

The Third Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Norfolk and Western Railway Company (formerly The
Pittsburgh and West Virginia Railway Company)

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

(1) The Carrier violated the Agreement when, on May 9, 1984, it assigned and used welders to perform track work on #4 Shop Track and A Track at Rook, Pennsylvania (Carrier's File MW-ROK-84-07).

(2) Because of the aforesaid violation, furloughed Trackmen R. A. Dhanse and M. Montani shall each be allowed five (5) hours of pay at the trackman's straight time rate."

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.

At the time this dispute arose, Claimants were furloughed Trackmen in Carrier's Track Subdepartment. On May 9, 1984, certain of Carrier's Welders performed repair work to track and rails at Rook, Pa.

As a result, the Organization filed the instant claim, seeking five hours' pay for each Claimant. Carrier timely denied it. Thereafter, it was handled in the usual manner on the property. It is now before this Board for adjudication.

The Organization asserts that the disputed work had traditionally and exclusively been performed by Trackmen. In its view, these repairs were not the work of Welders. Therefore, it insists, Carrier violated the Agreement by assigning Welders to repair the tracks and rails on May 9, 1984, at Rook, Pa.

Furthermore, the Organization maintains that Trackmen are entitled to perform this work on a temporary as well as permanent basis. Therefore, in the Organization's view, no legitimate reason existed for Carrier to call anyone but Claimants to complete these tasks. Accordingly, and for these reasons, the Organization asks that the claim be sustained.

Carrier submits that the rails at Rook, Pa. were broken and had to be welded. As such, Welders and not Trackmen, had to be called to perform this work. Thus, it asks that the claim be rejected.

A review of the record evidence convinces the Board that the claim must fail. The repairs made on May 9, 1984, involved primarily the welding of broken rails. Obviously, some handling of track was necessary to accomplish this task. However, such work, at most, was incidental to primary task.

Clearly, Welders weld rails. Trackmen do not. As such, the repair work was not work which belonged to Trackmen.


In this context, the Organization has not demonstrated that Trackmen traditionally and exclusively performed these repairs. It simply has asserted this to be the case without demonstrating that it is so. Under these circumstances, it is clear that Carrier acted properly when it failed to call Claimants to perform the disputed work. Accordingly, the claim must fail.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 30th day of August 1988.