of proof. The Scope Rule involved here is general in nature and does not lead to a reasonable finding that the disputed work belongs exclusively to the B & B forces. We are satisfied that Shop Craft Employees have performed work of the kind in question here in the past and under similar circumstances.

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 not violated

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

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