

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19775
Docket Number MW-19511

Gene T. Ritter, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(The Belt Railway Company of Chicago

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

(1) The Carrier violated the Agreement when, on January 20, 1970, it used employees from Section 25 and Track Welder M. Ochoa to perform snow removal service during overtime hours on the territories assigned respectively to Sections "A", "D" and "G" (System File 393-MW).

(2) Payment at their respective overtime rates be made as follows:

Section "A"

Foreman N. Caputo	5 hours
Laborer J. Villesenor	"
" Z. Guerrero	"
" C. C. Calderon	"

Section "D"

Foreman L. Alcaraz	4 hours
Laborer N. Guerrero	"
" B. G. Ocon	"
" A. Martinez	"
" M. Campos	"

Section "G"

Foreman P. Rodriguez	3 hours
Laborer A. Rodriguez	"
" A. Hernandez	"
" R. Rodriguez	"
" I. Cano	"

OPINION OF BOARD: Claimants in this instance are Foremen and members of the Section Gangs assigned to 3 separate section territories identified as Sections "A", "D" and "G". On January 20, 1970, Carrier called and used employees assigned to Section 25 and a Track Welder to perform snow removal work during overtime hours on the territory assigned to the above set out Sections. The Organization alleges that there has been a practice of long standing of assigning snow removal work to the Section Forces assigned to the

Section territory on which the work was required to be performed and that Carrier was, therefore, obligated to assign this work to Claimants. Carrier alleges that it has been the practice throughout the history of this Carrier for Maintenance of Way employees as well as other employees to clean snow and ice as an incident to their regular or normal work; that all available forces from all classes have assisted in handling snow removal in the past; that there is no craft or class of employees on this property having an exclusive right, either by rule or practice, to snow removal; and that the utilization of the men required to remove the snow and ice has been the practice on this property for many years.

The facts in this dispute are identical to the facts contained in Award No. 19773. Therefore, this claim will be dismissed for the same reasons as contained in Award No. 19773.

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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 25th day of May, 1973.