

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25090  
Docket Number MW-24345

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(  
(Seaboard Coast Line Railroad Company

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 forces to paint the interior of the hostlers' break room at Lakeland, Florida on September 1, 1979 (System File C-4(36)-Tampa Div.-3/12-1(80-20) G).

(2) The Carrier violated the Agreement when it assigned Mechanical Department employes instead of Bridge and Building Department forces to construct and/or replace wooden locker and shower room floor mats at Lakeland, Florida August 27 through September 24, 1979.

(3) Because of the aforesaid violations, each Group A B&B Department employe, holding seniority on the Jacksonville and Tampa Divisions during the claim period, be allowed pay at his respective straight-time rate an equal proportionate share of the total number of man-hours expended by Mechanical Department employes in performing the work referred to in Parts (1) and (2) hereof."

OPINION OF BOARD: Petitioner in this case filed a claim on behalf of Group A/B&B Department employes holding seniority on the Jacksonville and Tampa Division account Mechanical Department employes painted the interior of the hostlers' break room at Lakeland, Florida, and constructed and replaced wooden locker and shower room floor mats at Lakeland. Petitioner argues that the work performed by the Mechanical Department employes is work that belongs to the B&B Department and should have been performed by his members.

Carrier contends that this work performed at Lakeland has always been done by Mechanical Department employes and not by Maintenance of Way employes, even though such work may have been performed by B&B employes at other locations on Carrier property.

This Board has carefully reviewed the record of this case and the many citations submitted by both sides in support of their respective positions. The results of that review reveals that Carrier is correct that both B&B Department personnel and Mechanic Department personnel have performed the disputed work at various times and various locations on the property. It also reveals that the Scope Rule involved here is general in nature and does not specify that the disputed work belongs only to B&B Department employes. Given these facts, the Board is compelled to conclude that the work in question here can not be exclusively claimed by either force. We shall therefore deny this 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 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

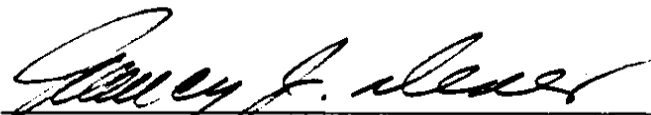
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of October, 1984.