

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Duluth, Missabe & Iron Range Railway Company

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

(1) The Agreement was violated when the Carrier assigned junior B&B Mechanic R. D. Johnson instead of B&B Mechanic K. G. Johnson to perform overtime service at the Duluth Ore Docks on October 20, 1987 (System Claim No. 41-87).

(2) As a consequence of the aforesaid violation, Mr. K. G. Johnson shall be allowed pay for two (2) hours and forty (40) minutes at the B&B Mechanics time and one-half 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.

Prior to 1978 the Duluth Ore Dock facility was the only Carrier facility at that location and the fully qualified B & B Mechanics performed all necessary operation and maintenance work. In 1978 Carrier opened a storage facility at Lakehead and it established a training program for B and B Mechanics to provide necessary skills to perform "the more advanced operation and maintenance work." A Trainee Agreement was negotiated in that regard. Successful Trainees were assigned to positions at the Mechanic - Storage facility with their original B and B Mechanic seniority intact. This resulted in two B and B positions with distinct service requirements but with one roster.

The Organization concedes that many B and B Mechanics did not train or qualify because of "environmentally dirty conditions thereat and/or for other reasons."

On October 20, 1987, a Lakehead Storage Mechanic worked overtime at the Duluth Ore Docks which prompted this Claim on behalf of the senior B and B Mechanic "outside of the Lakehead Storage facility" bared upon Rule 20(b) and Rule 2 (seniority).

Carrier denied the Claim since Rule 20(b) states that overtime work will be given to the senior qualified available employee working in the classification at the headquarters point where the overtime is to be performed. The work in question was then performed by B and B Storage Facility Mechanics working at the Lakehead H.Q. point.

It is not disputed that Claimant had not worked at the Duluth Docks since 1982.

Both parties have argued that the other party has relied upon matters not raised and considered while the dispute was under review and consideration on the property. Be that as it may, the record does raise a question of qualification as it relates to the varied duties of the employees.

Carrier has cited Third Division Award 28614 which resolved a similar dispute between these same parties. The cited Award is consistent with our view of this record.

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 29th day of January 1991.