

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Seaboard System Railroad

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

(1) The Carrier violated the Agreement when it assigned Car Department forces instead of Bridge and Building Department forces to perform repair and remodeling work at the Amtrak Shops at St. Petersburg, Florida February 14 through March 29, 1983 [System File C-4(36)-CLR/HGD/MWR:12-1 (83-129) G2].

(2) As a consequence of the aforesaid violation, Carpenters C. L. Roberts and H. G. Davis, Carpenter Helper M. W. Rauh and Plumber T. L. Cain shall each be allowed pay at their respective straight time rates for an equal proportionate share of the one hundred thirty (130) man hours expended by Car Department forces in performing the work referred to in Part (1) hereof."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

As Third Parties in Interest, the Brotherhood Railway Carmen of the United States and Canada, the Sheet Metal Workers International Association, and the International Brotherhood of Electrical Workers were advised of the pendency of this case. The Sheet Metal Workers and the Electrical Workers filed submissions with the Division.

Claimants are employed in the B&B Department at the Carrier's St. Petersburg, Florida, Amtrak Shops. During the period February 14, 1983, through March 29, 1983, Carmen performed repairs and remodeling of a bathroom in the General Foreman's office which involved painting, building and installing a vanity, replacing old linoleum and related plumbing; similar type work in the employees' lunchroom and bathroom which also included the lowering of a ceiling; painting doors in a chemical storage room and pouring concrete slabs. The Organization asserts that the work in question has been traditionally and historically performed by employees under its Agreement holding seniority in the B&B Department, particularly those employees in the carpenter and plumber classifications.

The Carrier asserts that the work at issue has been performed historically by Mechanical Department employees and is not generally recognized as B&B Department work. The Carrier acknowledges that there have been occasions when employees of the class of which Claimants belong have been used to perform work of the nature involved in this case. However, the Carrier maintains that employees covered by Agreements with the Carmen, Sheet Metal Workers and Electricians have historically performed the work at issue. In support of that assertion, the Carrier points to letters from employees of the shops and supervision attesting to the fact that in the past Mechanical Department employees have performed the kind of work in dispute.

The Carmen have declined to intervene in this particular case. The Electrical Workers contend that its Agreement protects its right to perform Electricians' work at all points and in all departments where such work is performed on the Carrier's property. The Sheet Metal Workers request that we deny the portion of the Claim relating to cabinets and plumbing.


Similar disputes between the parties concerning the assignment of the type of work at issue have been before this Board and we have denied those claims due to the general nature of the Scope Rule and the showing made by the Carrier that Mechanical Department employees have also performed the work. See Third Division Awards 26209, 26208, 24028, 23852 and Awards cited therein. See also Second Division Award 6961. For the reasons set forth in those Awards the instant Claim must also be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Beyer - Executive Secretary

Dated at Chicago, Illinois, this 25th day of April 1988.