

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26477  
Docket Number MW-26259

Rodney E. Dennis, Referee

(Brotherhood of Maintenance of Way Employees

PARTIES TO DISPUTE: (

(The Chesapeake and Ohio Railway Company (Southern Region)

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

1. The Carrier violated the Agreement when it assigned Operating Department forces (Brakemen R. Cole and R. Cosby) and outside forces to perform painting work on an oil tank at Ashland, Kentucky on August 30, 1983 (System File C-TC-1920/MG-4270).

2. Because of the aforesaid violation, B&B Mechanics K. D. Brown, I. Wiley, C. Hanshaw and D. L. Farnsworth shall each be allowed pay at their respective rate for an equal proportionate share of the eight (8) man-hours expended by Brakemen Cole and Cosby and outside forces in performing the work referred to in Part (1) hereof."

OPINION OF BOARD: On August 30, 1983, two members of the Safety First Committee at Ashland, Kentucky, Brakemen Cole and Cosby, applied a coat of red primer to a tank car. After the red primer was applied, a local volunteer applied a final coat of yellow safety paint. The Organization instituted a claim on behalf of B & B Mechanics Brown, Wiley, Hanshaw, and Farnsworth for eight hours pay to be divided between them.

This Board has reviewed the record and concludes that no valid claim exists in this instance. The Safety Committee performed the work as part of an ongoing beautification and safety program.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

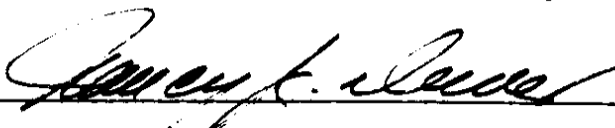
That the Agreement was not violated.

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 9th day of September 1987.