

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30444
Docket No. MW-28303
94-3-87-3-864

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 Employees
(
(Union Pacific Railroad Company

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

- (1) The Carrier violated the Agreement when it assigned Communications Supervisor J. Noble and Telephone Installers R. Claymore and B. Hill instead of B&B Carpenter D. P. Freitas to renew the roofs on two buildings in the Portland, Oregon vicinity on December 8, 9, 17 and 18, 1986 (System File M-542/870312G).
- (2) As a consequence of the aforesaid violation, furloughed B&B Carpenter D. P. Freitas shall be allowed sixty-four (64) hours of pay at the 1st Class Carpenter's straight time 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 employee or employees involved in this dispute are respectively carrier and employees 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 were given due notice of hearing thereon.

As Third Parties in Interest, the International Brotherhood of Electrical Workers and the Brotherhood of Railroad Signalmen were advised of the pendency of this case. The IBEW filed a Submission in this case, the BRS did not.

The record shows that on the dates set forth in the claim, Communications Department employees rather than B&B Carpenters performed work on the roofs of two camera huts. These structures are purchased prefabricated and installed on four poles and are utilized by the Communications and Signal Departments. The record further shows through the statement of a B&B Supervisor that, in the past, Communications Department employees represented by the IBEW have installed and maintained camera huts.

Given the general nature of the Scope Rule and further given the demonstration by the Carrier that the work in dispute has, in the past, been performed by IBEW members in the Communications Department, we find that the Organization has not met its burden of showing that its members have customarily and traditionally performed the work as the Organization claims. The claim will therefore be denied.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 13th day of September 1994.