

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Duluth, Missabe & Iron Range Railway

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

(1) The Carrier violated the Agreement when it assigned 'BRAC Mechanics' instead of the Bridge and Building Welders to fabricate a plow for the Case 450 tractor during the first two (2) weeks of December 1984 (Claim 9-85).

(2) Because of the aforesaid violation, the two (2) senior furloughed B&B Welders on the Missabe Division shall each be allowed pay at the B&B Welder's rate for an equal proportionate share of the man-hours worked by the 'BRAC Mechanics' to fabricate the plow."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

In 1984, Carrier acquired a bulldozer to be used to plow pellets at its Duluth stockpile storage facility. As delivered, the bulldozer could not adequately clean pellets out of inter-rail pockets. A notched extension was fashioned for the bulldozer blade so it would fit over rails. This fabrication was built and installed on the unit by ore dock mechanics working under another craft's agreement. The Organization claims that the work involved should have been assigned to B&B welders working under its Agreement.

The Agreement provisions relied upon by the Organization are paragraphs (c) and (g) of Rule 26, Classification of Work. However, from our reading of the language of these provisions we are unable to conclude that a requirement exists that all welding on ore dock mobile equipment must be done exclusively by Maintenance of Way B&B welders. Careful study of the Organization's submission fails to support a conclusion that it was entitled, by contract language or practice, to perform the work of fabricating a plow extension for a piece of mobile equipment. The Claim will be denied.

Form 1
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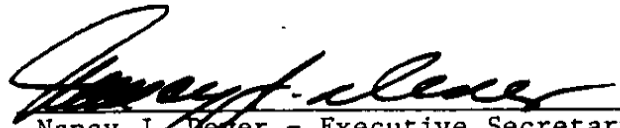
Award No. 27697
Docket No. MW-27200
89-3-86-3-276

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 2nd day of February 1989.