

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20699
Docket Number MW-20655

Francis X. Quinn, Referee

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Burlington Northern Inc.

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

(1) The Carrier violated the Agreement when it assigned Mechanical Department employes instead of Bridge and Building Department employes to replace lockers in the wash room at Alliance, Nebraska on January 13 and 14, 1973 (System File 10-3/MW-84 3-27-73).

(2) Foreman C. F. Riggs, Mechanics T. Sakata, I. E. Quick, C. J. Welte, Jr., C. T. Dunbar and Helper D. D. Storms each be allowed sixteen (16) hours of pay at their respective time and one-half rates because of the aforesaid violation.

OPINION OF BOARD: It is well established that Carriers may determine the manner in which work and operations are to be performed in the best interest of efficiency and economy unless such rights are restricted by Agreements.

Petitioner has not proved that moving lockers into and out of a building is work within the purview of the agreement; they have not shown that such work is nor has ever been performed exclusively by Maintenance of Way employes on a system-wide basis. Therefore, we will deny the claim.

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 Employes involved in this dispute are respectively Carrier and Employes 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 Agreement was not violated.

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Claim denied.

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By Order of Third Division

ATTEST: G. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 17th day of April 1975.