

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 29993
Docket No. MW-29946
94-3-91-3-328

The Third Division consisted of the regular members and in addition Referee Hugh G. Duffy when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Soo Line Railroad Company (former Chicago,
(Milwaukee, St. Paul and Pacific Railroad
(Company)

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

- (1) The Agreement was violated when the Carrier assigned Section Foreman G. Dettinger instead of B&B employe A. A. Anderson to maintain and light switch heaters at the Grand Crossing Tower near LaCrosse, Wisconsin on January 20 and February 3, 1990 (System File C #18-90/8-00001 CMP).
- (2) As a consequence of the aforesaid violation, Mr. A. A. Anderson shall be allowed five and one-third (5 1/3) hours of pay at his time and one-half rate."

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 employe 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.

The underlying facts in this matter are not in dispute. On January 20 and February 3, 1990, a Section Foreman was assigned to light and adjust switch heaters at Grand Crossing Tower near LaCrosse, Wisconsin.

The Organization contends that this work is reserved to employees within the Carrier's B&B Sub-Department. The Carrier contends that, while the B&B Sub-department did light the switch heaters at this location prior to 1985, since the abolishment of the full time pump repairer position in 1985 the section forces in the LaCrosse area have been handling the lighting of these heaters during the winter months.

After a thorough review of the record, it is evident that the Organization acquiesced in the Carrier's practice since 1985 of having a Section Foreman light and adjust switch heaters at this location during winter months. We therefore conclude, under well-established precedents of the Board, that the Claim must be denied.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 21st day of January 1994.