

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21898
Docket Number MW-21587

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Southern Pacific Transportation Company
(Pacific Lines)

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

(1) The Agreement was violated when, on June 6, 7 and 8, 1973, other than Water Service Sub-department employees were used to repair an air conditioner unit at Sparks, Nevada (System File MorW 152-785).

(2) Water Service Mechanic A. Mydin be allowed twenty-four (24) hours' pay at his straight-time rate account of the aforesaid violation.

OPINION OF BOARD: The Employees assert that on the claim dates, an air conditioner unit was repaired by Electrical Department Employees, rather than Water Service Sub-department Employees. The Organization contends that a historical separation of work between the crafts results in electrical work on air conditioners being performed by Electrical forces and all other work performed by Water Service forces.

We have taken into account the Parties' contentions regarding Rule M 790, as well as their assertions concerning prior work performance. The scope clause before us is general in nature and consequently, in order to prevail, the Employees are required to prove, to our satisfaction, a historical work custom, to the exclusion of others, on a systemwide basis. Our extensive review of the record fails to convince us that such a burden has been satisfied.

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;

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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 Agreement was not violated.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this 15th day of February 1978.

