

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30095
Docket No. MW-30171
94-3-91-3-620

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(CSX Transportation, Inc. (former Chesapeake
(and Ohio Railway Company)

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

1. The Carrier violated the Agreement when it assigned supervisory personnel to perform watchman work at the Barboursville Plant beginning September 20, 1990, and continuing instead of assigning furloughed Watchman W. Clagg, Jr. thereto [System File C-TC-7157/12(90-1115) COS].
2. As a consequence of the above-mentioned violation, furloughed Watchman W. Clagg, Jr. shall:

'...be paid for all hours worked by Supervision beginning with September 20, 1990, and continuing until Supervision is no longer performing Mr. Clagg's former duties and Mr. Clagg is given the opportunity to return to this position.'"

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.

On September 20, 1990, the Claimant was furloughed after his position as a watchman at Barboursville, West Virginia, was

abolished. The Organization then filed a Claim alleging that some of his former duties were being performed by Carrier Supervisors.

On February 4, 1991, the Carrier responded to the Organization as follows:

"First, there are no duties being performed at Barboursville by supervisors as you allege. Furthermore, we fully concur in Plant Manager E.N. Hull's advice extended you in his letter of December 10, 1990. You have not shown any work supervisors are allegedly now performing which accrued to the watchman's position. Also, there is no exclusivity for the housekeeping duties you allege Mr. Clagg is entitled to perform. Systemwide, housekeeping, grass and weed mowing, etc. is performed by a myriad of employees - clerks, firemen and oilers, laborers and Maintenance of Way employees."

While the Organization made conclusionary allegations that supervisors were performing work exclusive to the craft, the Organization did not provide any evidence to buttress its contentions. Under well-established precedents of the Board, we must accordingly deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

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

Dated at Chicago, Illinois, this 4th day of April 1994.