

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

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

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

(1) The Agreement was violated when, on August 16, 1984, four (4) Track Department employees were used to perform Bridge and Building Department work on the 'Merchants Bridge' (System File 1984-9/013-293-16).

(2) B&B Mechanics O. Guion, T. A. Killian, K. G. Case, J. K. Conley, A. Sims and A. Hood shall each be allowed seven (7) hours of pay at their respective straight time rates because of the violation referred to in Part (1) hereof."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Six employees of the Bridge and Building Sub-Department were assigned on August 16, 1984, to repair work on the Merchants Bridge. Also assigned to work with these employees were four employees of Track Sub-Department, whose work was characterized by the Organization as "staightening, setting and aligning bridge ties and guard timbers and moving and setting walk boards." The Carrier states that the work of the Track Sub-Department employees was to "discard some of the old and lay in place some of the new ties, timbers and railway boards."

The Organization claims that the work performed by the Track Sub-Department employees should have been performed by Bridge and Building Sub-Department employees.

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Award No. 27015
Docket No. MW-26
88-3-85-3-507

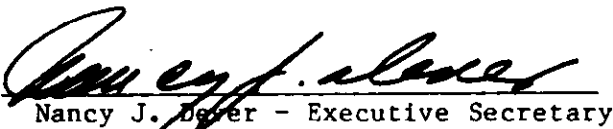
An examination of Rule 2, Classification, as well as the Organization's contentions, fails to demonstrate that Bridge and Building Sub-Department employees are exclusively entitled to perform the subsidiary work in question or that it was inappropriate for Track Sub-Department employees to be engaged in such assignment. Since the Organization fails to establish that the Agreement provides exclusive rights to this work, especially where the assisting work was performed by other Maintenance of Way employees, the claim is without rule support.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.