

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

(Brotherhood of Maintenance of Way Employes  
PARTIES TO DISPUTE: (  
(Duluth, Missabe and Iron Range Railway Company

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

(1) The Agreement was violated when the Carrier assigned Electricians Hustad and McLain instead of B&B Storage Mechanics to slew and raise the stacker on June 20, 1988 (Claim No. 21-88).

(2) As a consequence of the aforesaid violation, B&B Storage Mechanics F. Zebott and R. Lilliberg shall each be allowed two (2) hours and forty (40) minutes of pay at their respective time and one-half rates."

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 Party in Interest, the International Brotherhood of Electrical Workers was advised of the pendency of this dispute, and filed a response with the Division.

In the spring of 1988, Carrier decided that its stacker used to handle taconite pellets at its Duluth, Minnesota, facility should be repainted before the upcoming winter. The assignment of work connected with this project generated claims from the Maintenance of Way Organization. In Third Division Award 29141 the Board concluded that it was not a violation of the MW Agreement when an outside contractor performed preparation, priming and painting work on the stacker. And in Third Division Award 29143 the Board concluded that it was not an Agreement violation when employees working under a different Agreement were used in certain preparation work incidental to the priming and painting. The instant claim concerns repositioning the stacker and turning the power on and off the equipment when it was being worked on by the contractor. The task, taking about fifteen minutes, was performed by electricians.

The Organization has referenced no Rule in its Agreement which would reserve these functions of work to members of its Craft. The Board is of the view that disconnection and restoration of electrical power to the unit was properly performed by members of the electricians craft.

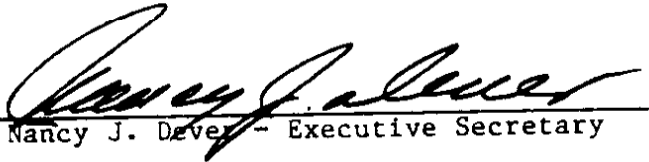
The claim is without merit. It will be denied.

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 17th day of September 1992.