

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award No. 29595

Docket No. MW-28829

93-3-89-3-230

The Third Division consisted of the regular members and in addition Referee Gilbert Vernon when award was rendered.

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

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the Agreement when it assigned IBEW Electricians T. Scott and F. Johnson instead of B&B Mechanics to dismantle and rebuild the manual lever operating mechanism on a door actuator on December 10 and 11, 1987 (Claim No. 3-88).

(2) As a consequence of the aforesaid violation, B&B Mechanics G. M. Sjoquist and S. Applewick shall each be allowed nine (9) hours of pay at their straight time rates."

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 employee 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.

As Third Party in Interest, the IBEW was advised of the pendency of this dispute and it did file a Submission with this Board.

It is the conclusion of the Board that the claim cannot be sustained. The Organization has not demonstrated that the work in question is reserved to them by specific agreement language or by history, custom or practice. The past practice relied on by the Organization relates to a different technology. The evidence suggests that repairs of the particular type of actuator involved in this case had been performed by electricians after the actuator has been removed from the gate by the B&B.

In view of the foregoing, the claim is denied.

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 9th day of March 1993.